

**Explanatory Note**  
**Minister for Planning and Public Spaces (ABN 20 770 707 468)**  
**and**  
**Figtree Avenue 888 Pty Ltd (ACN 606 792 910)**  
**Draft Planning Agreement**

**Introduction**

The purpose of this explanatory note is to provide a plain English summary to support the notification of the draft planning agreement (the **Planning Agreement**) prepared under Subdivision 2 of Division 7.1 of Part 7 of the *Environmental Planning and Assessment Act* 1979 (the **Act**).

This explanatory note has been prepared jointly by the parties as required by clause 25E of the *Environmental Planning and Assessment Regulation* 2000 (the **Regulation**).

**Parties to the Planning Agreement**

The parties to the Planning Agreement are the Minister for Planning and Public Spaces (ABN 20 770 707 468) (the **Minister**) and Figtree Avenue 888 Pty Ltd (ACN 606 792 910) (the **Developer**).

**Description of the Subject Land**

The Planning Agreement applies to Lots 271 and 272 of Deposited Plan 36743 known as 9 and 11 Fig Tree Avenue, Telopea NSW 2117 (**Subject Land**).

**Description of the Proposed Development**

The Developer is seeking to create a strata scheme over the Land for mixed-use, which will include a multi-level basement car park, ground level child care facility, approximately forty residential strata lots and the dedication of affordable rental housing and associated infrastructure, generally in accordance with the plan in Schedule 6 of the planning agreement and pre-lodgement application PL/23/2020 lodged with City of Parramatta Council (**Proposed Development**).

The Developer has made an offer to the Minister to enter into the Planning Agreement in connection with the Proposed Development.

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

The Planning Agreement provides that the Developer will make a monetary contribution of \$12,868.86 per residential lot (subject to indexation in accordance with the Planning Agreement) (**Development Contributions**) for the purposes of the provision of designated State public infrastructure within the meaning of clause 8.1 of *Parramatta Local Environmental Plan 2011* (**LEP**).

The Development Contribution will be payable prior to the issue of the relevant Occupation Certificate in accordance with Schedule 4 to the Planning Agreement.

The Developer is required to provide a bank guarantee.

The objective of the Planning Agreement is to facilitate the delivery of the Developer's contributions towards the provision of designated State public infrastructure, facilities and services referred to in clause 8.1 of the LEP.

No relevant capital works program by the Minister is associated with the Planning Agreement.

## **Assessment of Merits of Planning Agreement**

### **The Public Purpose of the Planning Agreement**

In accordance with section 7.4(2) of the Act, the Planning Agreement has the following public purpose:

- the provision of (or the recoupment of the cost of providing) public amenities or public services;
- the provision of (or the recoupment of the cost of providing) transport or other infrastructure relating to land.

The Minister and the Developer have assessed the Planning Agreement and both hold the view that the provisions of the Planning Agreement provide a reasonable means of achieving the public purpose set out above. This is because it will ensure that the Developer makes appropriate contributions towards the provision of infrastructure, facilities and services referred to in clause 8.1 of the LEP.

### **How the Planning Agreement Promotes the Public Interest**

The Planning Agreement promotes the public interest by ensuring that an appropriate contribution is made towards the provision of infrastructure, facilities and services to satisfy needs that arise from development of the Subject Land.

The Developer's offer to contribute towards the provision of State infrastructure will have a positive public impact on the public who will ultimately use the infrastructure and services.

### **How the Planning Agreement Promotes the Objects of the Act**

The Planning Agreement promotes the objects of the Act by encouraging:

- the promotion of the orderly and economic use and development of land; and
- the promotion of good design and amenity of the built environment.

The Planning Agreement promotes the objects of the Act set out above by facilitating development of the Subject Land in accordance with the Planning Agreement.

### **Requirements relating to Construction, Occupation and Subdivision Certificates**

The Planning Agreement does not specify requirements that must be complied with prior to the issue of a subdivision certificate or a construction certificate.

The Planning Agreement requires an instalment of the Development Contribution to be paid prior to the issue of the relevant Occupation Certificate and therefore contains a restriction on the issue of an Occupation Certificate within the meaning of clause 154E of the Regulation.