

EXPLANATORY NOTE

Draft Planning Agreement for No 330 Church 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 an approved mixed use development on the site known as 330 Church 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 Karimbla Properties No.22 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 Karimbla Properties No. 22 Pty Ltd (**Developer**) and Parramatta City Council (**Council**).

Description of the subject land

The Planning Agreement applies to Lots 2 & 3, DP 788637 and Lot 101 DP1031459 known as 330 Church Street Parramatta (**Land**) and surrounds.

Description of the proposed development application

The Land is subject to an approved Major Project Application (Ref MP10_0171) comprising:

- Demolition of existing structures,
- Construction of a mixed use building (residential/retail/serviced apartments) including podium (3 storeys) and two towers (22 and 32 storeys) in height,
- Four levels of basement car parking accommodating 597 spaces,
- Further related works as detailed in the approved plans and determination issued by the Department of Planning & Infrastructure on 19 October 2012.

A modification application is currently being considered by the Department of Planning & Infrastructure which includes;

- Podium increased height by 1 storey (+ 3.1 metres);

- East Tower increased height by 5 storeys (+ 24.8 metres);
- West Tower increased height by 16 storeys (+ 59.5 metres);
- Increase in 17,594 sqm gross floor area;
- 158 additional residential apartments;
- 96 additional serviced apartments;
- 1,152 sqm less retail floor space;
- Deleted childcare centre;
- 112 additional car parking spaces; and
- Building signage on the serviced apartment tower

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 approved development. The nature and effect of the Planning Agreement will involve the implementation of Developer Obligations, as set out in the Planning Agreement, and include:

- The surrender of the current (50 year) lease over the Council owned car park located immediately adjacent to the development site.
- Demolition of the existing pedestrian bridge connecting the development site to the car park.
- The transfer of a 720m² parcel of Council owned land to the proponent for inclusion as part of the development site and the subsequent return of land to Council at no cost.
- The provision of public pedestrian access through or adjacent to the carpark to the foreshore area until such time as the lease is surrendered to Council.
- Provision of an easement for access over a portion of the site to allow for access to the rear of No. 328 Church Street
- The payment of a cash contribution to Council's Section 94A fund of \$2.76 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 Developer 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 Developer 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 delivery of a key piece of public land in an unencumbered state for potential future embellishment as public open space to the benefit of the local community. In addition, the planning agreement will provide 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 Developer's 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 improving public open space and extending Council's city and foreshore pedestrian and cycleway connections. In this respect, the provision of land in an unencumbered state (through the surrender of a long term lease), the terms of the Planning Agreement conform 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 works reaching levels of completion, occupation certificates being issued for the Development.