

9 October 2025

Mr Jeff Smith
General Manager
Maitland City Council
263 High Street
Maitland, NSW, 2320

Attention: Anne Humphries

Dear Mr Smith

UPDATED DRAFT OFFER TO ENTER INTO PLANNING AGREEMENT – ANAMBAH URBAN RELEASE AREA

The purpose of this letter is to make a draft offer from Third.i Anambah Pty Ltd (**Third.i**) to Maitland City Council (**Council**) to enter into a planning agreement to complete works, dedicate land and make monetary contributions to Council associated with a proposed development within the Anambah Urban Release Area.

This letter addresses key matters a planning agreement must address under section 7.4(3) of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**) including a description of the land and proposed development to which the agreement will apply, and details of development contributions proposed to be provided as part of the offer.

Third.i anticipates that the terms set out in this initial draft offer will be refined in consultation with Council officers. Following those discussions, Third.i intends to submit a further, formal letter of offer.

1 Background

In 2020 the *Maitland Local Environmental Plan 2011* was amended to rezone land at Anambah from RU2 Rural Landscape to R1 General Residential, R5 Large Lot Residential, B1 Neighbourhood Centre, and E4 Environmental Living to create the Anambah Urban Release Area (**AURA**) (**Figure 1**). The rezoning of the AURA is anticipated to deliver around 3,000 homes, open space and recreation, a small neighbourhood centre and protect environmental areas.

Third.i is the developer of approximately 96ha of land within the northernmost portion of the AURA (**Figure 2**). Third.i's concept masterplan intends to create a new urban subdivision within the Anambah Urban Release Area accommodating a mix of housing types with approximately 900 residential lots, and incorporates open space, roads, pedestrian networks, utilities and services, intersection upgrades and drainage infrastructure.

The proposed development is further discussed in **Section 4**.

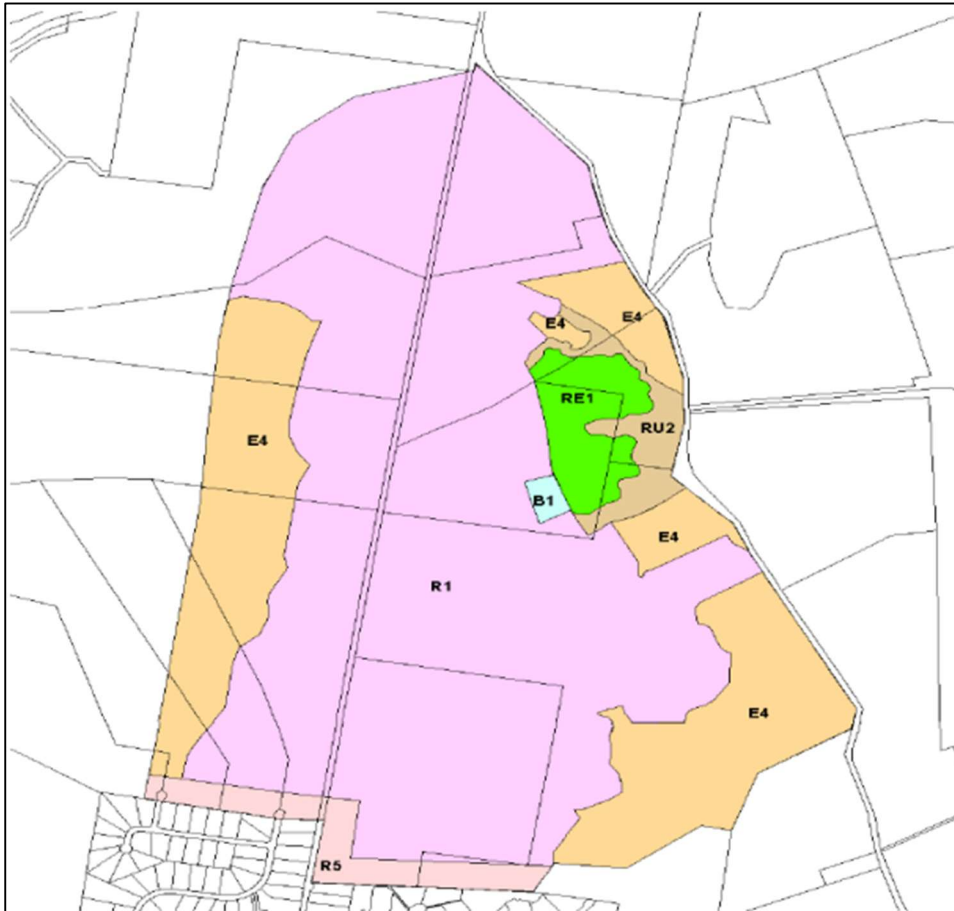


Figure 1 - Anambah Urban Release Area rezoning

Source: Department of Planning Housing and Infrastructure

2 Parties

Parties to the agreement will be Maitland City Council and Third.i Anambah Pty Ltd (ACN 661 880 619).

