

**Explanatory Note**  
**Minister administering the *Environmental Planning and Assessment Act 1979* (ABN 20 770 707 468)**  
**and**  
**Option Property Developments Pty Ltd (ACN 652 117 587)**  
**and**  
**MKY Enterprises (Aust) Pty Ltd (ACN 628 243 336)**  
**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 Option Property Developments Pty Ltd (ACN 652 117 587) and MKY Enterprises (Aust) Pty Ltd (ACN 628 243 336) (together, the **Developer**).

**Description of the Subject Land**

The Planning Agreement applies to Lot 382 in Deposited Plan 618817 and Lot 1 in Deposited Plan 213381 known as 213 Pollock Avenue and 30 Jensen Road, Wadalba 2259 (**Subject Land**).

**Description of the Proposed Development**

The Developer is seeking to subdivide the Subject Land (in stages) into approximately 84 residential lots, one (1) environmental lot, one (1) residue lot, and associated infrastructure, generally in accordance with DA/609/2023 lodged with the 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 \$115,893 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 the *Central Coast*

*Local Environmental Plan 2022 (LEP)*. This clause, despite its repeal, continues to apply to DA/609/2023 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.

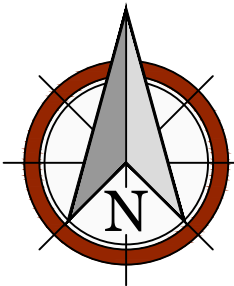
### **Requirements relating to Construction, Occupation and Subdivision Certificates**

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.



LEGEND

PROPOSED SITE BOUNDARY

PROPOSED LOT BOUNDARY

EXISTING LOT BOUNDARY

FUTURE LOTS (BY OTHERS)

STAGE 1 (19 RESIDENTIAL LOTS)

STAGE 2 (8 RESIDENTIAL LOTS)

STAGE 3 (18 RESIDENTIAL LOTS)

STAGE 4 (13 RESIDENTIAL LOTS)  
+ 2 ENVIRONMENTAL LOTS

STAGE 5 (TEMP APZ)  
(15 RESIDENTIAL LOTS)

STAGE 6 (TEMP BASIN)  
(7 RESIDENTIAL LOTS)

STAGE 7  
(4 RESIDENTIAL & RESIDUE LOTS)

STAGING PLAN  
SCALE 1:1000



NOT FOR CONSTRUCTION

ver.	date	comment	drawn	pm	level information	scale (A1 original size)	notes
D	13.02.24	REVISED LOT LAYOUT	AE	ND	DATUM: GDA2020 MGA56 CONTOUR INTERVAL:	A1 1:1000 0 25 50m A3 1:2000	

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

drawing title:  
**OVERALL STAGING PLAN**

location: 213 POLLOCK AVENUE & 30 JENSEN ROAD, WADALBA

council: CENTRAL COAST COUNCIL

dwg ref: 190803-DA-005

client:

OPTION PROPERTY DEVELOPMENTS PTY LTD

central coast office  
hunter office  
sydney office

ph: (02) 4305 4300  
ph: (02) 4978 5100  
ph: (02) 8046 7411

www.adwjohanson.com.au