

**Explanatory Note**  
**Minister administering the *Environmental Planning and Assessment Act 1979* (ABN 20 770 707 468)**  
**and**  
**Fortis Properties Australia Pty Ltd (ACN 606 849 156) as trustee of the PJ Pereira Family Trust**  
**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 Fortis Properties Australia Pty Ltd (ACN 606 849 156) as trustee of the PJ Pereira Family Trust (the **Developer**).

**Description of the Subject Land**

The Planning Agreement applies to Lot 12 in Deposited Plan 12304 and Lot 1 in Deposited Plan 119542 known as 90-100 Jensen Road, Wadalba (**Subject Land**).

**Description of the Proposed Development**

The Developer is seeking to subdivide the Subject Land into approximately seventy-nine (79) Torrens Title residential lots and three (3) residue lots (in stages), provision of associated infrastructure and an environmental corridor, and the erection of approximately thirteen (13) dwelling houses, generally in accordance with Development Application DA/1242/2022 which has been lodged with Central Coast Council (**Proposed Development**).

The Developer has made an offer to the Minister to enter into the Planning Agreement in connection with the Proposed Development.  
An indicative plan of the Proposed Development is at the end of this explanatory note.

## **Summary of Objectives, Nature and Effect of the Planning Agreement**

The Planning Agreement provides that the Developer will make a monetary contribution of \$108,033 per NDA (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 the former *Wyong Local Environmental Plan 2013 (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 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 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.

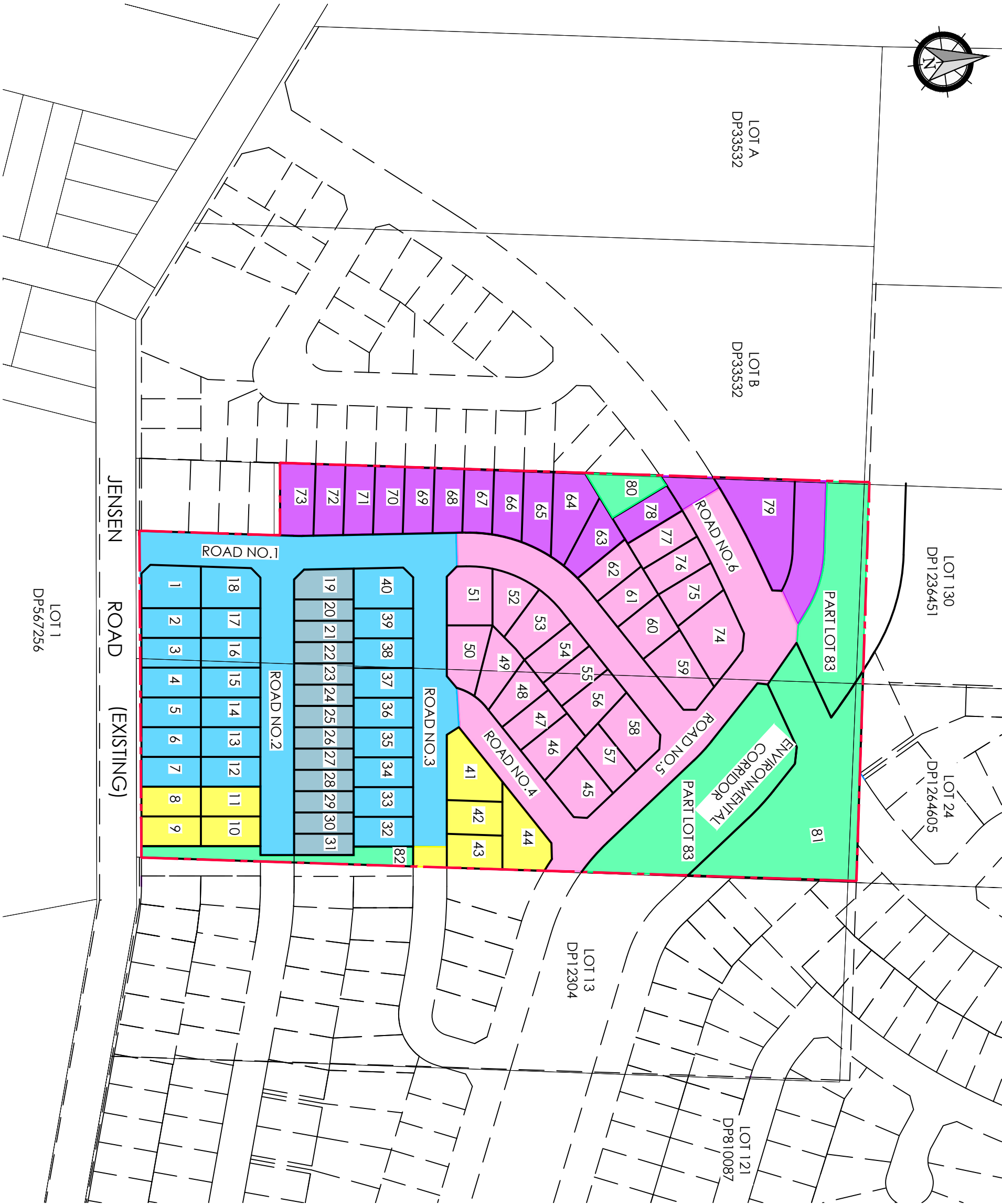
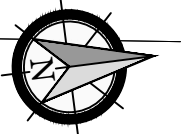
### **Requirements relating to Construction, Occupation and Subdivision Certificates**

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 below.



LEGEND

PROPOSED SITE BOUNDARY

PROPOSED LOT BOUNDARY

EXISTING BOUNDARY

FUTURE LOTS (BY OTHERS)

STAGE 1 (23 LOTS)

STAGE 1B - SMALL LOT HOUSING (13 LOTS)

STAGE 2 (22 LOTS)

STAGE 3 (13 LOTS)

STAGE 4 - TEMPORARY BASINS

STAGE 5 - RESIDUE LOTS

ver.	date	comment	drawn	pm	level information	scale (A3 original size)	notes
B	15.12.21	DIMENSIONS AMENDED	DPT	ND	DATUM: N/A CONTOUR INTERVAL: N/A	<div><div></div><div>0</div><div>50</div><div>100m</div></div> <div>SCALE: 1:2000 (FULL)</div>	

• project management • civil engineering • infrastructure • superintendency • economic analysis • social impact • town planning • surveying • development feasibility • visualisation • urban design

drawing title:

STAGING PLAN

location:	90-100 JENSEN ROAD, WADALBA
council:	CENTRAL COAST
dwg ref:	190672-DA-005

client:

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