

Explanatory Note

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

and

Landen Dev No.14 Pty Ltd (ACN 658 364 562) in its capacity as trustee of
Landen Dev No.14 Trust

and

Simon Bruce Campbell

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**), Landen Dev No.14 Pty Ltd (ACN 658 364 562) in its capacity as trustee of Landen Dev No.14 Trust and Simon Bruce Campbell (together “the **Developer**”).

Description of the Subject Land

The Planning Agreement applies to Lot 472 in Deposited Plan 755242 known as 21 Colleen Lane, Wyee NSW 2259 (**Subject Land**).

Description of the Proposed Development

The Developer proposes to subdivide the Subject Land into approximately 71 residential lots (over two stages) and one (1) conservation lot, and to carry out the demolition of existing structures, construction of public roads and associated civil and infrastructure works, generally in accordance with the plan in Schedule 7 and DA/1567/2023 lodged with Lake Macquarie City 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 \$97,889 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**). Clause 6.1 of the LEP, despite its repeal, continues to apply to DA/1567/2023 by virtue of clause 4 of *State Environmental Planning Policy Amendment (Housing and Productivity Contributions) 2023*.

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.

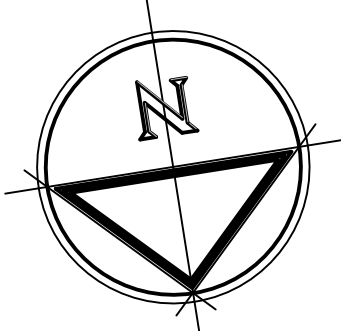
Requirements relating to Construction, Occupation and Subdivision Certificates

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 following page.



PLAN REV	DESCRIPTION	DATE	DESIGN	DRAFT
00	ORIGINAL ISSUE	21/07/2023		

SCALE @ A1: 1:800
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Scale 1:800

