

**EXPLANATORY
NOTE
Planning Agreement for
2-10 Phillip Street,
Parramatta**

Prepared in accordance with the requirements of Clause 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 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*.

2. Parties

The parties to the draft Planning Agreement are:

- The City of Parramatta Council (the “**Council**”)
- 8 Phillip Street Pty Ltd (the “**Developer**”)

3. Description of Subject Land

The draft Planning Agreement applies to land identified at 2-10 Phillip Street, Parramatta comprised of Lot 1 DP986344, Lot 2 DP986344, Lot 1 DP228697 (“**Subject Land**”).

4. Description of Planning Proposal

The draft Planning Agreement is associated with planning proposal RZ/13/2014 which seeks to amend the Parramatta Local Environmental Plan 2011, to increase the maximum floor space ratio from 6:1 to 10:1 and maximum building height from 80 metres to 192 metres, and to apply three new site specific clauses that enables the following:

- Of the 10:1 FSR, a minimum of 1:1 must be provided as commercial floor space.
- An additional FSR of 5.5:1 only where the additional floor space is for a commercial premise.
- A maximum car parking rate that is in accordance with the CBD Strategic Transport Study.

(the “**instrument change**”)

The proposed development is described as a mixed use development with a Gross Floor Area (GFA) of approximately 39, 219 m². Concepts of the proposed building form demonstrate a single tower form that provides retail, dining and office suites in the lower levels of the development, followed by a hotel use and approximately 330 residential units in the remaining tower levels above.

5. Summary of Objectives, Nature and Effect of the Draft Planning Agreement

The objective of the Planning Agreement is to provide public benefits in the form of:

- 1) A Monetary Contribution of \$1,384,200 to be used towards community infrastructure within the Parramatta CBD.
- 2) Developer Works relating to the construction of a 3-metre-wide footpath on Phillip Lane, that shall be designed to be integrated into Phillip Lane, as identified in Item 5 Schedule 1 of the draft planning agreement.
- 3) The creation of an Easement over a 3-metre-wide footpath on Phillip Lane. The Easement will provide a 'right-of-carriageway' over the footpath and improve pedestrian amenity, by providing improved public access through Phillip Lane, and increasing connectivity to the River Foreshore.

6. Assessment of the Merits of the Draft Planning Agreement

How the draft planning agreement promotes the public interest

The draft Planning Agreement is in the public interest as it will contribute \$1,384,200 to be used towards community infrastructure within the Parramatta CBD.

The Developer Works and creation of an Easement over the 3-metre-wide footpath will provide a right-of-carriageway, and improve pedestrian amenity near the land, by improving the quality and safety of public access through Phillip Lane.

How the draft planning agreement promotes the objects of the Environmental Planning and Assessment Act 1979

In accordance with Part 1 Section 5 of the Act, the draft Planning Agreement promotes the following Objects of the Act:

(ii) the promotion and co-ordination of the orderly and economic use and development of the land.

(iv) the provision of land for public purposes

(v) the provision and co-ordination of community services and facilities, through the monetary contribution

The Planning Agreement promotes the public interest as it will require the Developer to pay a monetary contribution to Council to be used towards community infrastructure within Parramatta CBD. Further, the Developer Works and Easement will also result in the improvement of pedestrian amenity for public purposes.

How the draft planning agreement promotes elements of Council's Charter

The charter for all councils is provided at Clause 8 of the Local Government Act 1993 and provides objectives for Council to adhere to throughout its decision making and operation. The following objectives outlined in the Local Government Act are achieved through the deliverables of the draft Planning Agreement:

- (b) Councils should carry out functions in a way that provides the best possible value for residents and ratepayers.*
- (c) Councils should plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulations to meet the diverse needs of the local community.*
- (g) Councils should work with others to secure appropriate services for local community needs.*

The planning purposes served by the draft planning agreement

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

- (a) The provision of (or the recoument of the cost of providing) public amenities or public services.*

The objectives of the draft Planning Agreement (as outlined in Part 5) will provide a suitable means for achieving this purpose.

Whether the agreement, amendment or revocation conforms with Council's capital works program

The Planning Agreement will be providing a monetary contribution to assist with community infrastructure. The monetary contribution will be spent on works to be carried out by Council on Council land. In this respect, the terms of the Planning Agreement 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 Monetary Contribution to be used towards community infrastructure within Parramatta CBD is required to be paid prior to the issue of the first Construction Certificate.

The Developer Works are to be carried out prior to the issue of an Occupation Certificate for the development.

The creation of the Easement will occur when the instrument is registered at the Land and Property Information NSW (LPI) which must occur prior to the issue of the final occupation certificate.