

Deferred Commencement Conditions			
No.	Condition	Applicant Comment	Council Response
2	<i>The architectural drawings prepared by Hassall shall be amended to substitute 'Typical Low-Rise Type 2' floorplate (noted on drawing no. DA1201A) with 'Typical Low-Rise Type 1' floorplate (noted on drawing no. DA1201) between levels 10 and 13 (inclusive) for the shop-top housing/residential flat building. A copy of amended architectural drawings shall be submitted to Council's Development and Traffic Services ('DTSU') Manager for approval prior to the activation of this consent</i>	This condition is deleted as per the Applicant's position provided to date. #Refer to supporting memo reiterating rationale and evidence.	Not supported as per reasons set out in Assessment Report
Before Issue of Construction Certificate - Conditions			
No.	Condition	Applicant Comment	Council Response
18	<i>A monetary contribution comprising \$29,140,148.40 is payable to City of Parramatta Council in accordance with Section 7.12 of the Environmental Planning and Assessment Act 1979 and the Parramatta City Centre Local Infrastructure Contributions Plan 2022 (Amendment No. 2). Payment must be made by direct bank transfer or credit/debit card only. Payment can be made by contacting Council's Customer Contact Centre on 1300 617 058.</i> <i>The contribution is to be paid to Council prior to the issue of any construction certificate.</i> <i>At the time of payment, the contribution levy will be indexed quarterly in accordance with movements in the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician (Australian Bureau of Statistics, ABS – www.abs.gov.au). Therefore, please visit 'Live Contributions Fees' Register on the Council's Development Contributions webpage to confirm the amount payable prior to making payment.</i> <i>The Parramatta City Centre Local Infrastructure Contributions Plan 2022 (Amendment No. 2) can be viewed on Council's website at: www.cityofparramatta.nsw.gov.au/business-developmentplanning/developmentcontributions</i>	As the development relates to two buildings, we request that this value is divided amongst these separate components as per the EDC report. The Applicant is amenable to the value of the BTR component and basement component being combined for the purposes of the contribution payment. The office building would be a separate contribution payment. Also, that the amounts be paid at the time of the 'relevant CC' for each component. Amendment 3 may have superseded Amendment 2.	Council has no discretion under the Act to impose conditions that are inconsistent with an adopted contributions plan. While a consent authority may consider development staging in a broader planning sense, Council is bound to administer the Contributions Plan in accordance with its adopted provisions. Similarly, the Environmental Planning and Assessment Regulation 2021 does not provide for, or require, the acceptance of staged contributions under section 7.12 development levies. The Regulation reinforces that consent conditions must be consistent with the relevant contributions plan. There is no regulatory obligation or expectation for Council to accept staged payments. The Panel, as a consent authority (as defined under the <i>Environmental Planning & Assessment Act 1979</i>) may impose a condition that is inconsistent with an adopted contributions plan at its discretion (s 7.13(2) of the Act). Council is of the opinion that the staging of contribution payments lacks merit and should not be supported for the following reasons:

		• A condition requiring staged payment would be inconsistent with the exhibited and adopted policy framework; • There is no operational mechanism to enforce accountability or secure future payments for staged contributions. • Allowing contributions to be paid in instalments would: ○ Delay availability of funds for essential infrastructure ○ Disrupt the coordination of project delivery ○ Undermine Council's capacity to deliver infrastructure aligned with the increased demand created by the development • Permitting an exception in this case would establish an undesirable precedent, increasing the risk of inconsistent application of the plan and undermining the plan's integrity. It would open the door increase financial and administrative risk and potentially jeopardise the timely collection and use of developer contributions. • Council's computer system does not support the allocation or tracking of staged payments under a single application, which creates administrative complexity, increases compliance risk, and imposes an unnecessary burden on Council.
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