

## Explanatory Note

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

and

85 Myrtle Creek Pty Ltd (ACN 647 986 730)

## 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 has 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 85 Myrtle Creek Pty Ltd (ACN 647 986 730) (the **Developer**).

### Description of the Subject Land

The Planning Agreement applies to Lot 1 in Deposited Plan 1278795 known as 85 Myrtle Creek Avenue, Tahmoor 2573 (**Subject Land**).

### Description of the Proposed Development

The Developer is seeking to subdivide the Subject Land into 40 residential lots and associated infrastructure, and to demolish existing structures, remove vegetation and undertake associated works, generally in accordance with Development Application No. DA/2021/1119/1 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.

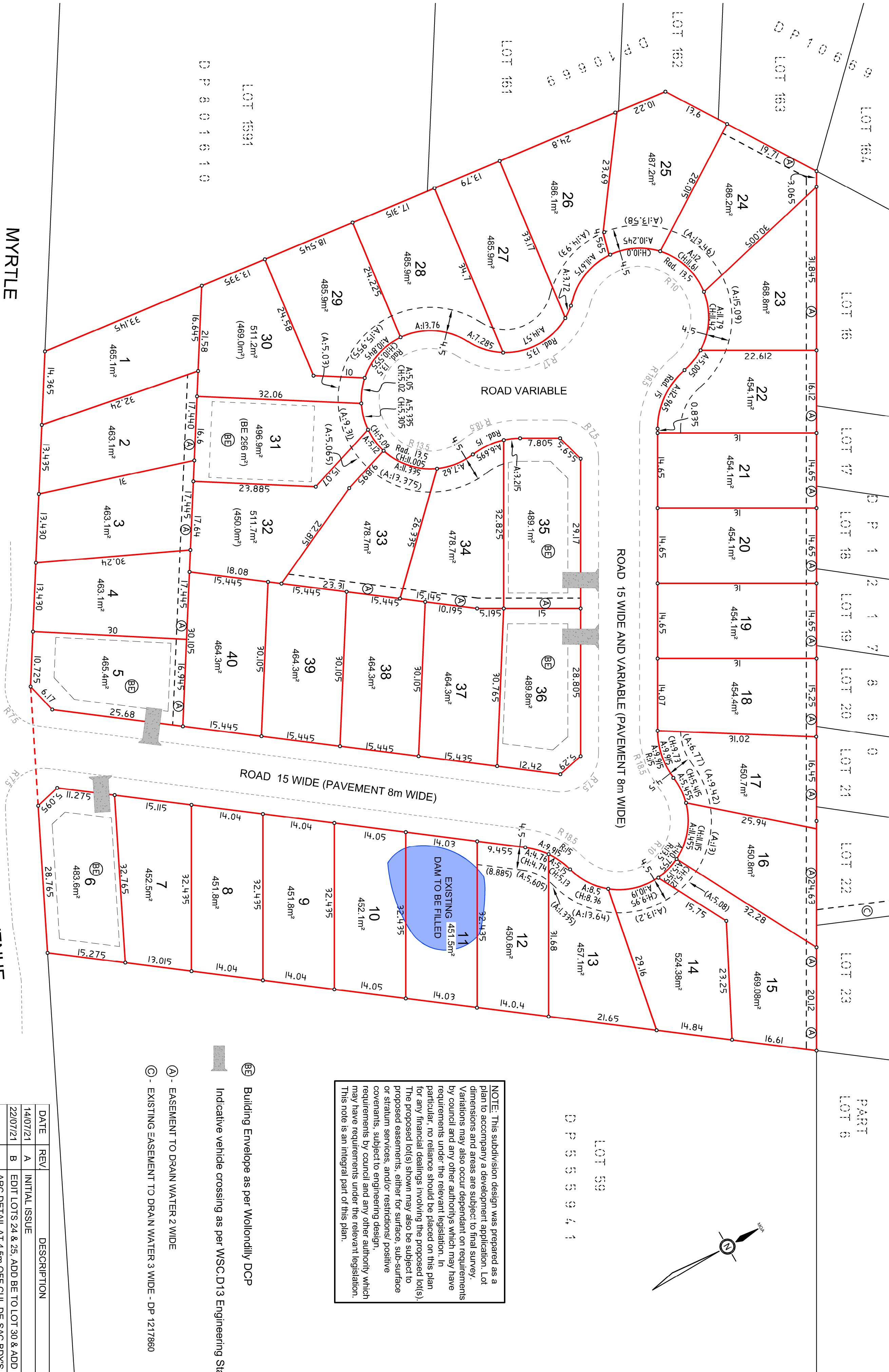
### **Requirements relating to Construction, Occupation and Subdivision Certificates**

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**

**Note.** Lot 258 DP10669 is the prior title reference for the Subject Land.



NOTE: This subdivision design was prepared as a plan to accompany a development application. Lot dimensions and areas are subject to final survey. Variations may also occur dependant on requirements by council and any other authorities which may have requirements under the relevant legislation. In particular, no reliance should be placed on this plan for any financial dealings involving the proposed lot(s). The proposed lot(s) shown may also be subject to proposed easements, either for surface, sub-surface or stratum services, and/or restrictions/ positive covenants, subject to engineering design. requirements by council and any other authority which may have requirements under the relevant legislation. This note is an integral part of this plan.

- BE Building Envelope as per Wollondilly DCP
- Indicative vehicle crossing as per WSC.D13 Engineering Standard
- A - EASEMENT TO DRAIN WATER 2 WIDE
- C - EXISTING EASEMENT TO DRAIN WATER 3 WIDE - DP 1217860

DATE	REV	DESCRIPTION	DRAWN
14/07/21	A	INITIAL ISSUE	LT
22/07/21	B	EDIT LOTS 24 & 25, ADD BE TO LOT 30 & ADD	LT
31/08/21	C	ARC DETAIL AT 4.5m OFF CUL-DE-SAC BDY'S	LT
02/09/21	D	UPDATED LOT LAYOUT FOR LOT 7 TO 18	RB
10/09/21	E	REMOVED EASEMENT B FROM PLAN	RB

Surveyor: PAUL BRANDON  
Of Australian Survey Solutions

Date of Survey: 31st MAY 2021  
Surveyor's Ref: 190716

PLAN OF PROPOSED SUBDIVISION OF  
LOT 258 DP 10669

LGA: WOLLONDILLY  
Locality: TAHMOOR  
Subdivision No:

Registered

REVE

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