

**Explanatory Note**  
**Exhibition of draft Voluntary Planning Agreement**  
**Lot 22 in DP790287, known as 142-154 Macquarie Street**  
**Parramatta**

*Environmental Planning and 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 towards the provision of community infrastructure, the completion of public domain works, the granting of rights of public access, the dedication of land and the granting of a licence in connection with a proposed change to provisions of the *Parramatta Local Environmental Plan 2011* (**LEP**) at Lot 22 in DP 790287 also known as 142-154 Macquarie Street, Parramatta.

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

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

**Parties**

Landmark East Pty Ltd (ACN 166 816 011) (**the Developer**) has made an offer to City of Parramatta Council (ABN 49 907 174 773) (**the Council**) to enter into a Voluntary Planning Agreement, in connection with a Planning Proposal relating to the subject land.

The Parties to the Planning Agreement are the Council as the relevant planning authority. Landmark East Pty Ltd as the Developer and landowner.

**Description of subject land**

The land to which the Planning Agreement applies is described as Lot 22 in DP 790287, known as 142-154 Macquarie Street, Parramatta (**the Land**).

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

Planning Proposal (RZ/15/2014) for land the land seeks amendments to the LEP. The specific provisions of the Planning Proposal seek to:

- amend the maximum building height from 54 metres to 157 metres; and
- amend the maximum Floor Space Ratio (**FSR**) from 4:1 to 7:1 (or 8:1 with design excellence).

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

### **Monetary Contribution**

The Planning Agreement requires a monetary contribution in the amount of \$4,743,370.50.

### **Works Contribution**

The Planning Agreement requires public domain works including a new public open space, public squares and shared lanes.

### **Land Contribution**

The Planning Agreement requires:

- a dedication of part of the Land (524.125m<sup>2</sup>) for the purpose of widening Macquarie Street;
- the creation of interests through the grant of access to certain areas within the Land that will remain in the ownership of the Developer; and
- the creation of access rights over parts of the Land to the benefit of Council for the carrying out of road or light rail works until that land is dedicated.

## **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 objective of the *Environmental Planning and Assessment Act 1979*:

- (c) to promote the orderly and economic use and development of land,

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 Central Business District (**CBD**);
- undertake public domain works;
- grant public access rights over the proposed public domain; and
- dedicate land for the purpose of the Parramatta Light Rail.

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

The monetary contribution will be used towards community infrastructure within Parramatta CBD.

The works contribution will be used to increase amenity within the public domain areas.

The land contribution will be used to increase the width of Macquarie Street and to allow access by Council and Parramatta Light Rail to certain parts of the Land.

## **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;
- to give councils a role in the management, improvement and development of the resources of their areas; and
- Councils should work with others to secure appropriate services for local community needs.

The Planning Agreement promotes the following element of the Council's Charter:

- to provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively

This element of the Council's Charter is promoted through the provision of community infrastructure in Parramatta CBD.

## **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 following to be satisfied at the time of execution:

- The granting of the access licence in favour of Council

The Planning Agreement requires the following to be satisfied prior to the issue of a construction certificate:

- The payment of monetary contribution in three equal amounts in relation to each tower comprising part of the development; and
- The dedication of land to Council.

The Planning Agreement requires the following to be satisfied prior to the issue of an occupation certificate:

- The Public Domain Works with granting rights of public access to occur upon practical completion of the public domain works.