

# Explanatory Note

## Draft Deed of Variation to Planning Agreement

Under cl 25C(3) of the *Environmental Planning and Assessment Regulation 2000*

### 1. Parties

**City of Parramatta Council** (Planning Authority)

and

**Stamford House 88 Pty Limited** (ACN 100 778 336) of Level 1, 74 Macquarie Street, Parramatta, New South Wales 2150 (Developer)

### 2. Description of Subject Land

The land is Lot 100 DP 1221092, formerly known as 1 to 7A Thallon Street, Carlingford, New South Wales (Land).

### 3. Description of Development

The development of the Land is for 21-storey mixed use development. Prior to the boundary changes to the local government areas (on or about 12 May 2016), The Hills Shire Council approved an 18-storey and a 4-storey mixed use development on the Land under consent DA/943/2010/JP. A subsequent development consent by the City of Parramatta, deleted the 4-storey component and increased the tower component to a 21-storey building under consent DA/495/2017 (granted 29 November 2017).

The original planning agreement was executed between The Hills Shire Council and Stamford House 88 Pty Ltd on or about 28 April 2015 (Planning Agreement).

### 4. Summary of Objectives, Nature and Effect of the Draft Deed of Variation

#### Objectives of Draft Deed of Variation

To change the nature of the material public benefit to be provided by the Developer under the original Planning Agreement.

#### Nature of Draft Deed of Variation

The Draft Deed of Variation is not a planning agreement.

#### Effect of the Draft Deed of Variation

The original Planning Agreement provided for monetary contributions, works-in-kind and dedicated of land. The objective of the Draft Deed of Variation is to vary the Planning Agreement by requiring an additional monetary contribution in lieu of any works-in-kind.

### 5. Assessment of the Merits of the Draft Deed of Variation

#### The Planning Purposes Served by the Draft Deed of Variation

The Draft Deed of Variation protects the rights and interests of the Parties and the public by ensuring a monetary contribution to fund nearby road any other public infrastructure works.

The Planning Agreement enables the economic and orderly development of the Land to proceed which in turn involves the provision of community open space and improvements.

### How the Draft Deed of Variation Promotes the Public Interest

The Draft Deed of Variation promotes the public interest by enabling the development of the Land to proceed including the provision of further community benefits, whilst ensuring the public interest in completion of the works covered by the Planning Agreement is met.

#### For Planning Authorities:

- (a) Development Corporations - How the Draft Deed of Variation Promotes its Statutory Responsibilities

N/A

- (b) Other Public Authorities – How the Draft Deed of Variation and Promotes the Objects (if any) of the Act under which it is Constituted

N/A

- (c) Councils – How the Draft Deed of Variation Promotes the Elements of the Council's Principles

The Variation to the Planning Agreement allows Council to provide the best value for residents and ratepayers in providing infrastructure for the local community.

- (d) All Planning Authorities – Whether the Draft Deed of Variation and Conforms with the Authority's Capital Works Program

N/A

### The Impact of the Draft Deed of Variation of the Public or any Section of the Public

The change in the form of the delivery of material public benefit, albeit by an additional direct monetary contribution rather than through works-in-kind will have no effect on the public whatsoever. The Council will be wholly responsible for the implementation of the infrastructure works funded in part by the monetary contributions made under the Planning Agreement. .