

Explanatory Note
Exhibition of draft Planning Agreement
195 Church Street, Parramatta
65-75 Macquarie Street, Parramatta
77 and 79 Macquarie Street, Parramatta
38 and 45 Hunter Street, Parramatta

Environmental Planning & Assessment Regulation 2021 (clause 205)

Draft Planning Agreement

The purpose of this Explanatory Note is to provide a plain English summary to support the notification of a draft 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 carrying out of works, provision of access and monetary contributions towards the delivery of public infrastructure and amenities, in connection with a Planning Proposal and proposed development of land known as 195 Church Street, 65-75 Macquarie Street, 77 and 79 Macquarie Street and 38 and 45 Hunter Street, Parramatta.

This Explanatory Note has been prepared having regard to the requirements in clause 205 of the *Environmental Planning and Assessment Regulation 2021 (the Regulations)*.

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

Parties

Anglican Church Property Trust Diocese of Sydney (**the Developer**) made an offer to Parramatta Council (**the Council**) to enter into a Planning Agreement, in connection with a Planning Proposal relating to the subject land.

The Developer and the Council are the only parties to the proposed Planning Agreement.

Description of subject land

The land to which the Planning Agreement applies (**the Land**) is set out in the table below extracted from Schedule 4 of the Planning Agreement:

Address	Lot and DP Reference	Registered Proprietor (as at the proposed date of the agreement)
195 Church Street, Parramatta	Lots 1 and 2 DP 1110057	Anglican Church Property Trust Diocese of Sydney
65-75 Macquarie Street, Parramatta	Lots E to I DP 15108	Anglican Church Property Trust Diocese of Sydney
77 Macquarie Street, Parramatta	Lot J DP 15108	Anglican Church Property Trust Diocese of Sydney

Address	Lot and DP Reference	Registered Proprietor (as at the proposed date of the agreement)
79 Macquarie Street, Parramatta	Lot K DP 15108	Anglican Church Property Trust Diocese of Sydney
38 Hunter Street, Parramatta	Lot M DP 15108	Anglican Church Property Trust Diocese of Sydney
45 Hunter Street, Parramatta	Lots 1 and 2 DP 575473	Anglican Church Property Trust Diocese of Sydney

Description of the Change to the Environmental Planning Instrument to which the Planning Agreement applies

The Planning Agreement is offered in connection with Planning Proposal PP_2020_COPAR_001_00 seeking amendment of the *Parramatta Local Environmental Plan 2011 (LEP)* to rezone and amend the land use zoning, floor space ratio and height controls in the LEP and to include site specific provisions in respect of the lands described above, but which are more commonly known as the St John's Cathedral site.

The proposed amendments to the Planning Proposal are set out in Annexure B of the Planning Agreement and include:

- (a) rezoning the land from part B4 – mixed use and SP1 – Special Activities (Place of Public Worship) to part B3 Commercial Core and B4 – Mixed Use and part SP1 – Special Activities (Place of Public Worship);
- (b) increase the FSR controls on those parts of the site to be B3 Commercial Core and B4 – Mixed Use from 3:1 to 10:1 (11.5:1 including the 15% design excellence bonus) and apply no FSR control on land zoned SP1 – Place of Public Worship;
- (c) retaining the FSR sliding scale provisions within the LEP to the site;
- (d) amend the building height controls including increasing the control for a portion of land proposed to be zoned B3 – Commercial Core from 18 and 24m to 211m (RL) (up to 243m (RL) including the 15% design excellence bonus); decreasing the control on a portion of land proposed to be zoned B3 – Commercial Core from 18 to 12m; increasing the control for the B4 – Mixed Use land from 36m to 211m (RL) (243m including the 15% design excellence bonus); and applying no building height control on land zoned SP1 – Place of Public Worship);
- (e) amending the special provisions map to permit the application of clause 7.6 Airspace Operations;
- (f) adopting a site specific clause to require consistency with solar access requirements for Parramatta Square; and
- (g) facilitate the creation of a 6m wide laneway to provide future vehicle access to 41, 43 and 45 Hunter Street and 181 Church Street.

The proposed amendments also include a site specific development control plan that proposes guidelines on various controls including built form, public domain, heritage, traffic, flood management and environmental sustainability.

The Planning Agreement will also apply to the future proposed development of the land for two buildings, a commercial tower and a mixed use building in accordance with the LEP once the proposed amendments have been made (**Development**). The Developer anticipates that future development of the land will involve demolition of the St John's Church Hall that is located on the Land and is currently listed as a local heritage item under the LEP (**Demolition Works**).

Summary of Objectives, Nature and Effect of the Planning Agreement

Contributions

The Planning Agreement requires, on the grant of development consent for Demolition Works (and the obtaining of a construction certificate for those works) the following contributions:

- (a) monetary contributions of \$4,600,000 to be used for the improvement of public domain areas in the Parramatta central business district adjacent to or in the vicinity of the site;
- (b) provision of public access across private land by the grant of an easement for vehicular access to the Queensland Arcade, as well as an agreement to enter into a public access licence over the civic space area surrounding St John's Cathedral; and
- (c) civic space works and construction of New Square including soft and hard landscaping, lighting, large tree planting, bench seats, drinking fountains, electrical services, irrigation, access and bollards, bins, and signage.

The Planning Agreement contains:

- (a) A Contributions Tables (Schedules 2 and 3) setting out the contributions that are required to be delivered by the Developer and the proposed timing for delivery.
- (b) Construction and Easement Terms at schedules 4 and 5 and public access and restriction on use terms at Schedules 6 and 7; and
- (c) Performance specifications for the Civic Space Works at Annexure E.

Other Requirements

Schedule 8 of the Planning Agreement sets out how the Planning Agreement meets the requirements of section 7.4 of the Act. In particular, the Planning Agreement includes:

- (a) provisions confirming that sections 7.11, 7.12 and 7.24 are not excluded;
- (b) a mechanism for dispute resolution (clause 10);
- (c) provisions about enforcement of the Planning Agreement including a requirement for the Developer to provide financial securities, a clause authorising Council to compulsorily acquire the land if it is not dedicated as required and restrictions on the issue of Construction Certificates and Occupation Certificates for the Development if the obligations under the Planning Agreement are not met (clause 11);
- (d) a requirement for the Planning Agreement to be registered against the title to the Land (clause 8); and
- (e) provisions confirming that the Council is not obliged to grant consent or exercise any of its functions in relation to a change to an environmental planning instrument (clause 14).

Assessment of the Merits of the Planning Agreement

The Objectives, Nature and Effect of the Planning Agreement

The proposed contributions under the Planning Agreement will serve the public purposes of improving public infrastructure and amenities in and around the site and the Parramatta central business district.

Assessment of Merits of the Planning Agreement

The proposed Agreement promotes the public interest by offering monetary contributions to be applied toward the augmentation and delivery of local infrastructure and public amenities. In doing so, the proposed Agreement aims to ensure optimum local infrastructure and public amenities are provided and promote the social and economic welfare of the community and a better environment. In addition, the proposed Agreement will result in arrangements for public use of open space areas associated with St John's Cathedral, in a manner which is compatible with the nearby Parramatta Square, which will contribute to improved amenity of workers and residents in the CBD.

As it would be difficult to obtain these benefits through other statutory means, the Planning Agreement is the most suitable instrument by which the contributions can be delivered.