

**Explanatory Note**  
**Wollondilly Shire Council ABN 93 723 245 808**  
**and**  
**Petton Pty Ltd**  
**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 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 Wollondilly Shire Council ABN 93 723 245 808 (the **Council**), and Petton Pty Ltd (the **Developer**).

**Description of the Subject Land**

The Planning Agreement applies to:

- Lot 1 of Deposited Plan 835288 known as 1550 Burraborang Road Oakdale NSW (**Subject Land**).

**Description of the Proposed Development**

The Developer is seeking to subdivide the Subject Land into 122 residential lots and carry out works for the associated infrastructure (including construction of bio retention basin, on site detention facility, new road construction and ancillary works), generally in accordance with Development Application 010.2016.00000412.001 (**Proposed Development**). The Developer has made an offer to the Council 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 monetary contributions as set out in Schedule 4 of the Planning Agreement (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 Wollondilly Local Environmental Plan 2011 (**LEP**).

The monetary contribution will be payable prior to the issue of the relevant Subdivision Certificate in accordance with Schedule 4 to the Planning Agreement.

The Developer is required to provide a bank guarantee.

The objective of the Planning Agreement is to facilitate the delivery of the Developer's contributions towards the provision of infrastructure, facilities and services referred to in clause 6.1 of the LEP.

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

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

In accordance with section 7.4(2) of the Act, the Planning Agreement has the following public purpose:

- (a) the provision of (or the recoupment of the cost of providing) transport or other infrastructure relating to land;
- (b) the provision of post construction maintenance of the bio-retention and on site detention (OSD) facility for a period of 5 years;
- (c) Dedication to Council of Lot 227 containing the on-site detention and floating wetland facility.

The Council 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:

- (a) the promotion of the orderly and economic use and development of land
- (b) the provision of land for public purposes; and
- (c) protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats

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 requires each Contribution Amount 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.