

# **Explanatory Note**

## **Exhibition of draft Voluntary Planning Agreement**

### **20-22 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 the future development of the land contains a residential component.

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**

Praxis Capital Pty Ltd ACN 166 624 031 (**Proponent**) and M20 Pty Ltd (**Landowner**), together the “Developer Parties”, 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 1 DP 503651 and Lot 1 DP 501663, known as 20-22 Macquarie Street, Parramatta (**Land**).

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

The Land is subject to a draft Planning Proposal (RZ/21/2015) which seeks to;

- (a) increase the maximum floor space ratio for the Land from 4:1 to 10:1; and
- (b) increase the maximum building height for the Land from 36m to 90m.

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

### **Monetary Contribution**

If the future development of the Land contains a residential component, the Planning Agreement requires a monetary contribution in the amount of \$1,107,000.00 to be applied to public domain improvement works within the Parramatta CBD, the provision of affordable housing (to the value of 10% of the value uplift) and towards Council’s Cultural Plan (“Culture and Our City: A Cultural Plan for Parramatta’s CBD 2017-2022”) as determined by Council to be necessary to accommodate the anticipated population growth in the Parramatta Central Business District. 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.

### **Public Access Easement**

The Planning Agreement requires the Developer Parties to register a covenant and easement to allow public pedestrian access over an area of the Land along the length of the boundary adjacent to Marsden Road that is 2m wide and limited in depth to 100mm below ground to accommodate tiling and bedding, and limited in height to 4m (**Setback Area**). A plan showing the setback area will be attached to the Planning Agreement.

## **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));
- (c) promotes the delivery and maintenance of affordable housing (s1.3(d)); and
- (d) promotes good design and amenity of the build environment (s1.3(g)),

through the payment of the contribution towards public domain improvement works, affordable housing and towards Council's Cultural Plan and by requiring an easement for public pedestrian access along Marsden Street.

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 affordable housing needs and 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 pedestrian 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 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 wide public;
- to facilitate engagement with the local community by councils, councillors and other persons and bodies that constitute the system of local government; and
- 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 delivery of contributions prior to the issue of a Construction Certificate and prior to the issue of an Occupation Certificate for the Development.