

## PLANNING AGREEMENT FOR PARRAMATTA RSL DEVELOPMENT

### EXPLANATORY NOTE PURSUANT TO REGULATION 25E OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000

#### 1. Introduction

The purpose of this explanatory note is to provide a plain English summary to support the notification of the proposed planning agreement (**Planning Agreement**) prepared under Subdivision 2 of Division 6 of Part 4 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**).

#### 2. Parties to the Planning Agreement

The Parties to the Planning Agreement are Castle Hill RSL Club Ltd (**Developer**) and Parramatta City Council (**Council**).

#### 3. Land subject to the Planning Agreement

The land the subject to the Planning Agreement is Lot 362 DP 752058 known as 2 Macquarie Street, Parramatta NSW 2150 which is the site of the existing Parramatta RSL Club.

#### 4. Background to the Planning Agreement

On 15 September 2015, Council granted development consent DA/805/2013 for the demolition of existing buildings, removal of bowling greens and construction of a two storey club over 3 levels of basement car parking at Parramatta RSL Club (**Development Consent**).

Condition 26 of the Development Consent provides that a monetary contribution is payable to Council pursuant to Section 94A of the Act and the Parramatta City Centre Civic Improvement Plan.

To enable the monetary contribution to be directed towards a specific community project, the Developer has made an offer to enter into a planning agreement with Council requiring the payment of monetary contributions in lieu of the payment of a levy pursuant to Section 94A of the Act

To this extent the Developer has made an application to Council to modify the Development Consent for the development to enable the payment of a monetary contribution pursuant to the Planning Agreement.

The Planning Agreement is required in order to satisfy the Development Consent.

#### 5. Summary of the Objectives, Nature and Effect of the Proposed Agreement

The objectives, nature and effect of the Planning Agreement are to provide monetary contributions to Council for expenditure on public purposes and to assist Council to fulfil its obligations in the LGA.

Key features of the Monetary Contribution are:

- (a) The Developer will fund improvements to a childcare facility and another community infrastructure project which is to be provided by Council for the benefit of the community, as set out below:
  - (i) The Developer will contribute \$500,000 towards improvements to a childcare facility by instalments. The first instalment of \$100,000 is to be paid within five (5) business days of a Construction Certificate being issued for the works which are to be undertaken at the child care facility. The remaining \$400,000 is to be paid within five (5) business days of the first Occupation Certificate for the childcare facility being issued. This payment will be subject to CPI indexation.
  - (ii) The Developer will contribute \$1,000,000 by instalments towards a community infrastructure project which is to be agreed between the parties. The first instalment of \$200,000 is to be paid to Council prior to the issue of a Construction Certificate for construction of the approved multi-storey underground car park in accordance with the Development Consent. The remaining \$800,000 is to be paid prior to the issue of the first Occupation Certificate for the multi-storey underground car park. This payment will be subject to CPI indexation.

## **6. Assessment of the Merits of the Proposed Agreement**

### **How the Planning Agreement promotes the public interest and one or more of the objects of the Act**

In accordance with Section 93F(2) of the Act, the Planning Agreement will provide funding for expenditure relating to the provision of public amenities or public services.

The Planning Agreement is in the public interest as it will assist in the delivery of improvements to a childcare facility and a community infrastructure project to cater for the current and future needs of the community.

The Planning Agreement promotes the objects of the Act, in particular objects identified in Section 5(a)(iv) and 5(a)(v) of the Act which are to encourage provision of land for public purposes and provision and co-ordination of community services and facilities.

The Planning Agreement also promotes the objects of the Act as:

- (a) The development together with the Planning Agreement will represent an orderly and economic use and development of land.
- (b) The contributions under the Planning Agreement will provide community facilities through public works.

### **How the Planning Agreement promotes the elements of the Council's charter**

The charter for all councils is provided in Section 8 of the *Local Government Act 1993* (NSW) and provides objectives for Council to adhere to throughout its decision making and operation.

The Planning Agreement through the provision of a monetary contribution promotes the charter by providing adequate, equitable and appropriate services and facilities for the community.

### **Whether the Planning Agreement conforms with Council's capital works program**

The Planning Agreement will be providing funding for improvements to a childcare facility and a community asset project as identified in the recommended actions and works within the Parramatta Development Control Plan 2011 and Civic Improvement Plan.

### **Requirements relating to Construction and Occupation Certificates**

The Monetary Contributions are payable as follows:

- (i) The Developer will contribute \$500,000 towards improvements to a childcare facility by instalments. The first instalment of \$100,000 is to be paid within five (5) business days of a Construction Certificate being issued for the works which are to be undertaken at the child care facility. The remaining \$400,000 is to be paid within five (5) business days of the first Occupation Certificate for the childcare facility being issued. This payment will be subject to CPI indexation.
- (ii) The Developer will contribute \$1,000,000 by instalments towards a community infrastructure project which is to be agreed between the parties. The first instalment of \$200,000 is to be paid prior to the issue of a Construction Certificate for construction of the approved multi-storey underground car park in accordance with the Development Consent. The remaining \$800,000 is to be paid prior to the issue of the first Occupation Certificate for the multi-storey underground car park. This payment will be subject to CPI indexation.

## **7. Interpretation of Planning Amendment**

This explanatory note is not to be used to assist in construing the Planning Amendment.