

## EXPLANATORY NOTE

### Voluntary Planning Agreement 65-71 Cowper Street, Granville

#### ***Introduction***

The purpose of this Explanatory Note is to provide a summary to support the notification of a draft Voluntary Planning Agreement (***Planning Agreement***) made pursuant to Section 93F of the *Environmental Planning and Assessment Act 1979*, in relation to a development consent no. DA/683/2014 (***Consent***) as amended, being for alterations and additions to an approved shop top housing development at 65-71 Cowper Street, Granville (***Development***).

This Explanatory Note has been prepared jointly by the parties, as required by Clause 25E(3) of the *Environmental Planning and Assessment Regulation 2000*. This explanatory note is not to be used to assist in construing the Planning Agreement.

#### ***Parties to the Planning Agreement***

The parties to the Planning Agreement are G1 (Aust) Pty Ltd (***Developers***) and City of Parramatta Council (***Council***).

#### ***Description of the subject land***

The Planning Agreement applies to 65-71 Cowper Street, Granville, being Lot 1 DP 194680; Lot 21 Sec A DP 979437; Lot 1 DP 700183; and Lot 1 DP 594661 (***Land***).

#### ***Description of the proposed Development***

The Consent is for alterations and additions to an approved shop top housing development as approved by Council on 16 May 2015.

The Planning Agreement is sought to address condition no. 107A of the development consent issued to DA/683/2014. Condition 107A reads as follows;

*107A. Prior to the issue of an Occupation Certificate, a Voluntary Planning Agreement is to be entered into for the construction and dedication of the laneway at no cost to Council.*

The Planning Agreement will also ensure consistency with condition nos. 105 and 107, which read as follows:

*105. The area to contribute to the creation of the laneway as illustrated in the approved plans is to be constructed (including but not limited to, trafficable paving, drainage, driveway crossings, pedestrian safety and vehicle management) and is to be dedicated to Council, prior to the issue of the Occupation Certificate at no cost to Council. Council's Asset Strategy and Property Management are to be contacted to facilitate the dedication.*

107. *A stratum plan of subdivision to be created above and below the portion of the road that has the basement below it and the building above prior to issue of occupation certificate.*

Following analysis by Council, it was deemed that part of the land to be dedicated as public road under DA/683/2014 should be alternatively subject to an easement for access and an easement for support .A Section 96 application is currently being assessed by Council to modify the above conditions to reflect Council's request. The modified conditions are likely to read as follows and are consistent with the Planning Agreement as drafted:

105. *The area to contribute to the creation of the laneway as illustrated in the approved plans is to be constructed (including but not limited to, trafficable paving, drainage, driveway crossings, pedestrian safety and vehicle management) and is to be in part dedicated to Council, and in part subject to easement for access and easement for support, prior to the issue of the Occupation Certificate at no cost to Council. Council's Asset Strategy and Property Management are to be contacted to facilitate the dedication and easements.*
- 107 *Easements for access and support are to be created above and below the portion of the road that has the basement below it and the building above prior to issue of Occupation Certificate.*
- 107A. *Prior to the issue of the Occupation Certificate, a Voluntary Planning Agreement is to be entered into for the construction and part dedication of the laneway and part easement for access and easement for support as required by Council, at no cost to Council. Council's Land Use Team is to be contact to commence negotiations.*

### **Summary of objectives, nature and effect of the Planning Agreement**

The objective of the Planning Agreement is to secure delivery of land dedication, easements for access and support, and laneway construction applicable under the Consent. The nature and effect of the Planning Agreement will involve the implementation of Developer Obligations, as set out in the Planning Agreement, and include:

- Dedication of land as public road (approximately 135sqm); and
- Easement for support and access, variable in width limited in height and depth; and
- Construction of a laneway (including any pavement, footpath, kerb and guttering) at the rear of the site.

## **ASSESSMENT OF THE MERITS OF THE PLANNING AGREEMENT**

### ***The planning purposes served by the Planning Agreement***

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

- The provision of infrastructure relating to land.

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

### ***How the 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 community facilities (road), through the implementation of the Developer Obligations outlined within the Planning Agreement.

### ***How the Planning Agreement promotes the public interest***

The Planning Agreement is in the public interest as it will result in land dedication, easement for access and support, and construction of laneway for public purposes. These works will contribute towards meeting the present and future needs of the local community.

### ***How the Planning Agreement promotes the objects of the Local Government Act 1993***

The Planning Agreement is consistent with the following purposes of the *Local Government Act 1993*:

- To give Councils the ability to provide goods, services and facilities, and to carry out activities, appropriate to the current and future needs of local communities and the wider public.
- To give Councils a role in the management, improvement and development of the resources of their areas.

### ***How the 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 Developers' Obligations, as outlined in the Planning Agreement.

***Whether the Planning Agreement, amendment or revocation conforms with Council's capital works program***

Council's Corporate Plan incorporates capital work projects aimed at vehicular and pedestrian connections. In this respect, the terms of the Planning Agreement conforms to that intent.

***Whether the Planning Agreement specifies that certain requirements of the Planning Agreement must be complied with before a construction certificate, occupation certificate or subdivision certificate is issued***

All of the Works must be delivered to the Council in accordance with the Planning Agreement.

***The Impact of the Planning Agreement on the Public or any Section of the Public***

The Planning Agreement will not adversely affect the public in any manner as it places obligations on the Developers that will affect the Developers and the Land only.

The Planning Agreement will benefit the public because it will enable the delivery of new infrastructure.