

Explanatory Note
Minister administering the *Environmental Planning and Assessment Act 1979* (ABN 20 770 707 468)
and
Greenbord Pty Ltd (ACN 648 398 501)
and
Pat Green Pty Ltd (ACN 656 923 054) in its capacity as trustee of Pat Green Unit Trust
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 Greenbord Pty Ltd (ACN 648 398 501) and Pat Green Pty Ltd (ACN 656 923 054) in its capacity as trustee of Pat Green Unit Trust (the **Developer**).

Description of the Subject Land

The Planning Agreement applies to Lot 101 in Deposited Plan 613474 and Lot 104 in Deposited Plan 613474 known as 45 and 65 Tickle Drive, Thirlmere 2572 (**Subject Land**).

Description of the Proposed Development

The Developer is seeking to subdivide the Subject Land into forty-nine (49) residential lots, including associated road and stormwater construction, demolition of structures, removal of vegetation and decommissioning of a dam generally in accordance with Development Application 2023/2/1 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 \$10,543 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 the *Wollondilly Local Environment 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.

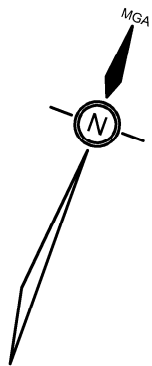
Indicative Plan of the Proposed Development

See below.

STAGING PLAN

STAGE 1

809-674-1



2
180702

ROAD

2

1

DRIVE

Pt 2

6.412 Ha
(TOTAL 11.22)

Pt 2

4.812 Hz

ROAD

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Pt 3

6.813 Ha
(TOTAL 15.69)

ROAD

Pt 3

8.876 Ha

REDBANK

CREEK

TICKLE

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DP 1266832

DP 1266832

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DP 1266832

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DP 1266832

DP 15
1266832

DP 16
1266832

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9 5 5 7 7 7

9-0374

STAGE 1

Surveyor: PAUL BRANDON
of Australian Survey Solutions

Date of Drawing: 18 October 2022

Surveyor's Ref: 210901

STAGE 1 PLAN OF
SUBDIVISION OVER LOTS
101 AND 104 DP 613747

LGA:LGA
Locality: Locality
Subdivision No:
Lengths are in metres. Reduction Ratio: 1:15000

Registered

10	20	30	40	50	60	Table of mm	90	100	110	120	130	140	150
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- (A) - PROPOSED DENOTES RESTRICTION ON THE USE OF LAND (NO BUILDINGS PERMITTED)
- (B) - PROPOSED EFFLUENT MANAGEMENT AREA
- (BE) - PROPOSED BUILDING ENVELOPE