3 Land

The land that will be subject to the planning agreement is the R1-zoned portion of 559 Anambah Road, Gosforth, legally described in **Table 1** below and shown in **Figure 2** outlined red.

Table 1 – Lot and ownership details

Address	Lot reference	Current landowner
559 Anambah Road, Gosforth	Part Lot 177 DP 874171 Lot 55 DP 874170	Rodney Bird

These lots are proposed to be developed under future development applications following the approval by Council of the concept Development Application (**DA**). Details of the concept DA are outlined in **Section 4**.

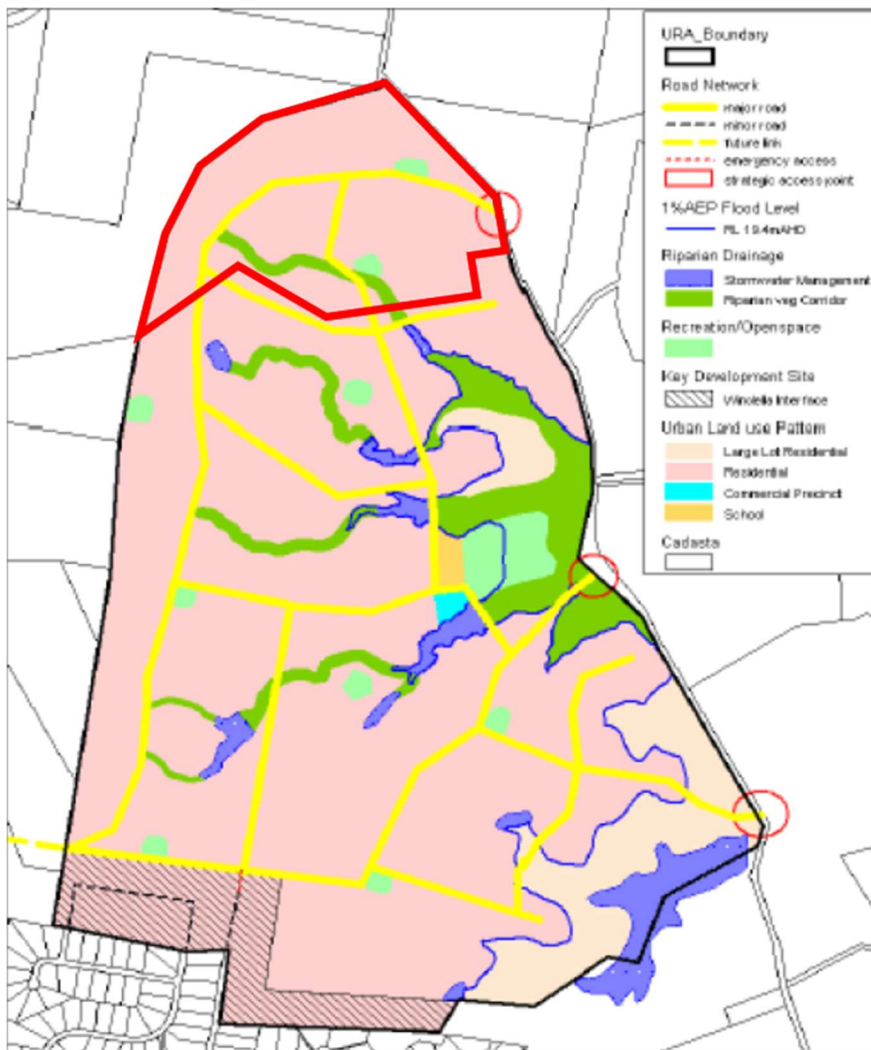


Figure 2 – Proposed Anambah development location

Source: Anambah Structure Plan (GHD)

4 Development

4.1 Development across the entire AURA site

Development to which the planning agreement will apply is the development permitted under any consent issued by Council with respect to any DAs lodged in conjunction with this draft letter of offer.

