

Explanatory Note
Minister administering the *Environmental Planning and Assessment Act 1979* (ABN 20 770 707 468)
and
Universal Property Group Pty Limited
(ACN 078 297 748)
and
UPG 400 Pty Ltd (ACN 659 722 559)

Introduction

The purpose of this explanatory note is to provide a plain English summary to support the notification of the draft planning agreement (the **Planning Agreement**) prepared under Subdivision 2 of Division 7.1 of Part 7 of the *Environmental Planning and Assessment Act 1979* (the **Act**).

This explanatory note has been prepared having regard to the Planning Agreements Practice Note and its contents have been agreed by the parties.

Parties to the Planning Agreement

The parties to the Planning Agreement are the Minister administering the *Environmental Planning and Assessment Act 1979* (ABN 20 770 707 468) (the **Minister**) and Universal Property Group Pty Limited (ACN 078 297 748) and UPG 400 Pty Limited (ACN 659 722 559) (together, the **Developer**).

Description of the Subject Land

The Planning Agreement applies to Lot 1 in Deposited Plan 1308605, and Lot 2020 and Lot 2021 in Deposited Plan 1240320, known as 29, 31 and 33 Northview Street Gillieston Heights 2321 (**Subject Land**).

Description of the Proposed Development

The Developer is seeking to subdivide the Subject Land into approximately 54 residential lots and two residue lots, and to carry out associated infrastructure including roads and stormwater drainage, generally in accordance with DA/2022/1094 lodged with Maitland City Council (the **Proposed Development**). An indicative plan of the Proposed Development is at the end of this explanatory note.

The Developer has made an offer to the Minister to enter into the Planning Agreement in connection with the Proposed Development.

Summary of Objectives, Nature and Effect of the Planning Agreement

The Planning Agreement provides that the Developer will make a monetary contribution of \$101,578 per hectare of net developable area (subject to indexation in accordance with the Planning Agreement) (**Development Contribution**) for the purposes of the provision of designated State public infrastructure in accordance with clause 6.1 of *Maitland Local Environmental Plan 2011* (**LEP**). This clause, despite its repeal, applies to the Proposed

Development by virtue of clause 4 of *State Environmental Planning Policy Amendment (Housing and Productivity Contributions) 2023*.

The Development Contribution will be payable prior to the issue of each relevant subdivision certificate in accordance with Schedule 4 to the Planning Agreement.

The Developer is required to provide a \$20,000 bank guarantee in accordance with Schedule 5 to the Planning Agreement.

The objective of the Planning Agreement is to facilitate the delivery of the Developer's contributions towards the provisions of designated State public infrastructure referred to in clause 6.1 of the LEP.

No relevant capital works program by the Minister is associated with the Planning Agreement.

Assessment of Merits of Planning Agreement

The Public Purpose of the Planning Agreement

In accordance with section 7.4(2) of the Act, the Planning Agreement has the following public purpose:

- the provision of (or the recoupment of the cost of providing) public amenities or public services;
- the provision of (or the recoupment of the cost of providing) transport or other infrastructure relating to land.

The Minister and the Developer have assessed the Planning Agreement and both hold the view that the provisions of the Planning Agreement provide a reasonable means of achieving the public purpose set out above. This is because it will ensure that the Developer makes an appropriate contribution towards the provision of infrastructure, facilities and services.

How the Planning Agreement Promotes the Public Interest

The Planning Agreement promotes the public interest by ensuring that an appropriate contribution is made towards the provision of infrastructure, facilities and services to satisfy needs that arise from development of the Subject Land.

The Developer's offer to contribute towards the provision of designated State public infrastructure will have a positive impact on the public who will ultimately use it.

Requirements relating to Construction, Occupation and Subdivision Certificates

The Planning Agreement does not specify requirements that must be complied with prior to the issue of a construction certificate or occupation certificate.

The Planning Agreement requires an instalment of the Development Contribution to be paid prior to the issue of the relevant subdivision certificate and therefore contains a restriction on the issue of a subdivision certificate within the meaning of section 6.15(1)(d) of the Act.

Indicative Plan of the Proposed Development

See following page.