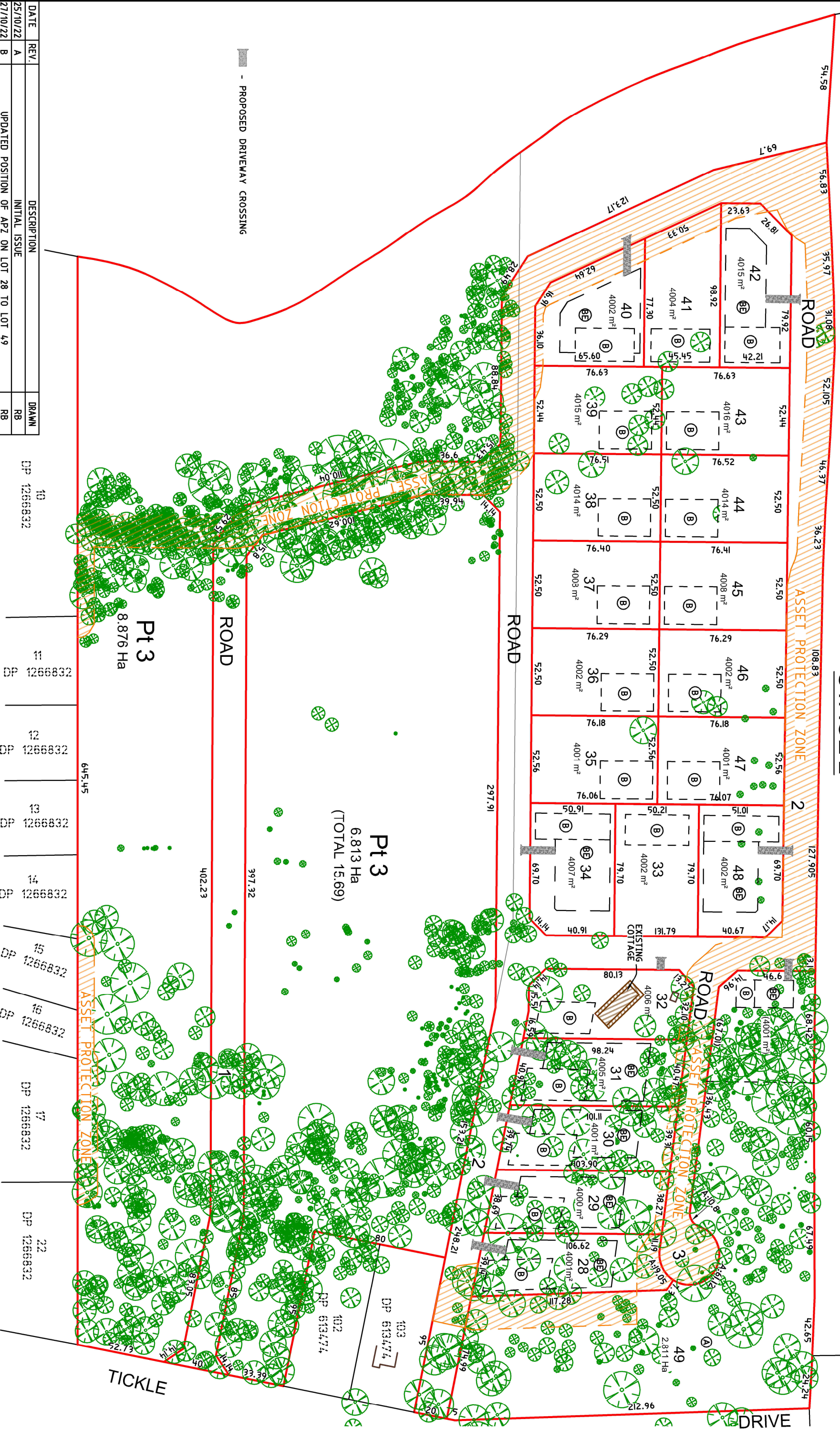
STAGING PLAN

STAGE 2

DP 885604



DP 1160702



- PROPOSED DRIVEWAY CROSSING

DATE	REV.	DESCRIPTION	DRAWN
25/10/22	A	INITIAL ISSUE	RB
27/10/22	B	UPDATED POSITION OF APZ ON LOT 28 TO LOT 49	RB
3/11/22	C	UPDATE PLAN AS PER DIL REQUEST	SW

Surveyor: PAUL BRANDON
of Australian Survey Solutions
Date of Drawing: 25 October 2022
Surveyor's Ref: 210901

