

Explanatory Note

Minister administering the *Environmental Planning and Assessment Act 1979* (ABN 20 770 707 468)

and

Parkes 88 Development Pty Ltd (ACN 641 737 724)

and

Parkes 88 Pty Ltd (ACN 621 682 335) in its capacity as trustee of the Parkes 88 Unit Trust

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 having regard to the Planning Agreements Practice Note and its contents have been agreed by the parties.

Parties to the Planning Agreement

The parties to the Planning Agreement are the Minister administering the *Environmental Planning and Assessment Act 1979* (ABN 20 770 707 468) (the **Minister**) and Parkes 88 Development Pty Ltd (ACN 641 737 724) and Parkes 88 Pty Ltd (ACN 621 682 335) in its capacity as trustee of the Parkes 88 Unit Trust (together, the **Developer**).

Description of the Subject Land

The Planning Agreement applies to Lot 2 in Deposited Plan 128524, Lot 10 in Deposited Plan 128882 and Lots 13 and 14 in Deposited Plan 1077402 known as 14-20 Parkes Street, Harris Park NSW 2150 (**Subject Land**).

Description of the Proposed Development

The Developer is seeking to construct on the Subject Land a 46-storey mixed use development containing 6 basement levels, ground floor commercial/retail, approximately 331 apartments and 3,676 square metres of commercial/office space generally in accordance with Development Application DA/883/2021 which has been 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.

It is noted that Development Consent has already been granted to Development Application DA/179/2020 which was lodged with City of Parramatta Council for a mixed use development on the Subject Land which authorised the construction of 294 apartments. Accordingly, the Proposed Development involves the construction of an additional 37 dwellings on the Subject Land.

Summary of Objectives, Nature and Effect of the Planning Agreement

The Planning Agreement provides that the Developer will make a monetary contribution of \$10,000 per additional dwelling (subject to indexation in accordance with the Planning Agreement) (**Development Contribution**) 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)*. Based on an additional 37 dwellings being authorised as part of the Proposed Development, the monetary contribution is expected to be \$370,000.

The Development Contribution will be payable prior to the issue of the first occupation certificate (in relation to DA/883/2021 or DA/179/2020) after consent is granted to the Proposed Development. An additional Contribution Amount is to be provided if the consent for the Proposed Development is modified to authorise further additional dwellings.

The Developer is required to provide security in accordance with Schedule 5 to the Planning Agreement.

The objective of the Planning Agreement is to facilitate the delivery of the Developer's contributions towards the provision of designated State public infrastructure 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 an appropriate contribution towards the provision of infrastructure, facilities and services.

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 designated State public infrastructure will have a positive impact on the public who will ultimately use it.

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 construction certificate or a subdivision certificate.

The Planning Agreement requires 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 section 48 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.