

Explanatory Note

Minister administering the *Environmental Planning and Assessment Act 1979* (ABN 20 770 707 468)

and

**1145 CG Pty Ltd (ACN 662 441 607) in its capacity as trustee for
1145 CG Trust (ABN 20 319 156 098)**

and

Johnson Patrick Kassis and Carolyn Kassis

and

Paul William Hunter and Jodie Laurene Hunter

and

Belinda Louise Maunder and George Alexander Maunder

Draft Planning Agreement

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 the **Developer** entities:

- 1145 CG Pty Ltd (ACN 662 441 607) in its capacity as trustee of 1145 CG Trust (ABN 20 319 156 098), and
- the owners of the Subject Land - Johnson Patrick Kassis, Carolyn Kassis, Paul William Hunter, Jodie Laurene Hunter, Belinda Louise Maunder and George Alexander Maunder -

(together, the **Developer**).

Description of the Subject Land

The Planning Agreement applies to Lots 1-3 in Deposited Plan 872233 known as 65, 67 and 69 Wells Street, Pitt Town NSW 2756 (**Subject Land**).

Description of the Proposed Development

The Developer is seeking to subdivide the Subject Land into approximately 30 residential lots to be delivered over two stages, remove all existing structures and vegetation, and construct associated roads, drainage and utility infrastructure, and undertake associated street landscaping works, generally in accordance with the plan annexed at the end of this explanatory note and DA0151/23 lodged with Hawkesbury City Council (**Proposed Development**). 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 \$12,986 per residential lot (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 6.8 of *Hawkesbury Local Environmental Plan 2012 (LEP)*. This clause, despite its repeal, continues to apply to the development application 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 the relevant Subdivision Certificate in accordance with clause 3 of Schedule 4 of the Planning Agreement.

The objective of the Planning Agreement is to facilitate the delivery of the Developer's contributions towards the provision of designated State public infrastructure referred.

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 make 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 specifies that the Development Contribution is 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.

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

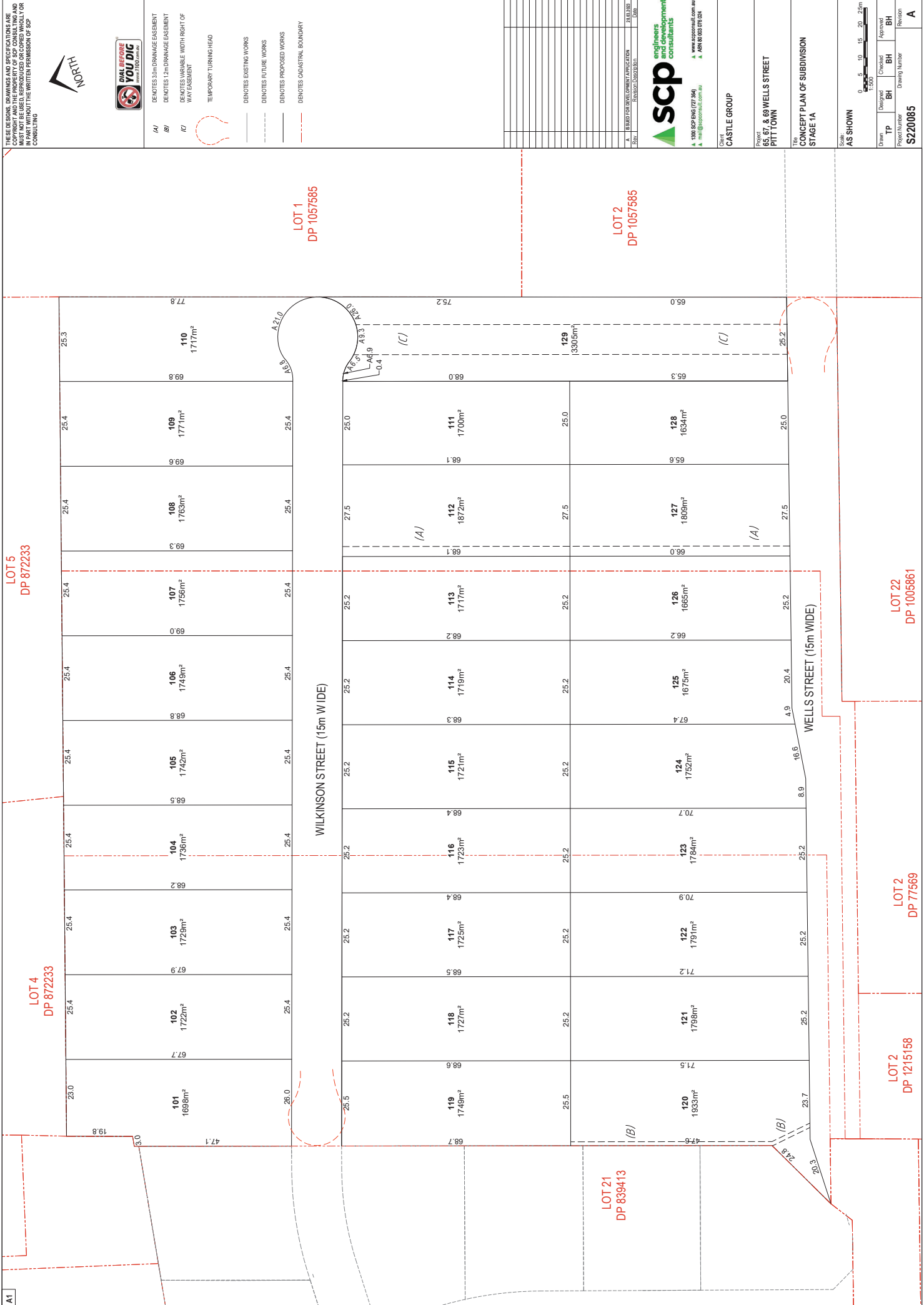
Indicative Plan of the Proposed Development

See following page.

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- (A) DENOTES 3.0m DRAINAGE EASEMENT
- (B) DENOTES 1.2m DRAINAGE EASEMENT
- (C) DENOTES VARIABLE WIDTH RIGHT OF WAY EASEMENT
- TEMPORARY TURNING HEAD
- DENOTES EXISTING WORKS
- DENOTES FUTURE WORKS
- DENOTES PROPOSED WORKS
- DENOTES CADASTRAL BOUNDARY



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Project
65, 67, & 69 WELLS STREET
PITT TOWN

Title
CONCEPT PLAN OF SUBDIVISION
STAGE 1A

Scale
AS SHOWN

Drawn
TP

Designed
BH

Checked
BH

Approved
BH

Project Number
S220085

Drawing Number
A



(A) DENOTES 3.0m DRAINAGE EASEMENT
(B) DENOTES 1.2m DRAINAGE EASEMENT
(C) DENOTES 0.9m MAINTENANCE EASEMENT



TEMPORARY TURNING HEAD

DENOTES EXISTING WORKS

DENOTES FUTURE WORKS

DENOTES PROPOSED WORKS

DENOTES CADASTRAL BOUNDARY

LOT 1
DP 1057585

LOT 5
DP 872233

LOT 4
DP 872233

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DP 839413

LOT 2
OP 1057585

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Project
5, 67, & 69 WELLS STREET
LITTLE TOWN

CONCEPT PLAN OF SUBDIVISION
PAGE 1B

Scale:
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TP	Designed BH	Checked BH	Approved BH
Project Number S220085			Revision A

LOT 22
DP 1005861

LOT 2
DP 77569

LOT 2
DP 1215158