

Explanatory Note

Draft Planning Agreement proposed between Muswellbrook Shire Council & China Oriental Investment Pty Ltd

1. Purpose

This Explanatory Note has been prepared in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* to provide a simplified overview and explanation of a Draft Planning Agreement which has been proposed to be entered to between Muswellbrook Shire Council and China Oriental Investment Pty Ltd regarding construction of roads to enable the subdivision of Lot 1 DP 616013 into 194 residential lots.

2. Development Application Details

On the 28 May 2024 Muswellbrook Shire Council granted development consent to the subdivision of Lot 1 DP 616013 into 194 residential lots (DA 2022-92).

The site of the proposed development is included in the image below:



Figure 1 Subject Site

3. The Planning Agreement

The general terms of the draft Planning Agreement will permit the proponent to construct 74% of the required length of the upgrade Almond Street, valued at \$2,857,000.00 under the West Denman Contributions Plan 2025. Construction would be in lieu of the payment of Development Contributions to the value of:

West Denman Contributions Plan 2025 - Contributions per Lot	
Contribution type/purpose	Contribution per Lot
Open Space, recreation sporting facilities	\$1,086.67
Community facilities	\$1,373.33
Transport Infrastructure	\$10,255.45
Stormwater Infrastructure	\$136.87
Land Acquisition	\$1,366.67
Plan Preparation and Administration	\$142.19
Total =	\$14,361.18 per lot

Current approval: 194 lots x \$14,361.18 per lot = **\$2,786,068.92**

The roadworks covered by the Planning Agreement must be commenced within 18 months of the execution of the Agreement. If the Works are not commenced within 18 months, Council may terminate the Agreement, and monetary contributions will be payable in accordance with the terms of the Development Consent.

The Works must be completed within 24 months of the commencement of the Works. If the Works are not completed within 24 months, Council may terminate the Agreement, and monetary contributions will be payable in accordance with the terms of the Development Consent.

4. Public Benefit

The draft Planning Agreement would enable the developer to construct upgrades to Almond Street to a collector road standard to serve existing and future homes in the West Denman locality.

5. Notes and Further Information

This Explanatory Note has been prepared by Muswellbrook Shire Council Officers to assist interested members when reviewing the Draft Planning Agreement. Individuals interested in receiving further information in relation to the Draft Planning Agreement or the related development application are encouraged to contact Council's Manager of Land Use Planning Hamish McTaggart on 6549 3700.

Anyone wishing to make a submission to Council in relation to the Draft Planning Agreement should do so in writing within the notification period. Submissions should be addressed to Council's General Manager and may be lodged via email at council@muswellbrook.nsw.gov.au or posted to Muswellbrook Shire Council, PO Box 122, Muswellbrook, NSW, 2333.