

Explanatory Note

This Explanatory Note has been prepared jointly by the parties and is not to be used to assist in construing the Draft Planning Agreement.

Draft Planning Agreement

Under s7.4 of the *Environmental Planning and Assessment Act 1979*

Parties

Lake Macquarie City Council ABN 81 065 027 868 of Lake Macquarie City Council Administration Building, 126-138 Main Road, Speers Point, NSW 2284 (**Council**)

Winten (No 21) Pty Ltd ACN 096 449 393 of Level 20, 100 Arthur Street, North Sydney NSW 2060 (**Developer**)

Description of the Land to which the Draft Planning Agreement Applies

The Draft Planning Agreement applies to Lot 2 DP877349 and Lot 1 DP1156243 known as 10 and 10C Woodford Street, Cameron Park.

Description of the Planning Proposed to which the Planning Agreement applies

Development Consent was granted for 2 into 1,079 Lot Torrens Title Subdivision, including 1,058 Residential Lots, 3 development lots for future development, 1 development lot for a future school, 16 public / drainage reserves (including two local park sites) and 1 residue lot on 9 January 2024 (reference DA/2087/2018/REV) (as amended on 4 November 2025 (reference DA/2087/2018/B)).

Condition 106 of the Development Consent for the development requires the person having the benefit of the Development Consent to enter into a Voluntary Planning Agreement with Council in accordance with the terms of the offer made by the Developer dated 13 October 2023.

Summary of Objectives, Nature and Effect of the Draft Planning Agreement

Objectives of Draft Planning Agreement

The objective of the Draft Planning Agreement is to provide contributions to enable the provision of public amenities and services to meet the needs of the occupants of the proposed residential subdivision at Cameron Park.

Nature of Draft Planning Agreement

The Draft Planning Agreement is a planning agreement under s7.4 of the *Environmental Planning and Assessment Act 1979* (Act). The Draft Planning Agreement is a voluntary agreement under which Contributions (as detailed in clauses 5 and 6 of the Draft Planning Agreement) are made by the Developer for various public purposes (as defined in s7.4(2) of the Act).

Effect of the Draft Planning Agreement

The Draft Planning Agreement:

- makes provision for the Developer to:
 - dedicate and deliver to Council two local parks and playgrounds and a shared pathway, and
 - pay Council a monetary contribution per residential lot to be used:
 - to construct two (2) new sports fields at 10 Turnbull Street, Edgeworth, including associated car parking and amenities, and
 - to construct two (2) new hardcourts and the upgrade of two (2) existing hardcourts, including floodlights, at Gregory Park, 19 Hyndes Street, West Wallsend, and
 - provide public amenities or public services located within a nominated area as shown in Schedule 7 of the Draft Planning Agreement.
- is to be registered on Lot 2 DP877349,
- imposes restrictions on the Developer transferring, assigning, or novating an interest of the Development Land under the agreement,
- provides dispute resolution methods for a dispute under the agreement, and
- provides that the agreement is governed by the law of New South Wales.

Assessment of the Merits of the Draft Planning Agreement Including the Impact on the Public

How the Planning Agreement Promotes the Objects of the Act and the public interest

The Planning Purposes Served by the Draft Planning Agreement

The Draft Planning Agreement provides for the delivery of public amenities and services.

How the Draft Planning Agreement Promotes the Public Interest

The draft Planning Agreement promotes the public interest by promoting the objects of the Act as set out in s1.3(b) and (k) of the Act.

Whether the Draft Planning Agreement Conforms with the Authority's Capital Works Program

Council will need to consider the maintenance of the local parks and shared pathway when determining the annual Capital Works Program at the time the facilities are proposed to be dedicated to Council.

Whether the Draft Planning Agreement specifies that certain requirements must be complied with before a construction certificate, occupation certificate or subdivision certificate is issued

The Developer is required to:

- dedicate and deliver Local Park 1 prior to the issue of the subdivision certificate for the 350th residential lot associated with the development of the land,
- dedicate and deliver Local Park 2 prior to the issue of the subdivision certificate for the 700th residential lot associated with the development of the land, and
- pay a monetary contribution to Council for each residential lot associated with the development of the land.