

EXPLANATORY NOTE

Draft Planning Agreement for 12-14 Phillip Street, 331A, 333 and 339 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 a Planning Proposal for the site known as 12-14 Phillip Street, 331A, 333 and 339 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 PCC DevCo1 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 PCC DevCo1 Pty Ltd (**Developer**) and Parramatta City Council (**Council**).

Description of the subject land

The Planning Agreement applies to No 12-14 Phillip Street and No 331A Church Street (Lot 1 DP 791693 & Lot 2 DP 791693), No 333 Church Street (Lot 3 DP 825045) & No 339 Church Street (Lot A DP 333263) (**Land**).

Description of the Planning Proposal

The Land is subject to a Planning Proposal (Council Ref: RZ/4/2013) that seeks to:

- Re-align the RE1 Public Recreation and B4 Mixed Use zone;
- Permit a maximum building height limit of 150 metres;
- Re-align the 12 metre height restriction for the Church Street frontage to match adjoining Church Street allotments;
- Set a maximum floor space ratio (FSR) of 12:1 on the site; and
- De-list a local heritage item at 333 Church Street from Schedule 5 (Environmental Heritage) of the City Centre LEP.

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 Developer Obligations, as set out in the Planning Agreement, and include:

A. Public Domain Works

The Developer will design, finance, construct and deliver to Council the following Public Domain Works:

- a. Embellishment of foreshore land on the South Bank of Parramatta River (between the Bernie Banton and Lennox Bridges) providing new pedestrian access and embellishment works;
- b. Embellishment of land known as Phillip Lane into a shared zone; and
- c. The design and implementation of Public Art Works to the South Bank of Parramatta River (between the Bernie Banton and Lennox Bridges).

B. Monetary Contribution

In addition to the Public Domain Works, the developer will pay to Council a monetary contribution of \$1,000,000.00 towards the Lennox Bridge Portals construction for the improvement of access to public foreshore areas.

NB: The site is also the subject of a project delivery agreement between (PDA) Council and the developer. This draft Voluntary Planning Agreement does not replicate or include the benefits that are otherwise the subject of the PDA. The components of this VPA described above are in addition to those public benefits that will be delivered to the community as part of the project delivery agreement which include:

- The design and construction of a Discovery Centre and Café and its dedication to Council;
- The contribution of monetary payment to Council for the fit-out of the Discovery Centre and
- A works in kind contribution to design and deliver the Public Domain Works.

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 embellishment of publicly owned land for passive recreation purposes through the implementation of the Developer Obligations outlined within the Planning Agreement.

How the draft planning agreement promotes the public interest

The draft planning agreement is in the public interest as it will result in the embellishment of currently degraded parcels of land for passive public open space and recreation purposes to the benefit of the local community. In addition, the planning agreement will provide for improved through-site pedestrian links and a monetary contribution to Council for the purposes of the adjacent Lennox Bridge portals project.

The components of the draft Planning Agreement 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

In accordance with the Civic Improvement Plan, the site is identified as a Special City Centre Project. The site is recognised as a strategic opportunity for achieving the objectives of the Civic Improvement Plan.

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.