

Explanatory Note
Minister administering the *Environmental Planning and Assessment Act 1979* (ABN 20 770 707 468)
and
F T L R Pty Ltd (ACN 002 281 567)
Draft Planning Agreement

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 F T L R Pty Ltd (ACN 002 281 567) (the **Developer**).

Description of the Subject Land

The Planning Agreement applies to land which currently forms part of a paper subdivision known as Ramsgate Estate which is located in the vicinity of Saddlers Way, Wyee Point NSW 2259. The title details for the land are set out in Schedule 3 to the Planning Agreement (**Subject Land**).

Description of the Proposed Development

The Developer is seeking to subdivide the Subject Land as follows (**Proposed Development**):

- that part of the Subject Land identified as DA2 on the indicative plan is to be subdivided into approximately 123 residential lots with associated infrastructure, generally in accordance with Development Application DA/3196/2021 lodged with Lake Macquarie City Council as amended from time to time; and
- that part of the Subject Land identified as DA3 on the indicative plan is to be subdivided into approximately 74 residential lots with associated infrastructure, generally in accordance with Development Application DA/2704/2022 lodged with Lake Macquarie City Council as amended from time to time.

The indicative plan of the Proposed Development is at the end of this explanatory note.

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 \$91,250 per hectare of net developable area (subject to indexation in accordance with the Planning Agreement) (**Development Contribution**) for the purposes of the provision of designated State public infrastructure within the meaning of clause 6.1 of *Lake Macquarie Local Environmental Plan 2014 (LEP)*.

An instalment of 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 security 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 provision 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.

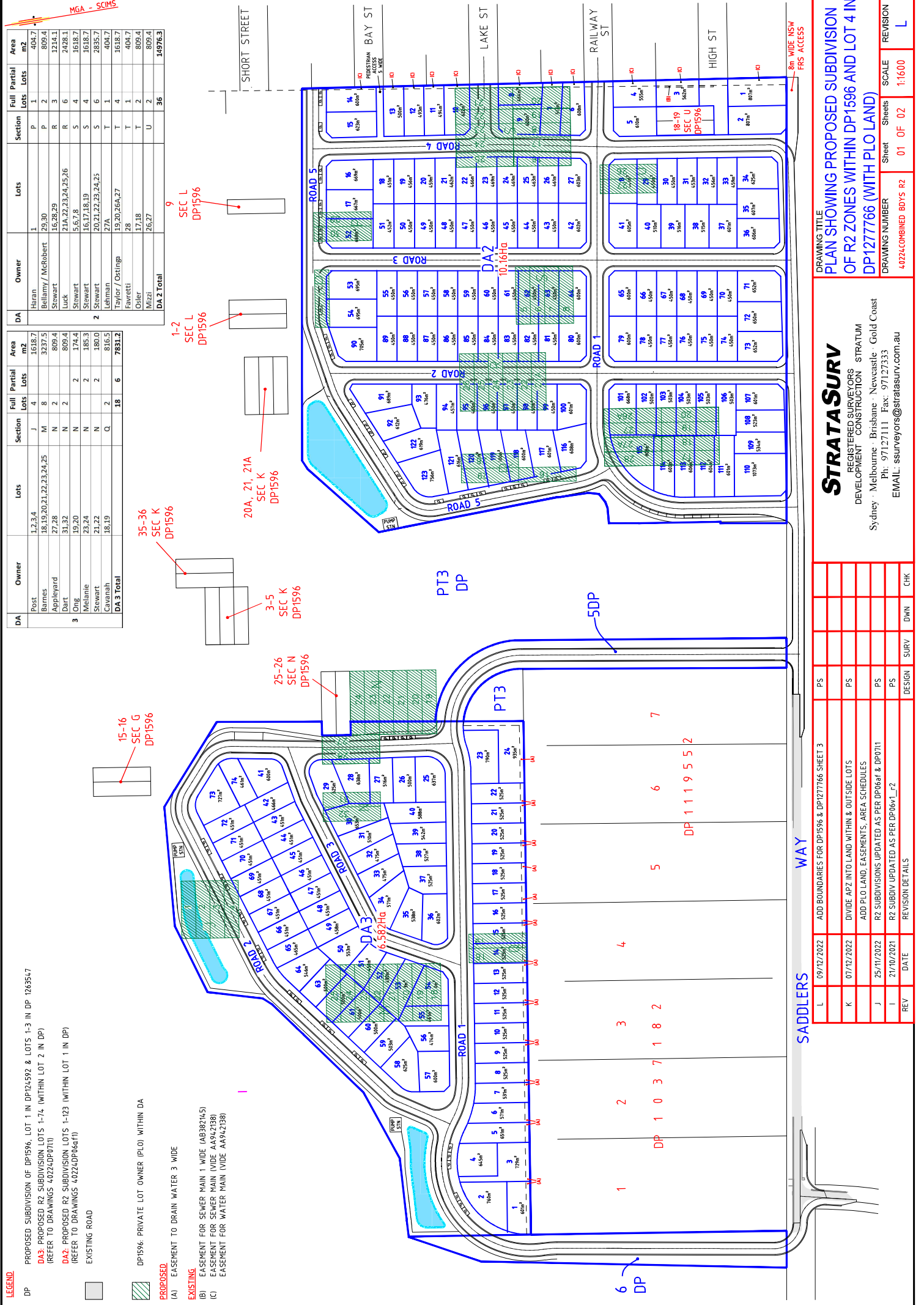
Requirements relating to Construction, Occupation and Subdivision Certificates

