

Explanatory Note

Exhibition of draft Voluntary Planning Agreement

Lot 10, Section 1, DP 976, Lot 11 Section 1, DP 976, Lot 12 Section 1, DP 976, Lot 13 Section 1, DP 976, Lot 14 DP 182289, and Lot A DP 349279, known as 33-43 Marion 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 (**Planning Agreement**) under section 7.4 of the *Environmental Planning and Assessment Act 1979 (Act)*.

The Planning Agreement will require the provision of a Monetary Contribution (as indexed) in connection with a proposed change to provisions of the *Parramatta Local Environmental Plan 2011 (LEP)*. The value of the Monetary Contribution will be based on the outcome Planning Proposal currently on exhibition, and will be based on a \$ / m² rate for additional residential floorspace facilitated by the Planning Proposal. The \$/ m² rate will be based on the greater of \$150/m², or the \$ / m² rate to be determined by Council's Community Infrastructure Policy in force at the time of execution of the planning agreement.

The Planning Agreement also requires the registration of an easement for public access relating to the area within 3 metres of the northern, eastern, and western setbacks of the future development.

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

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

Parties

The Landowners made an offer to City of Parramatta Council (**Council**) to enter into a Voluntary Planning Agreement, in connection with a Planning Proposal.

Description of subject land

The land to which the Planning Agreement applies is described as Lot 10, Section 1, DP 976, Lot 11 Section 1, DP 976, Lot 12 Section 1, DP 976, Lot 13 Section 1, DP 976, Lot 14 DP 182289, and Lot A DP 349279, known as 33-43 Marion Street, Parramatta; (**Land**).

Description of the Planning Proposal to which the Planning Agreement applies

The Planning Agreement applies to Planning Proposal PP_2018_COPAR_001_00 subject to Gateway Determination dated 23 July 2018 (as amended), which seeks to amend the LEP by:

- a. amending the maximum building height control for the Land from 12 metres to no height limit;
- b. increasing the maximum floor space ratio (FSR) control for the Land from 2:1 to 6:1, excluding incentives for design excellence and high performing buildings; and
- c. delisting heritage items at 37 Marion Street (I731), 31 Marion Street (I730) and 29 Marion Street (I729) from Schedule 5 Environmental Heritage of the Parramatta Local Environmental Plan 2011.

Summary of Objectives, Nature and Effect of the Planning Agreement

Monetary Contribution

The value of the Monetary Contribution is to be calculated on the basis of \$150/m² for additional residential floor space facilitated by Planning Proposal, compared to the current floor space permitted under the existing controls in the LEP.

The value of the Monetary Contribution will be reduced by the value of any embellishment works required to be carried out to the northern, eastern, and western setbacks of the Land by the Landowner to make the Land publically accessible (as determined by a quantity surveyor).

Works

The Planning Agreement does not propose any works in kind.

Land

The Planning Agreement does not propose the dedication of land. As mentioned above however, the Planning Agreement proposes the grant of an easement for public access relating to the area within 3 metres of the northern, eastern, and western setbacks of the future development.

Assessment of the Merits of the Planning Agreement

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

The draft Planning Agreement promotes the following objectives of the Act:

- to promote the orderly and economic use and development of land; and
- to promote good design and amenity of the built environment.

The draft Planning Agreement promotes the public interest as it will result in the improvement of the public domain within the Parramatta CBD.

The Planning Purposes served by the Planning Agreement

In accordance with section 7.4(2) of the Act, the Planning Agreement will require contributions to be used towards the provision of community infrastructure within the Parramatta CBD.

The Planning Agreement will also serve the public purpose of enhancing accessibility within the Parramatta CBD and public transport facilities.

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

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; and
- to give councils a role in the management, improvement and development of the resources of their areas.

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 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 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 following to be satisfied prior to the issue of a construction certificate: 75% payment of the monetary contribution or provision of a bank guarantee in lieu of that payment.

The Planning Agreement requires the whole of the monetary contribution to have been paid prior to the issue of an occupation certificate.