

Explanatory Note

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

and

Maas Group Properties Bunglegumbie East Pty Limited
(ACN 644 799 646)

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 Maas Group Properties Bunglegumbie East Pty Limited (ACN 644 799 646) (the **Developer**).

Description of the Subject Land

The Planning Agreement applies to Lot 6 in Deposited Plan 250606, known as 168A Bunglegumbie Road, Dubbo 2830 (**Subject Land**).

Description of the Proposed Development

The Developer is seeking to subdivide the Land into approximately 105 residential lots, a drainage reserve and to carry out associated infrastructure, generally in accordance with the plan in Schedule 6 of the Planning Agreement and DA2023-347 lodged with Dubbo Regional Council (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.

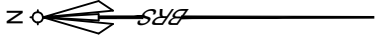
Requirements relating to Construction, Occupation and Subdivision Certificates

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.




(A) EASEMENT TO DRAIN WATER 3 WIDE.

LAYOUT REVISION 10
UPDATE TO REALIGN ROAD 1 PER COUNCIL'S
DCP AMENDMENTS DATED 16/2/2024



REV	AMENDMENT	ISSUED	DATE
10	ADJUST LAYOUT	SB	28/02/24



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Client:

PLAN OF SUBDIVISION OF LOT 6 DP 250066
168 A BUNGLEBUMBIE ROAD
DUBBO
LGA: DUBBO REGIONAL

Surveyed: N/A
Drawn: MAC
Checked: SB
Datum: N/A
Contour Interval: N/A

Horizontal Scale 1:1000 (A1)
1:2000 (A3)

20 10 0 20 40 60

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