The development will include a mix of housing types with approximately 900 residential lots, and incorporates open space, roads, pedestrian networks, utilities and services, intersection upgrades and drainage infrastructure. The proposed planning agreement will apply to the development of all 900 lots.

The development will specifically include the delivery of a range of local infrastructure required to support the development that are proposed to be dedicated to Council via the planning agreement including:

- Approximately 5,200m² of embellished local passive open space
- Approximately five water quality basins and one combined water quality and detention basin
- Collector and sub arterial roads including a roundabout and culvert crossings of the first order stream
- Local roads fronting open space and riparian land
- Priority controlled entry intersection along Anambah Road
- Shared pathway network within the road reserve along collector roads and fronting open space and riparian corridor land
- Four bus stops, with the location to be confirmed in consultation with Council and bus service providers
- Riparian corridor land

The concept masterplan included with the application is shown at **Attachment A**.

4.2 Proposed Concept Development Application

Third.i has lodged a Concept Development Application (**CDA**) for the site, including a development application for the first stage of 240 lots. This first stage includes the subdivision of the land, construction of the lots including roads, services, bulk earthworks and dedication of reserves. The application includes an intersection to provide access into the development via Anambah Road, together with an emergency flood access to be constructed via the unformed River Road. It is noted that some of the works under the first stage development application are works proposed under this VPA offer.

5 Local infrastructure contributions plan

Development that will be subject to the planning agreement is located on land to which the Maitland Section 94 Contributions Plan (Citywide) 2016 currently applies (**CP**).

Whilst the CP applies to the subject site it does not envisage development of the land for urban purposes and does not include the delivery of infrastructure required to support such development.

Third.i understands that Council is currently preparing a draft contributions plan for the AURA. It is anticipated that the “per lot” contributions rate in the draft contributions plan will exceed the \$30,000 per lot cap in greenfield release areas, and Council will seek IPART’s review of the plan to allow contributions to be levied above the cap. However, the details of the draft contributions plan including the scope of infrastructure and resulting contributions rate have not been made publicly available at this time, therefore it is not possible to fully align a planning agreement offer with the future contributions plan.

6 Rise and fall provision underpinning this offer

To address the above, Third.i proposes that the future planning agreement will include “rise and fall” provisions which align with the following principles:

1. The planning agreement offer represents Third.i’s offer to undertake works, dedicate land and make monetary contributions to Council in conjunction with the development and the planning agreement will include Notional Values for each of these contribution items given that the offer has been submitted prior to the preparation of a new contributions plan for the AURA.
2. If Council prepares a new contributions plan which is subsequently approved by IPART and includes infrastructure which corresponds with Third.i’s offer, the Notional Values of contributions items under the planning agreement will be adjusted as follows:
 - a) For items comprising land for dedication, the Notional Value of the item will be adjusted to align with the value of the item (or an equivalent item on a pro-rata basis) in the contributions plan,
 - b) For items comprising works, the Notional Value of the item will be adjusted to align with the value of the item (or an equivalent item on a pro-rata basis) in the contributions plan,
 - c) If, after adjusting the Notional Values of land and works contributions items or removing any items of work which are not included in the IPART-approved contributions plan, and the “per lot” contribution value of the planning agreement is either more or less than the effective “per lot” contribution under the new contributions plan, the “settle-up” monetary contribution amount offered under the planning agreement will be adjusted so that the “per lot” contribution value is equal to what could have been collected under the new contributions plan.

Third.i believes this approach will appropriately mitigate Council’s financial and infrastructure funding and delivery risk and enables Council to consider the planning agreement offer in the absence of an adopted, IPART-approved contributions plan for the AURA.

7 Offer

Third.i offers to enter into a planning agreement with Council to undertake works, dedicate land and provide a monetary contribution to Council with a total value of **\$38,862,460** which includes:

- (a) The provision of approximately **\$24,643,294** in works and land dedications that Council has advised may be considered in a planning agreement as “contributions plan equivalent” infrastructure.

Payment to Council of approximately **\$2,356,706** in monetary contributions which when added to the value of (a) above, equates to a contribution of **\$30,000** per lot for the proposed 900 lots which is the equivalent of the capped designated greenfield contribution rate unless a plan is approved by IPART.