CLIENT / PROJECT

SITE
LOT 472 DP 755242 21 COLLEEN LANE WYEE LGA: LAKE MACQUARIE



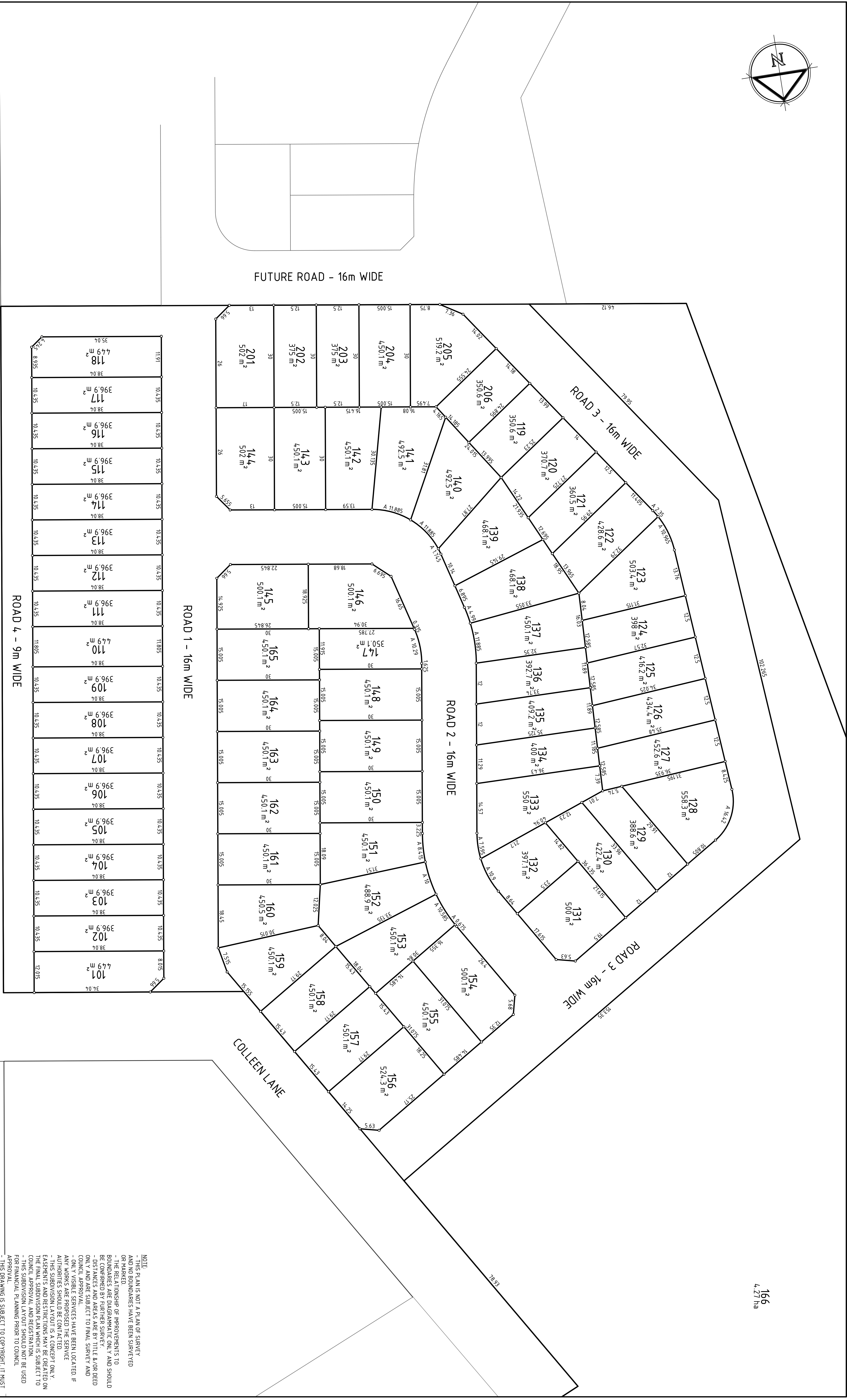
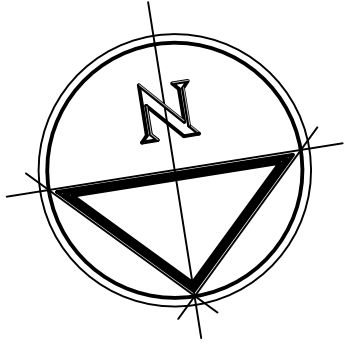
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LAND DEVELOPMENT CONSULTANTS
PHONE (02) 9831 2040
EMAIL: nws@nwsurveys.com.au
WEBSITE: www.nwsurveys.com.au

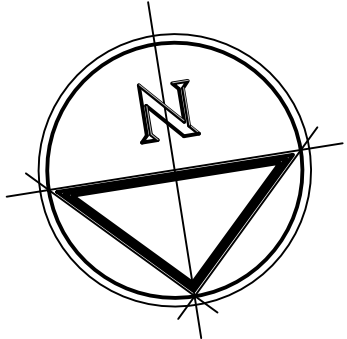
SUPERVISING
CIVIL ENGINEERING
PROJECT MANAGEMENT
SUPERINTENDENCY
WATER SERVICING COORDINATION

TITLE	SURVEYED	PROJECT MANAGER
PLAN OF PROPOSED SUBDIVISION	G.S.	JOHN ATTARD
	DRAFTED: N.H.	SURVEY DATE: 21/07/2023
	DATE: A.H.D.	PLAN REV: 00
		PROJECT REFERENCE: 1 OF 6
		19942/211-DA