The Planning Agreement does not specify requirements that must be complied with prior to the issue of a construction certificate or an 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.



DA	Owner	Lots	Section	Full Lots	Partial Lots	Area m2
1	Hagan	1	P	1	1	404.7
2	Bellamy / McRobert	29,30	P	2	2	809.4
3	Stewart	16,28,29	R	3	3	1214.1
4	Luck	21A,22,23,24,25,26	R	6	6	2428.1
5	Stewart	5,6,7,8	S	4	4	1618.7
6	Stewart	16,17,18,19	S	4	4	1618.7
7	Stewart	20,21,22,23,24,25	S	6	6	2835.7
8	Lehman	27A	T	1	1	404.7
9	Taylor / Ostinga	19,20,26A,27	T	4	4	1618.7
10	Favretti	28	T	1	1	404.7
11	Oiler	17,18	T	2	2	809.4
12	Mizzi	26,27	U	2	2	809.4
13	DA 2 Total			36	36	14976.3

DA	Owner	Lots	Section	Full Lots	Partial Lots	Area m2
1	Post	1,2,3,4	J	4	4	1618.7
2	Barnes	18,19,20,21,22,23,24,25	M	8	8	3237.5
3	Appleyard	27,28	N	2	2	809.4
4	Dart	31,32	N	2	2	809.4
5	Ong	19,20	N	2	2	174.4
6	Melanie	23,24	N	2	2	185.3
7	Stewart	21,22	N	2	2	180.0
8	Canah	18,19	Q	2	2	816.5
9	DA 3 Total			18	18	7831.2

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REV	DATE	REVISION DETAILS	DESIGN	SURV	DWN	CHK
L	09/12/2022	ADD BOUNDARIES FOR DP1596 & DP127766 SHEET 3	PS			
K	07/12/2022	DIVIDE APZ INTO LAND WITHIN & OUTSIDE LOTS	PS			
J	25/11/2022	ADD PLO LAND, EASEMENTS, AREA SCHEDULES	PS			
I	21/10/2021	R2 SUBDIVISIONS UPDATED AS PER DP06af & DP011	PS			
REV	DATE	REVISION DETAILS	DESIGN	SURV	DWN	CHK

DRAWING NUMBER	01 OF 02	SCALE	1:600	REVISION	L
4072-COMBINED BOYS R2					

DRAWING TITLE	PLAN SHOWING PROPOSED SUBDIVISION OF R2 ZONES WITHIN DP1596 AND LOT 4 IN DP127766 (WITH PLO LAND)
REGISTERED SURVEYORS	STRATA SURV
DEVELOPMENT CONSTRUCTION	STRATUM
Sydney · Melbourne · Brisbane · Newcastle · Gold Coast	
Ph: 97127111 Fax: 97127333	
EMAIL: ssurveyors@stratasurv.com.au	

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