

Explanatory Note
Exhibition of draft Voluntary Planning Agreement
Lot 156 DP 1240854, known as 10-12 Hassall 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 Monetary Contributions in connection with a proposed change to provisions of 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 Regulations**).

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

Parties

Parra Rise Pty Limited (**the Developer**) 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.

Description of subject land

The land to which the Planning Agreement applies is described as Lot 156 DP 1240854 known as 10-12 Hassall Street, Parramatta (**the Land**).

Description of the Planning Proposal to which the Planning Agreement applies

The Developer has proposed an amendment of the Parramatta Local Environmental Plan 2011 in response to planning proposal (reference RZ/15/2016) seeking the following:

- (a) An amendment to the Height of Building Map to increase the maximum building height for the Land from 72m to 192m.
- (b) An amendment to the Floor Space Ratio (**FSR**) Map to increase the maximum floor space ratio for the Land from 8:1 to 14.5:1.
- (c) Addition of a site specific clause that provides:
 - (i) that while the 14.5:1 FSR is inclusive of a design excellence bonus, the proposed development will be required to undergo a design excellence process in accordance with clause 7.10 of the Parramatta LEP 2011;
 - (ii) a requirement for 1:1 floor space ratio of commercial floor space within the development, and that this is to be provided within the 14.5:1 FSR;
 - (iii) for an additional 0.5:1 FSR achievable, provided that high performing buildings standards are met (bringing FSR total to 15:1);
 - (iv) an additional 1:1 FSR achievable for non-residential floor space, with this additional 1:1 FSR being excluded from the overall FSR of 15:1. In this instance,

- “non-residential” floor space is to be defined as any uses which are otherwise permissible within the B4 Zone, excluding any residential uses;
- (v) that the high-performing buildings incentive floor space and additional 1:1 non-residential floor space are not subject to any additional Design excellence bonus;
 - (vi) a requirement for the development to demonstrate an appropriate transition to any heritage items or conservation areas; and
 - (vii) maximum car parking rates, in line with the resolution of City of Parramatta Council on 10 April 2017 with regards to parking rates in the CBD Planning Proposal.
- (d) Inclusion of a satisfactory arrangements clause to enable the funding of state infrastructure.
 - (e) An amendment to Clause 7.6 of the Parramatta LEP 2011 (pertaining to Airspace operations) to ensure that Clause 7.6 applies to this site.

Summary of Objectives, Nature and Effect of the Planning Agreement

Monetary Contribution

The Planning Agreement requires a monetary contribution in the amount of \$2,928,375.00, indexed in accordance with the consumer price index. The Monetary Contribution is to be paid to Council in the following instalments:

- (a) 25% of the Monetary Contribution upon issue of a Development Consent for the Development of the Land.
- (b) 50% of the Monetary Contribution prior to the issue of a Construction Certificate for the Development.
- (c) 25% of the Monetary Contribution prior to the issue of an Occupation Certificate for the Development, or the occupation of any building forming part of the Development, whichever occurs first.

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:

- (d) 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));
- (e) promotes the orderly and economic use and development of the Land (s1.3(c)); and
- (f) promotes good design and amenity of the built environment (s1.3(g))

through the payment of the contribution towards community infrastructure 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 community infrastructure 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 community infrastructure. The Planning Agreement will provide for the improvement of community infrastructure in the vicinity of the proposed development, and will provide for needs of the general public within the Parramatta City Centre.

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 (now section 8A)

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 community infrastructure to serve the needs of the general public, 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 community infrastructure. In this respect, the provision of the contributions for the purpose of providing community infrastructure in the Parramatta City Centre 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.