LEGEND	
	SITE BOUNDARY
	PROPOSED LOT BOUNDARY
	PROPOSED EASEMENT
	EXISTING EASEMENT
	PROPOSED NEW ROAD
	ASSET PROTECTION ZONE

- (A)EASEMENT TO DRAIN WATER WIDTH(DP 1162489)
- (a)PROPOSED EASEMENT TO PIPELINE 4 WIDE
- (B)EASEMENT FOR PIPELINE 2 WIDE AND 4 WIDE WIDTH(DP 1186997)
- (C)EASEMENT FOR WASTE WATER PUMPING STATION 4 WIDE AND VARIABLE(DP 1186997)
- (J)EASEMENT TO DRAIN WATER VARIABLE WIDTH (DP 1186997)
- (S)EASEMENT TO ELECTICITY AND OTHER PURPOSES 3.3 WIDE (DP 1172940)
- (W)EASEMENT FOR DARINAGE OF WATER 1.5 WIDE (DP 1172940)

PROPOSED LOT SUMMARY(STAGE 1)		
LOT FRONTAGE	LOT SIZE	NO. OF LOTS
12.5M.-15.0M.	450-599m2	24
15.6M.-20.5M.	600-750m2	24
RESIDUE LOT	-	4
TOTAL LOTS=52		



1 SUBDIVISION PLAN-STAGE 1
DA-01 1:1000

REV	DATE	DESCRIPTION	BY
7	18.06.2024	AMENDED LAYOUT	JP
6	06.06.2024	AMENDED LAYOUT	JP
5	14.05.2024	ISSUED FOR COUNCIL TO REVIEW	JP
4	11.04.2024	RESPONSE TO RFI	JP
3	04.03.2024	RESPONSE TO RFI	JP
2	14.09.2023	RESPONSE TO RFI	JP
1	29.11.2019	ISSUED FOR REVIEW	JM

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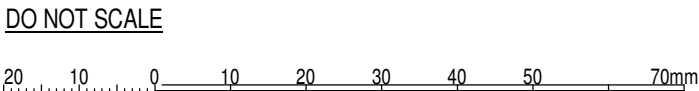
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3. CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING WORK. RESOLVE ALL DISCREPANCIES WITH THE ARCHITECT BEFORE PROCEEDING. FOLLOUP DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALED DRAWINGS.



PROJECT:

29 NORTHVIEW STREET,GILLIESTON HEIGHTS (LOT 213 DP 1186997)
40 GILLIESTON ROAD,MAITLAND(LOT 1 DP 986279)

DRAWING TITLE:

SUBDIVISION PLAN (STAGE 1)

DA ISSUE			
NORTH:	DATE:	SCALE:	DRAWING No:
	SEPT.2024	As indicated	DA-01
	DRAWN BY:	CHECKED BY:	REV:
	JP	Checker	7
Z:\Projects-Current\Gillieston Road 25 Gillieston Heights\03 DA\ARCHITECTURAL\REVIT\PROJECT\29 Northview Street Gillieston Heights-Option4.rvt			

LEGEND	
	SITE BOUNDARY
	PROPOSED LOT BOUNDARY
	PROPOSED EASEMENT
	EXISTING EASEMENT
	PROPOSED NEW ROAD
	ASSET PROTECTION ZONE

