

EXPLANATORY NOTE

Draft Planning Agreement for 57, 63 & 83 Church Street and 44 Early Street Parramatta

Prepared in accordance with the requirements of Clause 25E of the Environmental Planning and Assessment Regulation 2000

Introduction

The purpose of this Explanatory Note is to provide a summary to support the public exhibition of a draft Planning Agreement (***Planning Agreement***) made pursuant to Section 93F of the Environmental Planning and Assessment Act 1979, in relation to a Planning Proposal for the site known as 57, 63 & 83 Church Street and 44 Early Street Parramatta.

This Explanatory Note has been prepared jointly by the parties, as required by Clause 25E(3) of the Environmental Planning and Assessment Regulation 2000.

Draft planning agreement

Draft Planning Agreement between Boyded Industries Pty Ltd and Parramatta City Council under s93F of the Environmental Planning & Assessment Act, 1979.

Parties to the planning agreement

The parties to the Planning Agreement are Boyded Industries Pty Ltd (***Landowner***) and Parramatta City Council (***Council***).

Description of the subject land

The Planning Agreement applies to No 57 Church Street (Lot 15 DP 651039, Lot 16 DP 12623 & Lot 114 DP129484), No 63 Church Street (Lot 20 DP 732622), No 83 Church Street (Lot 10 DP 733044) & 44 Early Street (Lot B DP 304570) (***Land***).

Description of the Planning Proposal

The Land is subject to a draft Planning Proposal (Council Ref: RZ/9/2011) that seeks to;

- Zone parts of the land B4 (Mixed Use) to allow residential development on the site, retain the B5 (Business Development) zone over part of the land and apply a RE1 (Public Recreation) zone to part of the land,
- Increase the maximum building heights from 12m to 90m (63 Church Street) and from 12m to 118m (83 Church & 44 Early Street),
- Increase the maximum Floor Space Ratio applicable to the site from 2:1 to 6.4:1 & 7.2:1.

Summary of objectives, nature and effect of the draft planning agreement

The objective of the Planning Agreement is to secure public benefits associated with the Planning Proposal and future redevelopment of the site. The nature and effect of

the Planning Agreement will involve the implementation of Landowner Obligations, as set out in the Planning Agreement, and include:

- The embellishment and dedication of land at 57 Church Street (1953m² in area) for use as public open space.
- Embellishment and footpath widening along the Church Street frontage of the land.
- Provision of a pedestrian thoroughfare through the central (63 Church Street) and northern (83 Church Street) portions of the land.
- The construction and dedication of a commercial suite (200m² in area) to Council.
- The payment of a cash contribution to Council's Section 94A fund of \$7.3 million dollars.

ASSESSMENT OF THE MERITS OF THE DRAFT PLANNING AGREEMENT

The planning purposes served by the draft planning agreement

In accordance with Section 93F(2) of the EPA Act, the Planning Agreement has the following public purposes:

- The provision of public amenities and facilities

The Landowner Obligations outlined in the Planning Agreement provide a suitable means for achieving these purposes.

How the draft planning agreement promotes the objects of the Environmental Planning and Assessment Act 1979

In accordance with Section 5 of the EPA Act, the Planning Agreement promotes the Objects of the EPA Act and specifically achieves the Objectives stated at Section 5(a)(i) to 5(a)(vii) in the following manner:

- Represents an orderly and economic use and development of land; and
- Provides land for public purposes and the provision of community facilities, through the implementation of the Landowner Obligations outlined within the Planning Agreement;

How the draft planning agreement promotes the public interest

The Planning Agreement is in the public interest as it will result in the dedication of a parcel of land embellished as a park for use as public open space to the benefit of the local community. In addition, the planning agreement will provide for footpaths and cycle-ways and through-site pedestrian links, an improved pedestrian environment and a monetary contribution to Council's Section 94A fund which delivers public infrastructure and services. These components will contribute towards meeting the present and future needs of the local community.

How the draft planning agreement promotes elements of Council's charter

In accordance with Clause 25E(2)(d), Council's charter is provided at Section 8 of the Local Government Act 1993. In this respect, the Planning Agreement promotes the Council's charter in the following ways:

- Provides adequate, equitable and appropriate services and facilities for the community, in the form of the Landowner Obligations, as outlined in the Planning Agreement; and
- Properly manages, develops, protects, restores, enhances and conserves the environment in a manner which is consistent with, and promotes the principles of, ecologically sustainable development.

Whether the agreement, amendment or revocation conforms with Council's capital works program

Council's Management Plan incorporates capital work projects aimed at providing and improving public open space and extending Council's city pedestrian and cycleway connections. In this respect, the provision of land for this purpose, as per the terms of the draft Planning Agreement, conforms to that intent.

Whether the agreement, amendment or revocation specifies that certain requirements of the agreement must be complied with before a construction certificate, occupation certificate or subdivision certificate is issued

The planning agreement requires the obligations of the planning agreement to be completed at various stages, as relevant, prior to components of the work reaching stages of completion and occupation certificates being issued for the Development.