- (b) The provision of approximately **\$11,862,460** in additional works and land dedications which provide community benefit, but which Council has advised are unlikely to be included in a future contributions plan and have not been included in the calculation of the contributions offset value of the planning agreement. It is noted that a monetary value has yet to be ascribed to the proposed upgrade works to Anambah Road as identified in the road safety audit undertaken by PDC Consultants dated 12 September 2025, therefore the value of these additional works under the planning agreement offer will be materially higher.

As discussed in **Section 6** of this letter, the value of this offer is based upon “Notional Values” for the “contributions plan equivalent” infrastructure and these values are subject to proposed rise and fall provisions if an IPART-approved contributions plan is adopted for the AURA

Further detail around the works, land dedications and monetary contributions are outlined in **Table 2** below.

Table 2 – Proposed planning agreement development contributions

Item	Description		Estimated cost	Timing
Contributions plan equivalent infrastructure				
1	OS1 – Local open space	Embellishment and dedication of approximately 5,201m ² of local passive open space	\$2,006,958	Stage 1
2	LR1 – Local Road	Construction of approximately 2,253m ² of local road fronting local open space (half road)	\$852,896	TBC
3	LR2 – Local Road	Construction and dedication of approximately 7,268m ² of local road fronting riparian corridor (half road)	\$2,751,798	TBC

Item		Description	Estimated cost	Timing
5	SA1 – Sub Arterial Road	Construction and dedication of approximately 27,645m ² of sub arterial road + roundabout	\$16,093,254	TBC
6	INT1 – Intersection	Construction of priority control intersection along Anambah Road providing entry to the development including approx. 107m of upgrades to approaches	\$458,388	TBC
13	SP1 – Shared Pathway Network	Construction of 2.5m wide shared pathway network within road reserve along collector roads and fronting open space/riparian corridor land	\$1,200,000	TBC
14	BS – Bus Stops	Construction of four bus shelters in locations agreed to with Council and bus service providers within the development site	\$80,000	TBC with Council and bus providers
15 and 16	RC – Riparian Corridor and PP1 Pedestrian Pathway	Embellishment and dedication of approximately 45,693m ² of riparian corridor land, including two pedestrian pathways	\$1,752,970	TBC
Not mapped	Road safety audit response measures	The undertaking of upgrades to Anambah Road to address the findings of the Road Safety Audit prepared by PDC Consultants dated 12 September 2025	\$1,200,000	TBC
		Value	\$24,643,294	
Other material public benefit – items not included in future contributions plan				
4	CR – Collector Road	Construction and dedication of approximately 9,450m ² of collector road	\$3,514,362	TBC
7 to 11	B1-B5 – Water quality basins	Construction and dedication of five water quality basins	\$5,885,440	TBC
12	B6 – Combined water quality and detention basin	Construction and dedication of one combined water quantity and detention basin	709,688	TBC
15 and 16	RC – Riparian Corridor and PP1 Pedestrian Pathway	Embellishment and dedication of approximately 45,693m ² of riparian corridor land, including two pedestrian pathways	\$1,752,970	TBC
		Value	\$11,862,460	
Monetary contributions				
N/A	Settle-up contribution	Payment of a monetary contribution of \$23,567.06 for each of the final 100 lots	\$2,356,706	Release of subdivision certificates for

Item	Description	Estimated cost	Timing
			the final 100 lots
	Total value	\$38,862,640	

8 Public benefit

The contributions offered will provide various public benefits as follows:

- Provide superior contributions outcomes compared to that which could be achieved under the current City Wide Plan which does not include or levy contributions towards infrastructure required by the URA
- Ensure infrastructure will be provided to accommodate and meet the demands of future developments and mitigates the potential impacts of the development on existing Council infrastructure
- Upgrade works will be undertaken at the developer's cost to Anambah Road to address the recommendations of the Road Safety Audit undertaken to support the proposal, providing safety benefits to the existing community who use this road as well as the future AURA community.
- Relieve Council of the financial burden of providing the community facility and open space works to help meet the future residents' needs
- Ensure that the works are provided concurrently with the development, so there will not be a lag between the residents moving in to the area and the community facility being provided
- Support the proper management, development and orderly and economic use of land
- Enable the land to be developed in a timely and efficient manner, with associated economic development and employment opportunities
- Provide increased certainty as to provision of contributions
- Provide an opportunity for involvement and participation by members of the community – through the ability to provide their comments and feedback in connection with the public exhibition of the draft planning agreement
- Support the development of land for residential purposes, increasing the availability of suitable residential land in the Maitland LGA for future housing needs.

