

Explanatory Note

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

and

North West Precinct Community Pty Ltd (ACN 663 103 017)

Bunglegumbie Partners Pty Ltd (ACN 658 853 528)

Ando&Co Pty Limited (ACN 652 539 396) in its capacity as trustee of the BAWD Property Trust

Colin Michael Middleton

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 following **Developer** entities:

- North West Precinct Community Pty Ltd (ACN 663 103 017);
- Bunglegumbie Partners Pty Ltd (ACN 658 853 528);
- Ando&Co Pty Limited (ACN 652 539 396) in its capacity as trustee of the BAWD Property Trust; and
- Colin Michael Middleton

(together, the **Developer**).

Description of the Subject Land

The Planning Agreement applies to Lot 51 in Deposited Plan 1282381, Lot 7 in Deposited Plan 250606 and to that part of Lot 15 in Deposited Plan 1285243 as shown marked in Annexure A to the Planning Agreement, known as 6R Bunglegumbie Road, Dubbo 2830 (**Subject Land**).

Description of the Proposed Development

The Developer is seeking to:

- (a) subdivide the Subject Land in stages into approximately 169 lots, including 145 residential lots, 24 residual allotments for future development, and the carrying out of associated infrastructure, generally in accordance with the plan in

Schedule 6 of the Planning Agreement and DA/2023-628 lodged with Dubbo Regional Council; and;

- (b) further subdivide the residual allotments created under DA/2023-628, in accordance with future Development Applications to be lodged with Dubbo Regional Council into residential lots, open space and roads.

(the **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 \$3,740 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 6.1 of *Dubbo Regional Local Environmental Plan 2022 (LEP)*.

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.

Figure 1 consists of five sequential diagrams showing the deformation of a rectangular domain. The domain is initially a rectangle. As it evolves, it becomes increasingly sheared and distorted. The text "EX SUBORDINON" is written vertically in the middle diagram.

6R Bunglegumbie Rd - Lot 51 DP1282381
6R Bunglegumbie Rd - Lot 15 DP1285243
9R Bunglegumbie Rd - Lot 7 DP250606

ROAD TYPE A (17.5m WIDE): ROADS 2-4, 6-10, 12, 14-16
ROAD TYPE B (22.0m WIDE): ROADS 1, 11, 13, 17
ROAD TYPE C (40.0m WIDE): ROAD 5



<p>PRELIMINARY NOT FOR CONSTRUCTION</p>	<p>northwest PRECINCT COMMUNITY</p> <p>Regional Living Redefined</p>	<p>ARCHITECTS 1105 SHEDDEN STREET CARLTON VIC 3170 TEL: 03 9575 1100 02 9151 2817 FAX: 03 9575 1101 WWW.NORTHWESTARCH.COM.AU</p>	<p>6R & 9K BUNGLEBUMBLE SUBDIVISION PLAN ROAD, DUBBO</p> <table border="1"> <tr> <td data-bbox="2504 2037 2585 2039">A</td><td data-bbox="2585 2037 2668 2039">DEVELOPMENT APPLICATION</td><td data-bbox="2668 2037 2727 2039">201123</td></tr> <tr> <td data-bbox="2504 2039 2585 2039">DATE PREPARED:</td><td data-bbox="2585 2039 2668 2039">DATE REV</td><td data-bbox="2668 2039 2727 2039">DATE REV</td></tr> <tr> <td data-bbox="2504 2039 2585 2039">22/11/2023</td><td data-bbox="2585 2039 2668 2039">01/06/2020</td><td data-bbox="2668 2039 2727 2039">01/06/2020</td></tr> <tr> <td data-bbox="2504 2039 2585 2039">BY</td><td data-bbox="2585 2039 2668 2039">DRAWN BY</td><td data-bbox="2668 2039 2727 2039">CHECKED BY</td></tr> <tr> <td data-bbox="2504 2039 2585 2041">J. 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Regional Living Redefined	ARCHITECTS		6R & 9R BUNGLEGUMBIE SUBDIVISION PLAN DUBBO
	1308 SHEPHERD STREET DARLINGTON NSW AUSTRALIA 2586 G 9313 19W T/F NOM ARCH CAROL MARIRA 7956	A DEVELOPMENT APPLICATION	20.11.23
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MARRA + YEH ARCHITECTS 1368 SHEPPHERD STREET DARLINGTON NSW AUSTRALIA 2006 02 9319 3959 T/F NICH@MARRA.CANOL MARRA.7396		6R & 9R BUNGLEGUMBE ROAD, DUBBO		SUBDIVISION PLAN	
A DEVELOPMENT APPLICATION DATE SUBMITTED	20.11.23 DATE	DRAFTER MY NAME DATE 23/11/2023	CHECKER CM / MY NAME 11/000 @_AD	PLOT NO 2301	DRAFT NO DA-005
© MARRA + YEH 2023		ALL RIGHTS RESERVED			

6R & 9R BUNGLEGUMBIE ROAD, DUBBO		SUBDIVISION PLAN	
A DEVELOPMENT APPLICATION	20.11.23	DATE: MY	CHANGED: CM / KY
PROJECT NO: 2301	DRAWING NO: A-005	DATE: 22/11/2023	SCALE: 1:1000

Project 6R & 9R BUNGLEUMBIE ROAD, DUBBO		SUBDIVISION PLAN	
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R.R. Engineering and Property Ltd. www.rrengineeringandproperty.com.au