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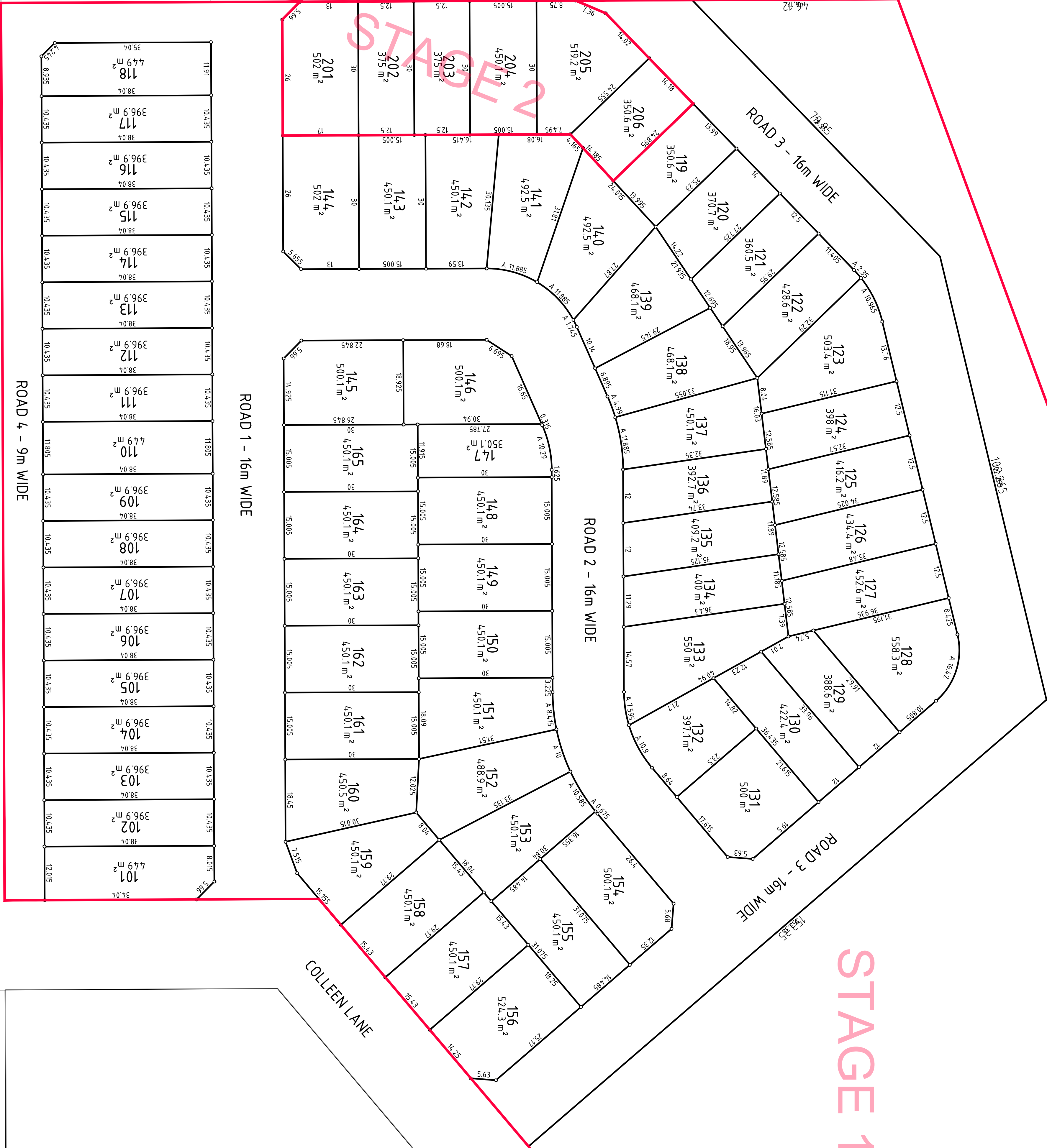



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														WYEE		WATER SERVICES COORDINATION				DATE/REV		PLAN REV.	
														L.G.A. LAKE MACQUARIE		LAND DEVELOPMENT CONSULTANTS				A.H.D.		00	
ORIGINAL ISSUE				21/07/2023												PHONE: (02) 9931 2040		THIS PLAN MUST NOT BE USED FOR CONSTRUCTION UNLESS SIGNED & APPROVED BY PRINCIPAL CERTIFYING AUTHORITY		WEBSITE: www.nswsurveys.com.au		PROJECT REFERENCE: 19942/211-DA	



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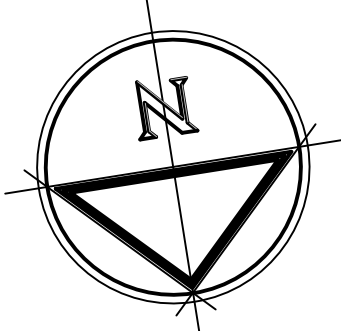
STAGE 1



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					Scale 1:500			PHONE (02) 9831 2040			DRAFTED: N.H.	SURVEY DATE: 21/07/2023
								EMAIL: info@nwsurveys.com.au			DATE: A.H.D.	PLAN REV: 00
								WEBSITE: www.nwsurveys.com.au			SRD:	OF 6
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Scale 1:800