9 Requirements of Section 7.4(3) of the Environmental Planning and Assessment Act 1979

This draft offer to enter into a planning agreement addresses the requirements of Section 7.4(3) of the Act as outlined in **Table 3** below.

Table 3– Summary of the requirements of Section 7.4(3) of the EP&A Act 1979

Subsection of Act	Subject	Planning Agreement
7.4 (1)	Planning instrument and/or Development application	The developer has lodged a concept development application in relation to the development.
7.4 (3)(a)	Description of the land to which the Planning Agreement applies	Land to which the Planning Agreement applies is outlined in Section 3 of this offer.
7.4 (3)(b)	Description of the change to the environmental planning instrument or development to which the Planning Agreement applies	See comment response to 7.4 (1).
7.4 (3)(c)	The scope, timing and manner of delivery of contributions required by the Planning Agreement	Refer to Table 2
7.4 (3)(d)	Applicability of section 7.11	Section 7.11 is proposed to be excluded
7.4 (3)(d)	Applicability of section 7.12	Section 7.12 is proposed to be excluded
7.4 (3)(d)	Applicability of section 7.24	Section 7.24 will apply
7.4 (3)(e)	Whether the benefits are or are not to be taken into consideration in determining a development contribution under section 7.11	N/A – s7.11 will not apply to the site
7.4 (3)(f)	Mechanism for dispute resolution	To be included as part of the planning agreement during the legal drafting process
7.4 (3)(g)	Enforcement of the Planning Agreement by a suitable means	To be included as part of the planning agreement during the legal drafting process, acknowledging Council's planning agreement policy may require the provision of financial security having regard for the timing of development, timing of infrastructure delivery and financial risk to Council.
7.6	Registration of the Planning Agreement	The planning agreement will be registered on title and will be removed from the title of any 'final lots' for which a subdivision certificate is issued
7.4 (9)	No obligation to grant consent or exercise functions	To be included as part of the planning agreement during the legal drafting process

10 Conclusion

Third.i's draft offer to enter into a planning agreement with Council as outlined in this letter will provide significant public benefits through the delivery of infrastructure and the payment of monetary contributions to support the future development of Anambah. These benefits could not be realised under the Council's existing contributions plan framework.

The proposed "rise and fall" provisions outlined in this draft offer will provide Council with comfort that if Council adopts an IPART-approved contributions plan for the AURA in future, the contribution value of the planning agreement (both in total, and the value of individual land and works and monetary contributions items) will be adjusted to reflect the "per lot" contribution rate in the new contributions plan.

Third.i looks forward to discussing the scope of this draft offer with Council officers and the submission of a formal letter of offer in due course.

I trust this draft letter of offer is sufficient to allow Council to consider this proposal and provide in principle support to progress the planning agreement. Should you need any further details or information to expedite the negotiation of the final terms of Third.i's offer, please contact Brian Swaine on 0407 094 925 or at brian@thirdigroup.com.au.

