

## **Explanatory Note**

**Minister administering the *Environmental Planning and Assessment Act 1979* (ABN 20 770 707 468)  
and**

**Alda Properties (Lake Munmorah) Pty Ltd (ACN 657 729 630)  
and**

**Rose Living Pty Ltd (ACN 628 415 823)  
and**

**Urban Land Redevelopment Pty Ltd (ACN 645 826 160)  
and**

**Robin Ernest Becker  
and**

**Roxanne Annette Becker**

## **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.

Words which are capitalised in this explanatory note but are not defined take on the meaning given to those words in the Planning Agreement.

### **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 the following **Developer** entities:

- Alda Properties (Lake Munmorah) Pty Ltd (ACN 657 729 630)
- Rose Living Pty Ltd (ACN 628 415 823)
- Urban Land Redevelopment Pty Ltd (ACN 645 826 160)
- Robin Ernest Becker

- Roxanne Annette Becker.

## Description of the Subject Land

The Planning Agreement applies to the following parcels of land (the **Subject Land**):

- Lot 1 in Deposited Plan 626787
- Lot 1 in Deposited Plan 1310973
- Lot 27 in Deposited Plan 755266
- Lot 83 in Deposited Plan 650114.

## Description of the Proposed Development

The Developer sought a change to the *Central Coast Local Environmental Plan 2022* to enable development to be carried out on the Subject Land.

On 6 December 2022, the *Central Coast Local Environmental Plan 2022 (Map Amendment No 3) (LEP Amendment)* was made to change the planning controls applying to the Subject Land. The LEP Amendment commenced on 9 December 2022.

The Developer is seeking to subdivide the Subject Land to create up to 288 lots, including up to 283 lots for Residential Accommodation and carry out associated infrastructure, generally in accordance with Development Application DA/161/2024 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.

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

The Planning Agreement provides that the Developer is to do the following by the time specified in the table (**Development Contribution**):

Development Contribution	Timing
Upgrade the intersection at Pacific Highway and Kangaroo Avenue, generally as identified on and consistent with the Kangaroo Avenue Indicative Intersection Plan at Annexure A to the Planning Agreement ( <b>Kangaroo Avenue Intersection Works Contribution</b> ).	Prior to the issue of the Subdivision Certificate for the first lot created for the purpose of Residential Accommodation within the Proposed Development.
Upgrade the intersection at Pacific Highway and Tall Timbers Road, generally as identified on and consistent with the Tall Timbers Road Indicative Intersection Plan at Annexure B to the Planning Agreement ( <b>Tall Timbers Road Intersection Works Contribution</b> ).	Prior to the issue of the Subdivision Certificate for the 181st lot created for the purpose of Residential Accommodation within the Proposed Development.

The Developer is required to provide security in the amounts as set out below and in accordance with Schedule 5 to the Planning Agreement:

Security	Security Amount
To secure all obligations imposed on the Developer under the Planning Agreement.	\$200,000
To secure the obligation to provide the Kangaroo Avenue Intersection Works Contribution in accordance with the Planning Agreement.	\$316,305.50
To secure the obligation to provide the Tall Timbers Road Intersection Works Contribution in accordance with the Planning Agreement.	\$2,265,163

No relevant capital works program by the Minister is associated with the Planning Agreement.

## **Assessment of the Merits of Planning Agreement**

### **The Public Purpose of the Planning Agreement**

In accordance with section 7.4(2) of the Act, the public purpose of the Planning Agreement is the provision of 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 the Planning Agreement will ensure that the Developer makes an appropriate contribution towards the provision of transport and other infrastructure.

### **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 transport and other infrastructure to satisfy needs that arise from rezoning and development of the Subject Land.

The Developer's offer to contribute towards the provision of transport and other infrastructure will have a positive impact on the public who will ultimately use that infrastructure.

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

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 the Development Contribution and part of the Security to be provided prior to the issue of the relevant Subdivision Certificate and therefore contains a restriction on the issue of the relevant Subdivision Certificate within the meaning of section 6.15(1)(d) of the Act.