CLIENT / PROJECT

SITE
LOT 472
DP 755242
21 COLLEEN LANE
WYEE
LGA: LAKE MACQUARIE



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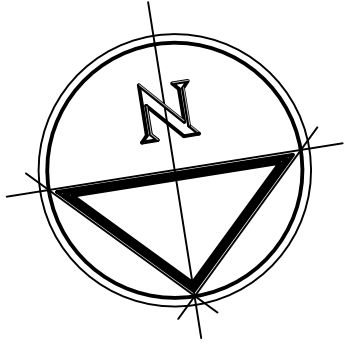
PROJECT MANAGEMENT

SUPERINTENDENCY

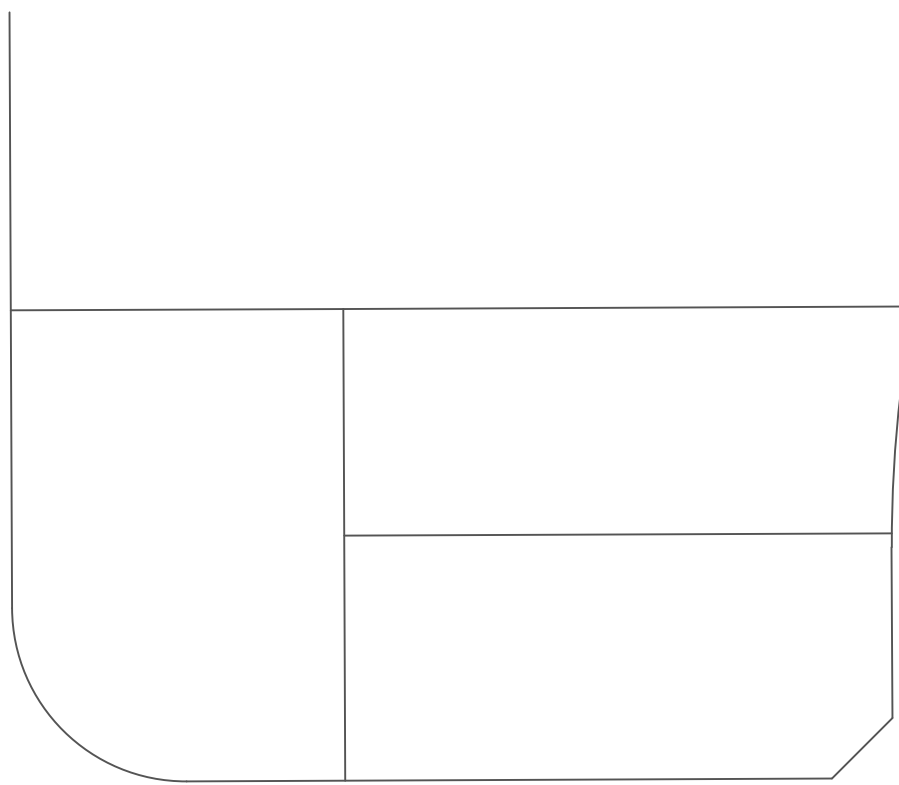
WATER SERVICING COORDINATION

TITLE
PLAN OF PROPOSED SUBDIVISION
STAGE 1

SURVEYED	PROJECT MANAGER
DRAWN: N.H.	JOHN ATTARD
DATE: 21/07/2023	PLAN
A.H.D.	4
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M.G.A.	19942/211-DA



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FUTURE ROAD - 16m WIDE



DILLABURRA ROAD

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			DP 755242		
			21 COLLEEN LANE		
			WYEE		
			L.G.A. LAKE MACQUARIE		

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SURVEYING

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PROJECT MANAGEMENT

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WATER SERVICING COORDINATION

TITLE

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STAGE 1

SURVEYED

G.S.

DRAFTED

N.H.

DATUM:

A.H.D.

SRID:

M.G.A.