Yours faithfully

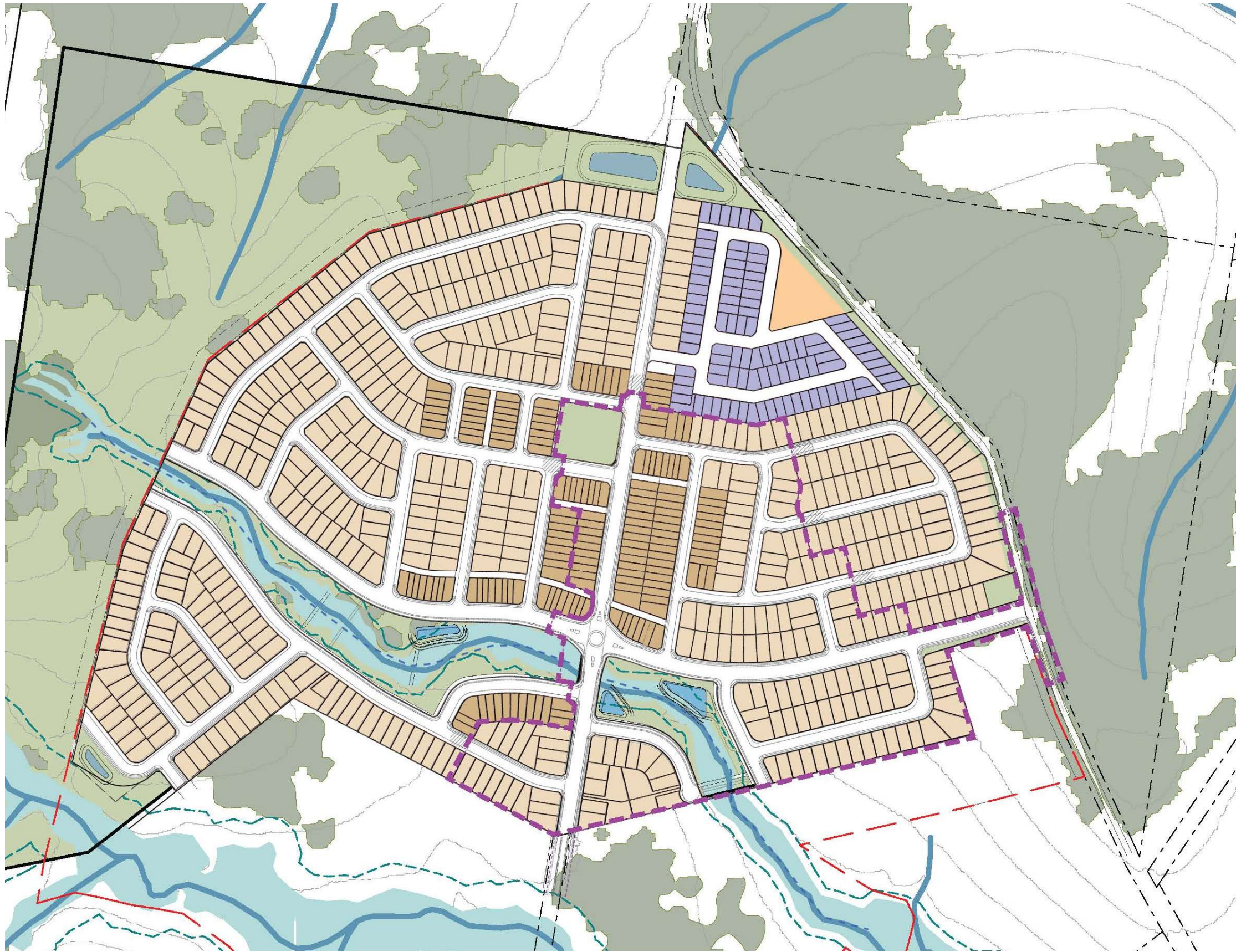
BRIAN SWAINE
HEAD OF THIRD.I COMMUNITIES

Encl.

