

Explanatory Note
Exhibition of draft Voluntary Planning Agreement
City of Parramatta Council and JKN Para Pty Ltd
Lot 1 DP No.1214839
known as 189 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 JKN Para Pty Ltd (**the Developer**) to provide a material public benefit by making a monetary contribution of \$2,424,603.00 (**Monetary Contribution**). The offer to enter into a Planning Agreement is made in connection with a planning proposal (**Planning Proposal**) to amend 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 Regulation**).

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

Parties

The Parties to the Planning Agreement are the City of Parramatta Council, JKN Para Pty Ltd, Toplace Pty Ltd and Jean Nassif. Toplace Pty Ltd and Jean Nassif are the Guarantor of the Developer's obligations under the Planning Agreement.

Description of subject land

The land to which the Planning Agreement applies is described as Lot 1 DP1214839, known as 189 Macquarie Street Parramatta (**the Land**).

Description of the Instrument Change to which the Planning Agreement applies

The Developer has made an offer to enter into the draft Planning Agreement with the Council in connection with a Planning Proposal which seeks to amend clause 7.9 of the LEP to:

- (a) increase the permitted building height for the Land from 91.3m to 167m and;
- (b) the floor space ratio for the Land from 6.9:1 to 10:1 [being 11.5:1 with design excellence].

Summary of Objectives, Nature and Effect of the Planning Agreement

The draft Planning Agreement requires the payment of a monetary contribution of \$2,424,603.00, which is to be applied towards the provision of community infrastructure within the Parramatta City Centre. 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.

The Planning Agreement:

- does not exclude the application of section 7.11, section 7.12 or section 7.24 of the *Environmental Planning and Assessment Act 1979*
- requires the Developer to make the Monetary Contribution which is to be applied towards the provision of community infrastructure within the Parramatta City Centre
- is to be registered on the title of the Land
- imposes restrictions on the Developer assigning or dealing with any right under the Planning Agreement without the prior written consent of the Council
- provides a dispute resolution method for resolving a dispute under the agreement
- provides that the agreement is governed by the law of New South Wales

Assessment of the Merits of the Planning Agreement

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

The Planning Agreement promotes the following objectives of the *Environmental Planning and Assessment Act 1979*:

- 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;
- promotes the co-ordination of the orderly and economic use and development of land;
- promotes good design and amenity of the built environment.

The Planning Agreement promotes these objectives through the payment of the Monetary Contribution which will enable the Council to provide community infrastructure within the Parramatta City Centre.

The Planning Purposes served by the Planning Agreement

The Planning Agreement requires that the Monetary Contribution be applied towards the provision of community infrastructure within the Parramatta City Centre which will improve public domain areas and the amenity within the City Centre.

How the Planning Agreement promotes the objectives of the *Local Government Act 1993* and the guiding principles for Councils

The Planning Agreement is consistent with the following guiding principles for Councils contained in section 8A of the *Local Government Act 1993*:

- 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.

The Planning Agreement is consistent with the following guiding principles for Councils contained in section 8C of the *Local Government Act 1993*:

- Councils should identify and prioritise key local community needs and aspirations and consider regional priorities.
- Councils should manage risks to the local community or area or to the council effectively and proactively.

The Planning Agreement is consistent with these guiding principles because:

- It will assist the Council in the provision of community infrastructure in the Parramatta City Centre.

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

The Planning Agreement is consistent with Council's capital works program.

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 Monetary Contribution to be paid in instalments, with 25% to be paid upon execution of the agreement, 50% payable prior to the issue of any construction certificate for development resulting from the amendment to the LEP sought by the Planning Proposal and the remaining 25% payable prior to the issue of an occupation certificate for the development or registration of a strata plan (whichever is earlier).