

Explanatory Note
Minister administering the *Environmental Planning and Assessment Act 1979* (ABN 20 770 707 468)
and
R Waters Constructions Pty Limited (ACN 108 072 064)
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 R Waters Constructions Pty Limited (ACN 108 072 064) (the **Developer**).

Description of the Subject Land

The Planning Agreement applies to Lot C in Deposited Plan 365658 known as 35 Denmead Street, Thirlmere 2572 (**Subject Land**).

Description of the Proposed Development

The Developer is seeking to subdivide the Subject Land into approximately 7 residential lots, decommission a dam, remove a tree and carry out associated stormwater and civil works generally in accordance with Development Application DA/2022/704/1 which has been lodged with Wollondilly Shire 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 \$10,099 per residential lot (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 *Wollondilly Local Environmental Plan 2011* (**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

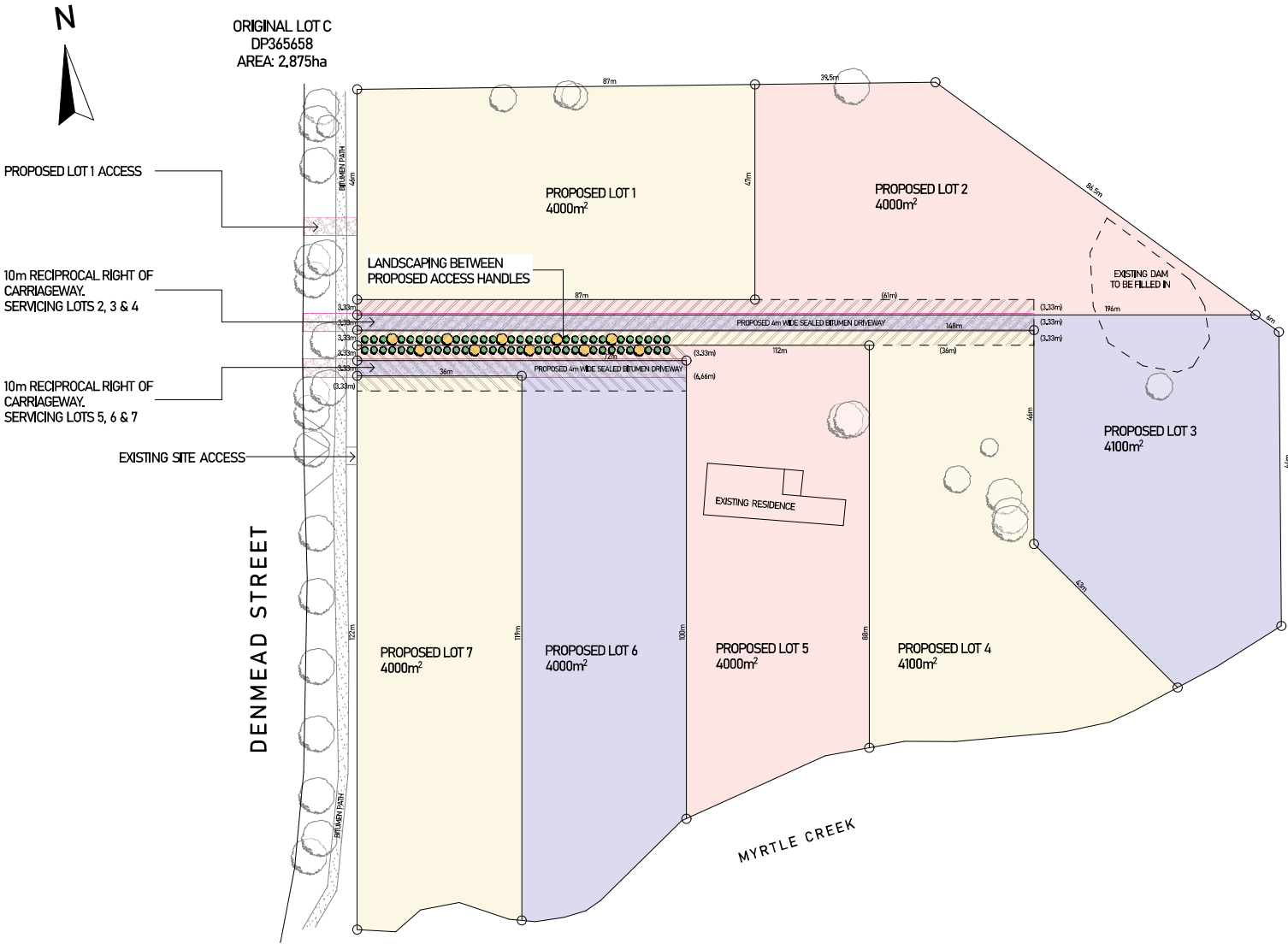
The Planning Agreement does not specify requirements that must be complied with prior to the issue of a construction certificate or an occupation certificate.

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.

PROPOSED SITE PLAN



- GENERAL NOTES:
- PLANS TO BE READ IN CONJUNCTION WITH OTHER CONSULTANTS DRAWINGS & SPECIFICATIONS PROVIDED.
 - BOUNDARIES & CONTOURS ARE SUBJECT TO SURVEY PRIOR TO WORK COMMENCING.
 - SERVICES TO BE LOCATED ON SITE BY BUILDER PRIOR TO WORK COMMENCING.
 - DO NOT SCALE OFF DRAWINGS.

- LANDSCAPING NOTES:
- PLANT SELECTION & QUALITY
- PLANTING WITH NOTED SPECIES OR SIMILAR, SUBJECT TO AVAILABILITY, ALTERNATIVELY, PLANT SPECIES TO BE SELECTED FROM:
- WOLLONGONG COUNCIL'S RECOMMENDED SPECIES, DCP V6.1 PART 11.2 OR
 - SIMILAR LOCAL PLANT STOCK
- THE CONTRACTOR IS RESPONSIBLE FOR THE PLANT QUALITY. PLANTS SHOULD:
- FEATURE LARGE HEALTHY ROOT SYSTEMS WITH NO EVIDENCE OF DAMAGE
 - BE VIGOROUS, WELL ESTABLISHED & FREE FROM DISEASES
 - HARDENED OFF, NOT SOFT OR FORCED, AND SUITABLE FOR PLANTING AT THE SITE.
 - HAVE HEALTHY FOLIAGE.

LEGEND

- EXISTING TREE
- PROPOSED TREE/SHRUB
- PROPOSED LOT
- 10m WIDE CARRIAGEWAY
- PROPOSED DRIVEWAY

PLANTING SCHEDULE							
TYPE	SYMBOL	SPECIES	IMAGE	QTY	POT SIZE	MATURE HEIGHT	MATURE WIDTH
SHRUB		MYRTLE WATTLE ACACIA MYRTIFOLIA		58	150mm	2.0m	2.5m
MEDIUM TREE		BROAD-LEAVED GEEBUNG PERSOONIA LEVIS		10	5lt	4.0m	3.0m

PROJECT: PROPOSED SUBDIVISION

CLIENT: WATERS

LOCATION: 35 DENMEAD STREET, THRLMERE

DATE: 17/10/22

LOT: C

DP: 365658

DRAWING: SCALE (A3): 1:1000

PROPOSED SITE PLAN

DATE: 04/07/22

AMENDMENT

ISSUE: B

SHEET: 1

LOCAL ID DRAFTING

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PLANT DATE: 17/10/2022

DRAWING #: 0225