STAGE 2 PLAN OF
SUBDIVISION OVER LOTS
101 AND 104 DP 613747

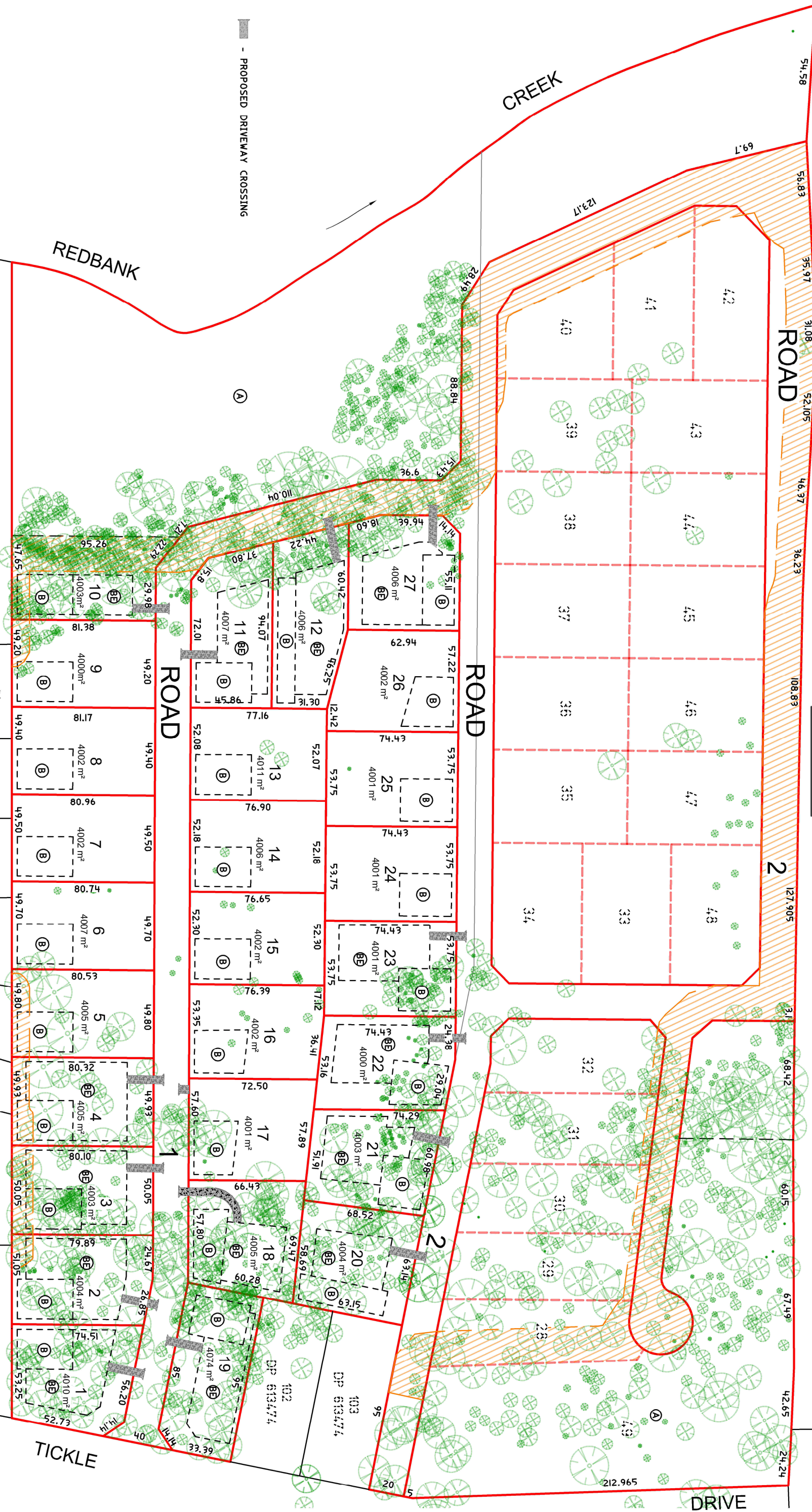
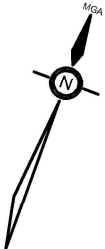
LGA: Wollondilly
Locality: Thirlmere
Subdivision No:
Lengths are in metres, Reduction Ratio: 1:1500

STAGE 2

- (A) - PROPOSED DENOTES RESTRICTION ON THE USE OF LAND (NO BUILDINGS PERMITTED)
- (B) - PROPOSED EFFLUENT MANAGEMENT AREA
- (BE) - PROPOSED BUILDING ENVELOPE

STAGING PLAN
STAGE 3
DP 885604

DP 1880702



DATE	REV.	DESCRIPTION	DRAWN
25/10/22	A	INITIAL ISSUE	RB
27/10/22	B	CHANGED NORTHERN BOUNDARY OF LOT 10 TO A SOLID LINE	RB
31/1/22	C	UPDATE PLAN AS PER DIL REQUEST	SW

DP 1266832	10	DP 1266832	11	DP 1266832	12	DP 1266832	13	DP 1266832	14	DP 1266832	15	DP 1266832	16	DP 1266832	17	DP 1266832	22
Surveyor: PAUL BRANDON of Australian Survey Solutions Date of Drawing: 25 Oct 2022 Surveyor's Ref: 210901																	
STAGE 3 PLAN OF SUBDIVISION OVER LOTS 101 AND 104 DP 613747																	
LGA: Wollondilly Locality: Thirlmere Subdivision No: Lengths are in metres, Reduction Ratio: #####																	
Registered																	
STAGE 3																	

10	20	30	40	50	60	Table of mm	90	100	110	120	130	140	150
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