

# Explanatory Note

## Minister for Planning and Stopover Pty Ltd (ACN 601 662 588)

### 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 6 of Part 4 of the *Environmental Planning and Assessment Act 1979* (the **Act**).

This explanatory note has been prepared jointly by the parties as required by clause 25E of the *Environmental Planning and Assessment Regulation 2000* (the **Regulation**).

#### Parties to the Planning Agreement

The parties to the Planning Agreement are Stopover Pty Ltd (ACN 601 662 588) (the **Developer**) and the Minister for Planning (the **Minister**).

#### Description of the Subject Land

The Planning Agreement applies to:

- Lot 18 in Deposited Plan 746882 (the **Subject Land**).

The Subject Land is located at 135 Brundah Road, Thirlmere.

#### Description of the Proposed Development

The Developer is seeking approval for subdivision of the Subject Land into approximately four residential lots generally in accordance with Development Application 2016/303 which has been lodged with Wollondilly Shire Council (the **Proposed Development**) and 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 \$27,792 (\$9,264 for each lot created - subject to indexation in accordance with the Planning Agreement) for the purposes of the provision of designated State public infrastructure within the meaning of clause 6.1 of the *Wollondilly Local Environmental Plan 2011* (the **LEP**).

The monetary contribution is payable on execution of the Planning Agreement.

Both parties acknowledge that there is one lawfully constructed dwelling and in recognition of the dwelling, no contribution will be payable in relation to that lot.

The Developer is not required to provide a Bank Guarantee and register the Planning Agreement on the title to the Subject Land in accordance with section 93H of the Act.

No relevant capital works program by the Minister is associated with this agreement.

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

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

In accordance with section 93F(2) of the Act, the Planning Agreement has the following public purpose:

- the provision of (or the recouping of the cost of providing) public amenities or public services.

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 appropriate contributions towards the provision of infrastructure, facilities and services referred to in clause 6.1 of the LEP.

### **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.

### **How the Planning Agreement Promotes the Objects of the Act**

The Planning Agreement promotes the objects of the Act by encouraging:

- the promotion and co-ordination of the orderly and economic use and development of land.

The Planning Agreement promotes the objects of the Act set out above by requiring the Developer to make a contribution towards the provision of infrastructure, facilities and services referred to in clause 6.1 of the LEP.

The Developer's offer to contribute towards the provision of State infrastructure will have a positive public impact as funds from the Developer will be available towards the provision of infrastructure, facilities and services referred to in clause 6.1 of the LEP.

### **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 subdivision certificate, construction certificate or an occupation certificate.