

## EXPLANATORY NOTE

### Draft Deed of Amendment to 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 Deed of Amendment (**Amendment Deed**) to the existing 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 Amendment Deed to the 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 existing 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 has been approved by the Department of Planning & Environment (Ref MP10\_0171 MOD 3) which includes an additional 2,268m<sup>2</sup> of GFA primarily located in an additional 6 levels on the eastern tower of the approved development.

The MOD 6 Approval requires the Developer and Council to enter into an additional Planning Agreement for additional cash contributions associated with the approved development.

### **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 additional approved development under MOD 6. The nature and effect of the Amendment Deed will involve the implementation of Developer Obligations, as set out in the Amendment Deed, and include:

- Two additional cash payments to Council, being
  - \$1,360,600 for additional floor space approved under MOD 6
  - \$386,558.16 towards Council's Section 94A fund.

### **ASSESSMENT OF THE MERITS OF THE DRAFT AMENDMENT DEED**

#### ***The planning purposes served by the draft amendment deed***

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

- The provision of funding for public amenities and facilities

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

#### **How the draft amendment deed promotes the objects of the Environmental Planning and Assessment Act 1979**

In accordance with Section 5 of the EPA Act, the Amendment Deed 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 funding for the provision of community facilities, through the implementation of the Developer Obligations outlined within the Planning Agreement;

#### ***How the draft amendment deed promotes the public interest***

The Amendment Deed is in the public interest as it will provide a further monetary contribution to Council's Section 94A fund which delivers public infrastructure and services. This will contribute towards meeting the present and future needs of the local community.

### ***How the draft Amendment Deed 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 Amendment Deed 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 funds can be applied to these elements through the Planning Agreement which 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 Amendment Deed maintains the same 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.