

## Explanatory Note

Minister for Planning and Public Spaces (ABN 20 770 707 468)

and

SH Melrose PP Land Pty Ltd (ACN 137 331 438)

Deicorp Projects (MPTC) Pty Ltd (ACN 657 628 110)

SH Melrose Land Pty Ltd (ACN 639 001 522)

## 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**).

In preparing this explanatory note the Department of Planning, Industry and Environment's Practice Note - February 2021, Planning Agreements (**Practice Note**) has been considered as required by clause 205 of the *Environmental Planning and Assessment Regulation 2021*. This explanatory note has been prepared jointly by the parties in accordance with the Practice Note.

### Parties to the Planning Agreement

The parties to the Planning Agreement are:

- Minister for Planning and Public Spaces (ABN 20 770 707 468) (**Minister**),
- SH Melrose PP Land Pty Ltd (ACN 137 331 438) (a **Landowner and Offsite Landowner**)
- Deicorp Projects (MPTC) Pty Ltd (ACN 657 628 110) (a **Landowner**)
- SH Melrose Land Pty Ltd (an **Offsite Landowner**).

### Description of the Subject Land

The Planning Agreement applies to the following Land and Offsite Land:

Land	Offsite Land
Lot 201 DP1265603, Lot 6 DP232929, Lot 11 DP787611 at 84 Wharf Road, Melrose Park	Part Lot 10 DP128851 at 1226 Victoria Road, Melrose Park
Lot 200 in DP1265603 at 33 Hope Street, Melrose Park	Part Lot 12 DP128851 at 1222 Victoria Road, Melrose Park
Lot 12 DP787611 at 44a Wharf Road, Melrose Park	Part Lot 13 DP128851 at 1220 Victoria Road, Melrose Park
Lot 10 DP1102001 at 38-42 Wharf Road, Melrose Park	Part Lot 14 DP128851 at 1218 Victoria Road, Melrose Park
Lot 1 DP213196 at 27 Hughes Avenue, Ermington	Part Lot 17A DP440585 at 700 Victoria Road, Ermington

	Lot 2 DP1248652, Lot 3 DP1248652, Part Lot 4 DP1248652, Part Lot 6 DP1248652, Lot 7 DP1248652 at 661 Victoria Road, Ermington
	Part Lot 4 DP1248652, Lot 5 DP1248652, Part Lot 6 DP1248652 at 659 Victoria Road, Ermington
	Part Lot 2 DP588575 at 657 Victoria Road, Melrose Park

### **Description of the Development**

The Landowners have offered to the Minister to enter into the Planning Agreement in connection with:

- the planning proposal lodged with Parramatta City Council with reference number PP-2020-1983 for the Melrose Park North precinct
- and for future development of the Land comprising a mixed-use development of predominantly high-density residential units, comprising no more than 434,023m<sup>2</sup> of residential GFA or any other development of the Land facilitated by the instrument change arising from the planning proposal.

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

The Planning Agreement provides that the Landowners will make the development contributions outlined in Schedule 4 of the Planning Agreement which include:

- providing a monetary contribution of \$2,394.10 per Dwelling for the purpose of contributing to the provision of the Melrose Park Bridge Parramatta River crossing
- providing a monetary contribution of \$3,121.39 per Dwelling for the purpose of Victoria Road works;
- the Landowners undertaking road works along Victoria Road near Wharf Road, Hughes Avenue and Kissing Point Road and subsequent dedication of some land for the Victoria Road works in stages as the Development progresses but by no later than the 1,900<sup>th</sup> Dwelling
- Dedication of approximately 9,916m<sup>2</sup> of land for a future school prior to 1 December 2024 on the corner of Hope and Wharf Roads
- Early delivery (by 1 December 2025) of land for playing field as contemplated in a separate planning agreement with Parramatta City Council

The Landowners are required to provide various forms of security in the form of a Bank Guarantee or Insurance Bond including:

- \$200,000 as a general security.
- \$1,560,427 for the works to facilitate dedication of the land for a school in a suitable state

- Security for the road works in the amount of \$30,998,804 unless security is provided under a separate works agreement with TfNSW.

The Landowners and Offsite Landowners are also required to register the Planning Agreement on the title of the Land and Offsite Land in accordance with section 7.6 of the Act.

The objective of the Planning Agreement is to secure the Landowners' delivery of the Development Contributions.

No relevant capital works program by the Minister is associated with this agreement.

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

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

In accordance with section 7.4(2) of the Act, the Planning Agreement is for the public purpose of the provision of (or the recoupment of the cost of providing) public amenities or public services and transport or other infrastructure relating to land.

The Minister and the Landowners 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 Landowners make the Development Contribution and at various stages during the Development aligned with the increase in likely residents.

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

The Planning Agreement promotes the public interest by ensuring that the public infrastructure required to be provided to each new lots is funded or partially funded by development contributions in addition to contributions to be provided to Parramatta City Council.

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

The Planning Agreement promotes the objects of the Act by:

- (i) section 1.3(a) – to "promote 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"; and
- (ii) section 1.3(c) – to "promote the orderly and economic use and development of land".

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

The Planning Agreement restricts the issue of Construction and Occupation Certificates until certain items of security or Development Contributions are provided.