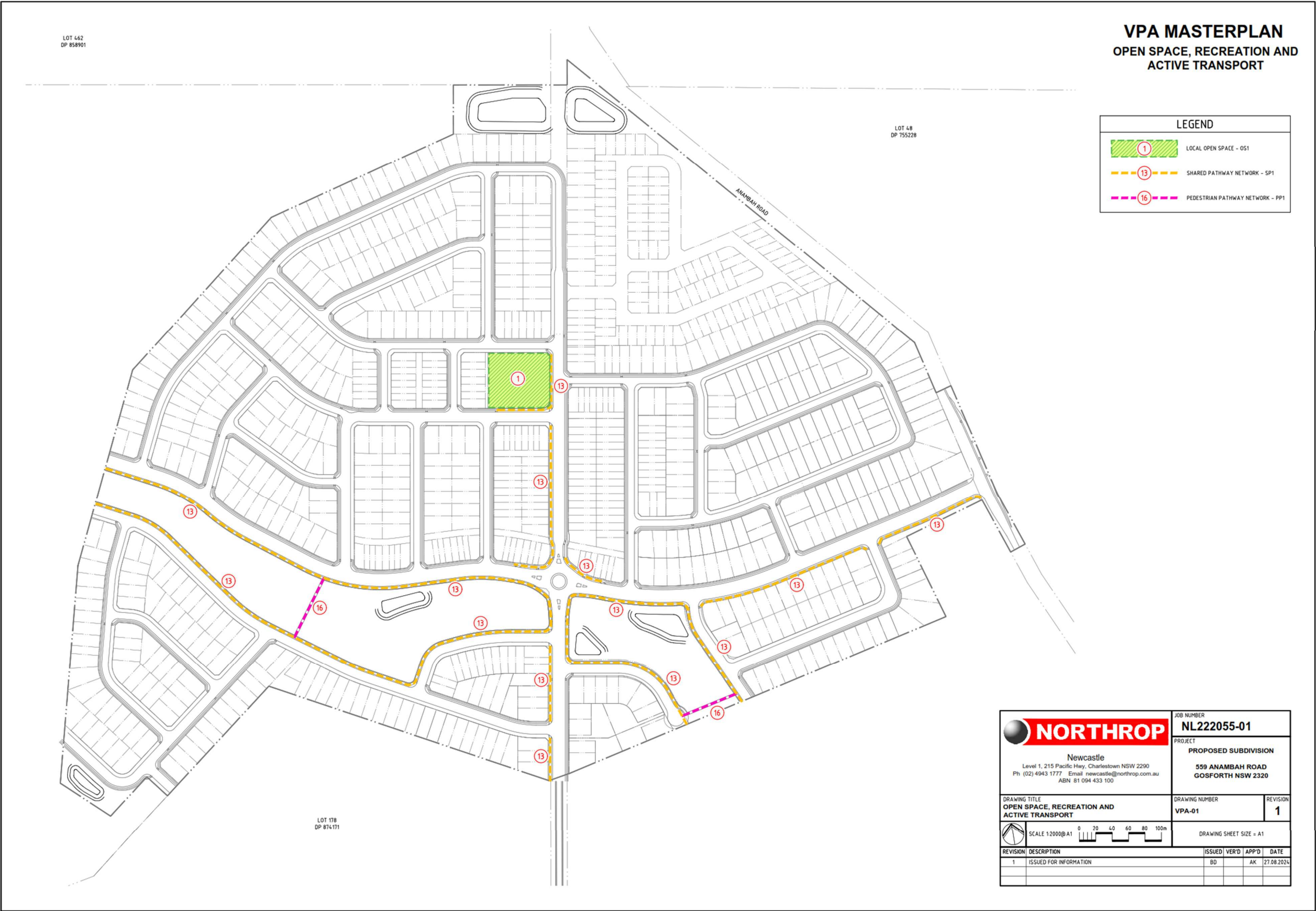
Attachment A: Structure plan

Attachment B: Planning Agreement local infrastructure works






ATTACHMENT A: CONCEPT MASTERPLAN






ATTACHMENT B: Planning Agreement local infrastructure works











VPA MASTERPLAN
TRAFFIC AND TRANSPORT

LEGEND	
	LOCAL ROAD TYPE 1 - LR1
	LOCAL ROAD TYPE 2 - LR2
	COLLECTOR ROAD - CR
	SUB-ARTERIAL ROAD - SA1
	INTERSECTION - INT1

<div></div> <div>NORTHROP</div>		JOB NUMBER NL222055-01			
Newcastle Level 1, 215 Pacific Hwy, Charlestown NSW 2290 Ph (02) 4943 1777 Email newcastle@northrop.com.au ABN 81 094 433 100		PROJECT PROPOSED SUBDIVISION 559 ANAMBAH ROAD GOSFORTH NSW 2320			
DRAWING TITLE TRAFFIC AND TRANSPORT		DRAWING NUMBER VPA-02	REVISION 1		
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REVISION	DESCRIPTION	ISSUED	VER'D	APP'D	DATE
1	ISSUED FOR INFORMATION	BD		AK	27.08.2024



VPA MASTERPLAN
WATER CYCLE MANAGEMENT

LEGEND	
	WATER QUALITY BASIN 1 - B1
	WATER QUALITY BASIN 2 - B2
	WATER QUALITY BASIN 3 - B3
	COMBINED WATER QUALITY AND DETENTION BASIN 4 - B4
	DETENTION BASIN 5 - B5
	COMBINED WATER QUALITY AND DETENTION BASIN 6 - B6

 <p>Northrop</p> <p>Newcastle Level 1, 215 Pacific Hwy, Charlestown NSW 2290 Ph (02) 4943 1777 Email newcastle@northrop.com.au ABN 81 094 433 100</p>		JOB NUMBER NL222055-01	
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VPA MASTERPLAN
ENVIRONMENTAL LAND

LEGEND	
	RIPARIAN CORRIDOR - RC

 <p>Northrop</p> <p>Newcastle Level 1, 215 Pacific Hwy, Charlestown NSW 2290 Ph (02) 4943 1777 Email newcastle@northrop.com.au ABN 81 094 433 100</p>		JOB NUMBER NL222055-01			
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