

**DRAFT Explanatory Note**  
**Exhibition of draft Voluntary Planning Agreement**  
**87 Church Street and 6 Great Western Highway, Parramatta**

*Environmental Planning & Assessment Regulation 2000 (clause 25E)*

**Planning Agreement**

The purpose of this Explanatory Note is to provide a plain English summary to support the notification of a draft voluntary Planning Agreement (**the Planning Agreement**) under Section 93F of the *Environmental Planning and Assessment Act 1979* (**the Act**).

The Planning Agreement will require the provision of a monetary contribution and a covenant and easement for a proposed pedestrian bridge in connection with a proposed change to provisions of the *Parramatta Local Environmental Plan 2011* (**LEP**).

This Explanatory Note has been prepared jointly between the parties as required by clause 25E of the *Environmental Planning and Assessment Regulation 2000* (**the Regulations**).

This Explanatory Note is not to be used to assist in construing the Planning Agreement.

**Parties**

Arcadia Land Estate Pty Ltd ACN 609 955 704 (**the Developer**) made an offer to City of Parramatta Council (**the Council**) to enter into a voluntary Planning Agreement, in connection with a Planning Proposal relating to the subject land. WFM Motors Pty Ltd ACN 001 632 837 and NGP Investments (No 2) Pty Limited ACN 001 495 343 are the registered proprietors of the subject land.

**Description of subject land**

The land to which the Planning Agreement applies is described as Lot 1 DP 1009227 and Lot 100 DP 632636, known as 87 Church Street and 6 Great Western Highway, Parramatta (**the Land**).

**Description of the Planning Proposal to which the Planning Agreement applies**

The Land is subject to a draft Planning Proposal which seeks to;

- (a) increase the floor space ratio controls applying to the Land from 3.5:1 to 10:1 (not including any bonus floor space available for design excellence under the LEP);
- (b) increase the maximum height limit applying to the Land from 28m to 180m; and
- (c) require a minimum 20% of gross floor area in any development on the Land to be used for non-residential purposes.

**Summary of Objectives, Nature and Effect of the Planning Agreement**

**Monetary Contribution**

The Planning Agreement requires a monetary contribution in the amount of \$3,223,350 to be applied to public domain works in the Parramatta CBD. The monetary contribution will be indexed in accordance with increases in the Consumer Price Index from the date of the agreement to the date of payment.

The monetary contribution will be payable prior to the issue of the first Occupation Certificate for the Development.

### **Pedestrian Bridge**

The Planning Agreement requires a covenant and easement to be registered against the title to the Land, for the purposes of a pedestrian bridge over the Great Western Highway as required by Roads and Maritime Services (**RMS**). The covenant and easement are to be in favour of RMS and RMS' consent will be required to vary or release the covenant and easement.

If the RMS advises Council that the pedestrian bridge is no longer required, the Developer will be released from the obligation to register the covenant and easement.

Unless the Developer is released from the obligation, the covenant and easement for the pedestrian bridge must be registered prior to the issue of the first Occupation Certificate for the Development.

The pedestrian bridge will serve the purpose of improving pedestrian circulation and the amenity of the public domain in the vicinity of the Land

## **Assessment of the Merits of the Planning Agreement**

### **How the Planning Agreement Promotes the Objects of the Act and the public interest**

In accordance with section 5 of the EP&A Act, the Planning Agreement promotes the objects of the EP&A Act and specifically achieves the objectives stated in section 5 because it:

- (a) represents an orderly and economic use and development of the Land (s5(a)(ii)); and
- (b) provides land for public purposes and provides community facilities, through the payment of the contribution towards public domain works and reservation of land for a public pedestrian bridge (s5(a)(iv)&(v)).

The Planning Agreement promotes the public interest as it will result in the delivery of a number of public benefits including the enhancement of the public domain areas and improvement of pedestrian amenity near the Land, contributing towards meeting the present and future social and economic needs of the local community.

The proposed contributions under the Planning Agreement are consistent with the Council's strategic plans and policy documents.

### **The Planning Purposes served by the Planning Agreement**

In accordance with section 93F(2) of the EP&A Act, the Planning Agreement has the following planning purposes:

- The provision and improvement of public domain areas.
- Improvement of pedestrian movement and the creation of new pedestrian connections.
- Improved pedestrian amenity in the vicinity of the Development.

The Planning Agreement provides a reasonable means for achieving the abovementioned public purposes on the basis that the Planning Agreement:

- stipulates the timing for the contributions; and
- restricts the progression of the development unless the obligations are met.

### **How the Planning Agreement promotes the objectives of the *Local Government Act 1993* and the elements of the Council's Charter**

The Planning Agreement and the exhibition of the agreement and the planning proposal are consistent with the following purposes set out in section 7 of the *Local Government Act 1993*:

- to facilitate engagement with the local community by councils, councillors and other persons and bodies that constitute the system of local government,
- to provide for a system of local government that is accountable to the community and that is sustainable, flexible and effective.

By enabling Council to provide public amenities and improve public domain areas, the Planning Agreement is consistent with the following guiding principles for councils, set out in section 8A of the *Local Government Act 1993* (replacing the Council's Charter):

- Councils should provide strong and effective representation, leadership, planning and decision-making.
- Councils should carry out functions in a way that provides the best possible value for residents and ratepayers.
- Councils should plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
- Councils should manage lands and other assets so that current and future local community needs can be met in an affordable way.
- Councils should consider the long term and cumulative effects of actions on future generations.
- Councils should consider the principles of ecologically sustainable development.
- Councils should actively engage with their local communities, through the use of the integrated planning and reporting framework and other measures.

#### **Whether the Planning Agreement Conforms with the Council's Capital Works Program**

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 the Land for this purpose, as per the terms of the draft Planning Agreement, conforms to that intent.

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

The Planning Agreement requires the registration of the covenant and easement for the pedestrian bridge prior to the issue of the first Occupation Certificate.