

DRAFT Explanatory Note
Exhibition of draft Voluntary Planning Agreement
220-230 Church Street and 48 Macquarie Street, 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 7.4 of the *Environmental Planning and Assessment Act 1979 (the Act)*.

The Planning Agreement will require the provision of a monetary contribution in connection with a proposed change to provisions of the *Parramatta Local Environmental Plan 2011 (LEP)*, but only if more than 24,179 square metres of the gross floor area of the development is to be used for, or in connection with, residential purposes.

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

G&J Drivas Pty Ltd and Telado Pty Ltd (**the Developers**) 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. The Developers are the registered proprietors of the subject land.

Description of subject land

The land to which the Planning Agreement applies is described as:

- (a) Lot 1 DP 702291 known as 230 Church Street
- (b) Lot 1 DP 1041242 known as 220 Church Street, and
- (b) Lot B DP 394050 known as 48 Macquarie Street, Parramatta (together, **the Land**).

Description of the Planning Proposal to which the Planning Agreement applies

The Land is subject to a draft Planning Proposal (RZ/10/2015) which seeks to;

- (a) increase the maximum floor space ratio for the Land from 3:1, 6:1 and 10:1 to 10:1 across the whole site;
- (b) apply a new height control prohibiting overshadowing between 12pm to 2pm of the protection area of public domain within the Parramatta Square;
- (c) make consequential amendments to site specific provisions about overshadowing; and
- (d) apply maximum parking rates to the Land;

Summary of Objectives, Nature and Effect of the Planning Agreement

Monetary Contribution

If the gross floor area of the development to be used for, or in connection with, residential purposes is greater than 24,179 square metres, the Planning Agreement requires a monetary contribution in the amount of \$1,813,650.00 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 in instalments as the Development progresses, with the full amount payable prior to the issue of an Occupation Certificate for the Development or prior to the registration of any Strata Plan for the Development, whichever is earlier.

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 1.3 of the Act, the Planning Agreement promotes the objects of the Act and specifically achieves the objectives stated in section 1.3 because it:

- (a) promotes the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources (s1.3(a));
- (b) promotes the orderly and economic use and development of the Land (s1.3(c)); and
- (c) promotes good design and amenity of the build environment (s1.3(g))

through the payment of the contribution towards public domain improvements in the vicinity of the proposed Development.

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 public 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 7.4(2) of the Act, the Planning Agreement will require contributions towards public purposes, including the provision of public amenities or public services. The Planning Agreement will provide for the improvement of public domain areas in the vicinity of the proposed development, and will improve amenity in the Parramatta CBD.

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 contributions to improve public domain areas 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 payment of instalments of the monetary contribution prior to the issue of a Construction Certificate and prior to the issue of an Occupation Certificate.