

Explanatory Note

Exhibition of draft Voluntary Planning Agreement

Lot 1 in DP 710335 and Lot 1 in DP233150, known as 197-207 Church Street and 89 Marsden 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 (only if the future development of the Land contains a residential component) and an easement for public access in connection with a proposed change to provisions of the Parramatta Local Environment 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

Holdmark Properties Pty Ltd (**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.

Description of subject land

The land to which the Planning Agreement applies is described as Lot 1 DP 710335 and Lot 1 DP233150, known as 197-207 Church Street and 89 Marsden Street, Parramatta (**the Land**).

Description of the Planning Proposal to which the Planning Agreement applies

The Planning Proposal numbered PP_2016_COPAR_015_00 (as modified) will amend the provisions of the LEP applying to the Land including to:

- (a) Apply a maximum floor space ratio of 10:1
- (b) Apply a maximum building height of part 105 metres and part 12 metres
- (c) Require a minimum 1:1 commercial floor space in any redevelopment and allow for unlimited commercial floor space
- (d) Apply car parking rates under clause 7.14 of the LEP, and
- (e) Provide a satisfactory arrangements clause to enable contributions to be levied for State public infrastructure.

Summary of Objectives, Nature and Effect of the Planning Agreement

Monetary Contribution

The Planning Agreement requires a monetary contribution to be offered if development consent is granted that includes use of the Land or any part of the Land for residential purposes.

Land

The Planning Agreement requires the grant of an easement for public access along the boundary of the Land adjacent to Marsden Road.

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 *Environmental Planning and Assessment Act 1979*:

- To promote the orderly and economic use and development of land (s1.3(c)), and
- To promote good design and amenity of the built environment (s1.3(g)).

The draft Planning Agreement promotes the public interest by requiring an easement for public access for the purposes of widening the pedestrian footpath along Marsden Road. Any monetary contribution made under the Planning Agreement will be used to deliver public benefits including the improvement of public domain within the locality of the Development.

The Planning Purposes served by the Planning Agreement

That an easement will be granted for the purposes of widening the public footpath along Marsden Road, providing for pedestrian access and amenity for residents, works and other visitors to the locality. The improvement of the public domain through the delivery of benefits under the Planning Agreement will contribute to addressing the needs of residents and others in the locality created by future development.

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 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;

By enabling Council to provide public infrastructure and facilities, the Planning Agreement is consistent with the following guiding principles of 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 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 following to be satisfied prior to the issue of an occupation certificate:

- The grant of an easement for public access 2 metres wide along the boundary of the Land adjacent to Marsden Road.