

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)

Variation to Planning Agreement

Introduction

The purpose of this explanatory note is to provide a plain English summary to support the notification of the Deed of Variation to Planning Agreement in relation to SVPA 2023-81 29 Northview Road, Gillieston Heights (the **Deed of Variation**) 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.

Capitalised terms used but not defined in this explanatory note will have the meanings assigned to them in the Planning Agreement.

Parties to the Planning Agreement

The parties to the Deed of Variation 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 as varied by the Deed of Variation 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/2019/278 lodged with Maitland City Council (the **Proposed Development**).

Summary of Objectives, Nature and Effect of the Planning Agreement as amended by the Deed of Variation

The Planning Agreement applies to the Land and the Development, as defined in the Planning Agreement. The definition of Development in the Planning Agreement includes the incorrect Development Application reference.

The Developer has offered, and the Minister has agreed, to amend the Planning Agreement as set out in this Deed to substitute the correct Development Application reference, being DA/2019/278, for the incorrect Development Application reference.

Assessment of Merits of Planning Agreement as varied by the Deed of Variation

The Public Purpose of the Planning Agreement as varied by the Deed of Variation

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 Deed of Variation and both hold the view that the Planning Agreement as varied by the Deed of Variation provides 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 as varied by the Deed of Variation Promotes the Public Interest

The Planning Agreement as amended by the Deed of Variation 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.