PROPOSED LOT SUMMARY(STAGE 2)		
LOT FRONTAGE	LOT SIZE	NO. OF LOTS
15.5M.-21.0M.	450-600m2	6
TOTAL LOTS=6		



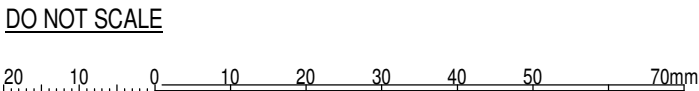
1 SUBDIVISION PLAN(STAGE 2)
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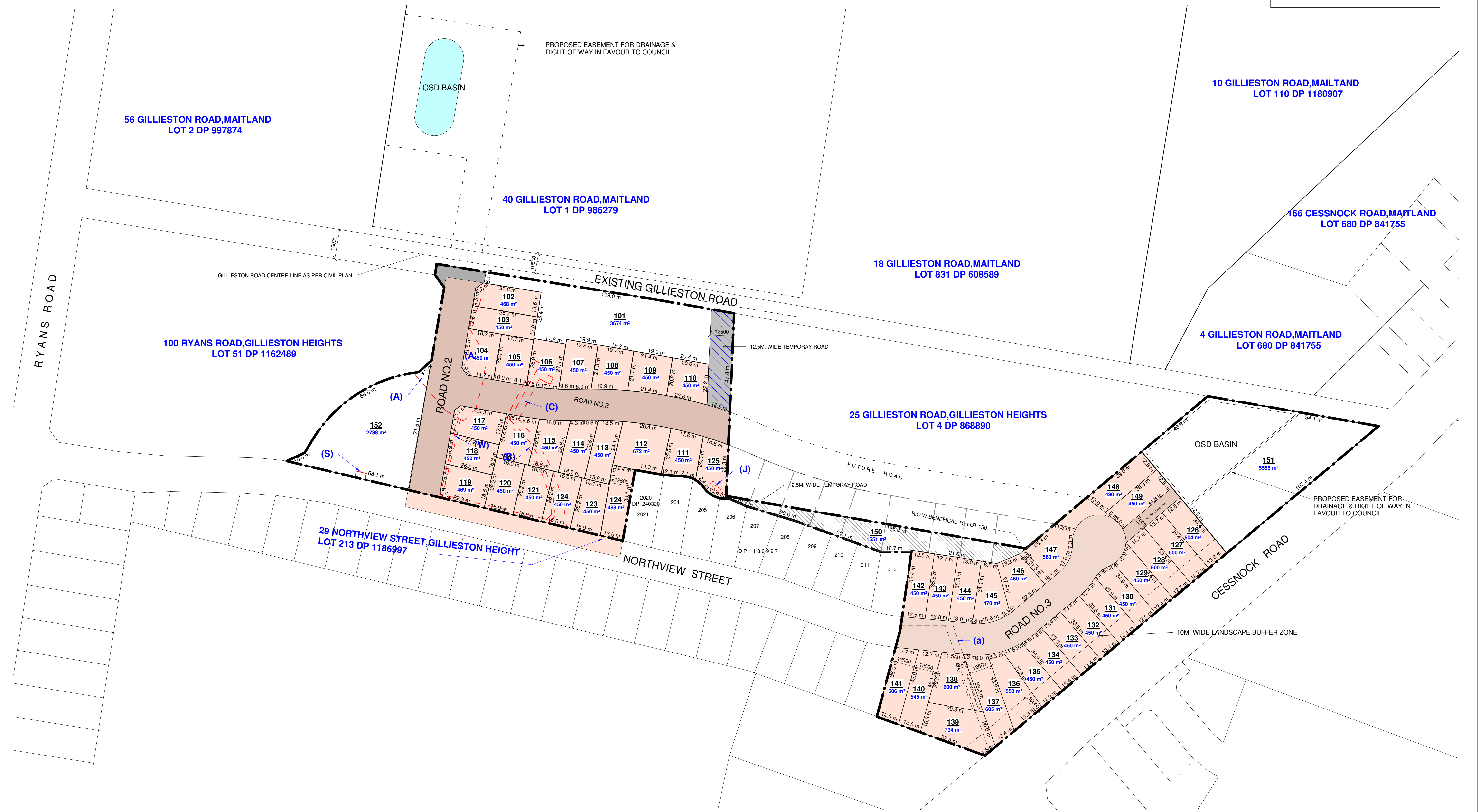


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29 NORTHVIEW STREET,GILLIESTON HEIGHTS (LOT 213 DP 1186997)
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DRAWING TITLE:
SUBDIVISION PLAN (STAGE 2)

DA ISSUE			
NORTH: 	DATE: JUNE 2024	SCALE: As indicated	DRAWING No: DA-02
	DRAWN BY: JP	CHECKED BY: Checker	REV: 7
Z:\Projects - Current\Gillieston Road 25 Gillieston Heights\03 DA\ARCHITECTURAL\REVIT\PROJECT\29 Northview Street Gillieston Heights-Option4.rvt			

DENSITY CALCULATION (STAGE 1)
NET DEVELOPABLE AREA=3.15 Ha
PROPOSED DENSITY= 15.3 DW/HA



1 STAGE 1-DENSITY PLAN
DA-03 1 : 1000

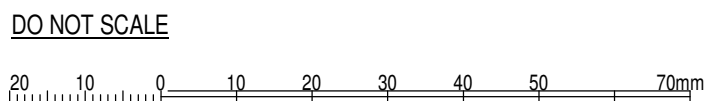
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6	06.06.2024	AMENDED LAYOUT	JP
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DRAWING TITLE:
DENSITY PLAN (STAGE 1)

DA ISSUE			
NORTH:	DATE:	SCALE:	DRAWING No:
	SEPT. 2024	As indicated	DA-03
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	JP	Checker	7
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DENSITY CALCULATION (STAGE 2)

NET DEVELOPABLE AREA=.38 Ha

PROPOSED DENSITY= 15.78 DW/HA



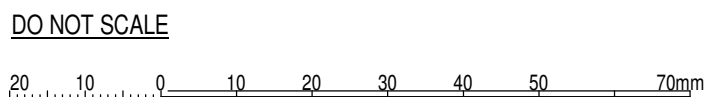
1 SUBDIVISION PLAN(STAGE 2)
DA-04 1 : 1000

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DRAWING TITLE:
DENSITY PLAN (STAGE 2)

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