PROJECT MANAGER:

JOHN ATTARD

SURVEY DATE:

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PLAN REV:

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OF 6

PROJECT REFERENCE:

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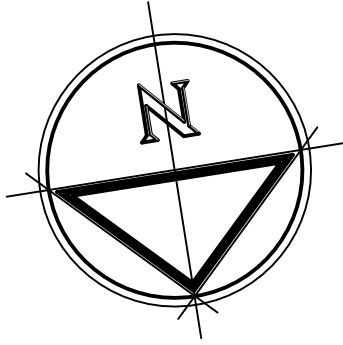
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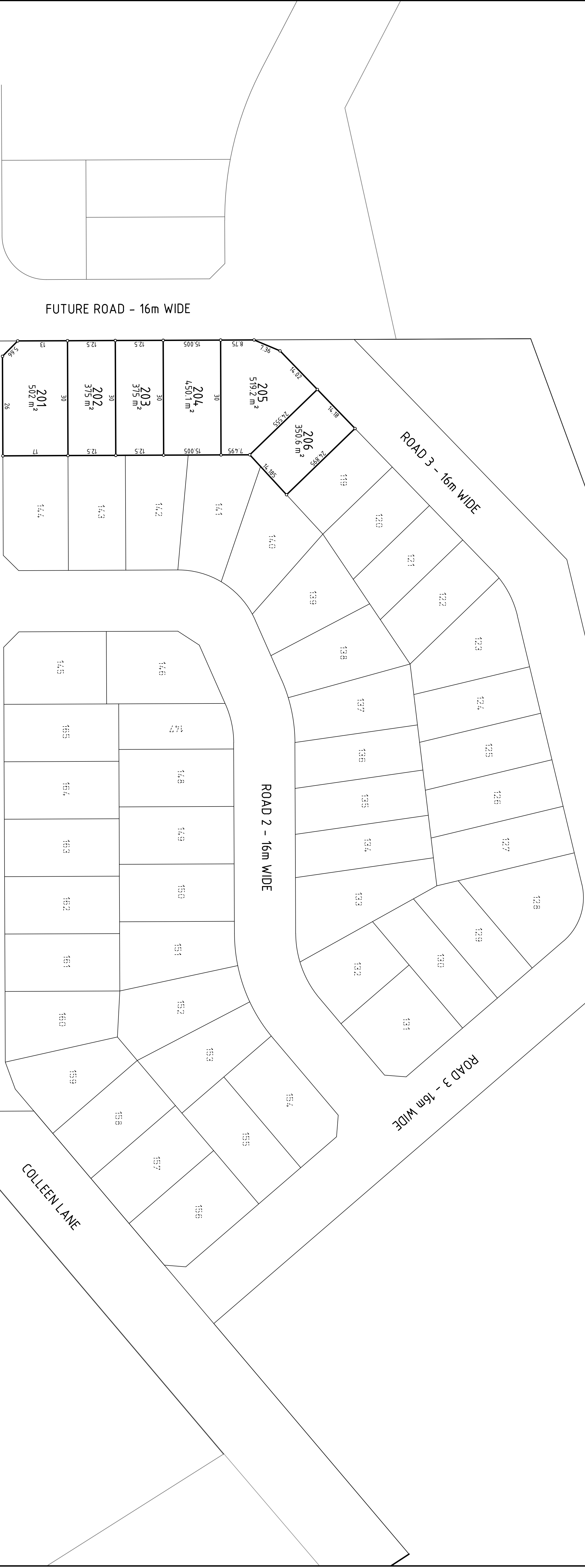
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1615



FUTURE ROAD - 16m WIDE

ROAD 3 - 16m WIDE

ROAD 3 - 16m WIDE

ROAD 2 - 16m WIDE

ROAD 1 - 16m WIDE

ROAD 4 - 9m WIDE

DILLABURRA ROAD

COLLEEN LANE

PLAN REV.	DESCRIPTION	DATE	DESIGN	DRAFT	SCALE @ A1: 1:500	CLIENT/PROJECT	LAND DEVELOPMENT CONSULTANTS	TITLE	SURVEYED	PROJECT MANAGER
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00	ORIGINAL ISSUE	21/07/2023			THIS DRAWING IS SUBJECT TO COPYRIGHT. IT MUST NOT BE REPRODUCED IN WHOLE OR PART WITHOUT THE WRITTEN CONSENT OF NORTH WESTERN SURVEYS PTY LTD					PROJECT REFERENCE: 19942/211-DA

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