

Explanatory Note
Exhibition of draft Voluntary Planning Agreement
Lot 20 DP 792518, known as 18-40 Anderson Street, Parramatta
(Land)

Environmental Planning & Assessment Regulation 2000 (clause 25E)

Planning Agreement

The purpose of this Explanatory Note is to provide a plain English summary to support the notification of a draft voluntary Planning Agreement (**the Planning Agreement**) under Section 7.4 of the *Environmental Planning and Assessment Act 1979* (**the Act**).

The Planning Agreement will require the provision of a monetary contribution, the carrying out of works and the dedication of land in connection with a proposed change to provisions of the *Parramatta Local Environmental Plan 2011* (**LEP**) to facilitate the redevelopment of the Land.

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

This Explanatory Note is not to be used to assist in construing the Planning Agreement.

Parties

Landream Development Pty Ltd (**the Developer**) made an offer to City of Parramatta Council (**the Council**) to enter into a voluntary Planning Agreement, in connection with a Planning Proposal relating to the subject land. The Developer has entered into an arrangement with the registered proprietor of the Land.

Description of subject land

The land to which the Planning Agreement applies is described as Lot 20 DP 792518, known as 18-40 Anderson Street, Parramatta.

Description of the Planning Proposal to which the Planning Agreement applies

The Planning Proposal for the Land seeks to:

- (a) rezone the Land from B5 Business Development to B4 Mixed Use,
- (b) increase the height of building control for the Land from 14 metres to allow up to 120 metres on part of the site,
- (c) increase the floor space ratio control from 4:1 to allow up to 6:1, and
- (d) add various site specific clauses to the LEP including:
 - a. minimum floor space of 3:1 for non-residential uses;
 - b. protection of solar access to Jubilee Park;
 - c. reduced car parking rates; and
 - d. a high performing building bonus.

Summary of Objectives, Nature and Effect of the Planning Agreement

Monetary Contribution

The Planning Agreement requires a monetary contribution of:

- an amount per m² of gross floor area in the development constructed on the land used for residential accommodated which at the date of the Planning Agreement is \$150; and
- less the actual costs of the Works to be provided under the Planning Agreement.

If the costs of the Works exceed the monetary contribution, Council will reimburse the Developer for the excess.

Monetary contributions are to be indexed to CPI.

Works

The Planning Agreement requires works in kind, including:

- the embellishment of part of the Land that is to be dedicated as a public reserve, and
- the construction of a 3 metre-wide public accessway along the eastern boundary of the site.

The cost works to embellish the public reserve land will be offset against the monetary contribution payable under the Planning Agreement.

Land

The Planning Agreement requires dedication of:

- part of the Land in the southern portion of the site, to be developed into a public reserve, and
- the 3 metre-wide public accessway that is to be constructed along the eastern boundary of the site,

both to be dedicated upon completion of the works and prior to the issue of an Occupation Certificate for the proposed development.

Assessment of the Merits of the Planning Agreement

How the Planning Agreement Promotes the Objects of the Act and the public interest

The draft Planning Agreement promotes the following objectives of the *Environmental Planning and Assessment Act 1979*:

- the orderly and economic use and development of land (s1.3(c)), and
- good design and amenity of the built environment (s1.3(g)).

The draft Planning Agreement promotes the public interest as it will result in the delivery of public benefits including a public accessway and public reserve and will result in the improvement of the public domain within the locality of the development.

The proposed contributions under the Planning Agreement are consistent with the Council's strategic plans and policy documents.

The Planning Purposes served by the Planning Agreement

The monetary contribution will be used for embellishment works within the boundaries of the Parramatta Central Business District, south of the Parramatta River.

The works will be carried out, and land dedicated, for the purposes of a public accessway and public reserve to provide public open space and pedestrian access for residents, workers and others.

How the Planning Agreement promotes the objectives of the *Local Government Act 1993* and the elements of the Council's Charter (now section 8A)

The Planning Agreement is consistent with the following purposes of the *Local Government Act 1993*:

- to give councils the ability to provide goods, services and facilities, and to carry out activities, appropriate to the current and future needs of local communities and the wider public; and
- to give councils a role in the management, improvement and development of the resources of their areas.

By enabling Council to provide public infrastructure and facilities, the Planning Agreement is consistent with the following guiding principles of councils, set out in section 8A of the *Local Government Act 1993* (replacing the Council's Charter):

- Councils should provide strong and effective representation, leadership, planning and decision-making.
- Councils should carry out functions in a way that provides the best possible value for residents and ratepayers.
- Councils should plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
- Councils should manage lands and other assets so that current and future local community needs can be met in an affordable way.
- Councils should consider the long term and cumulative effects of actions on future generations.
- Councils should consider the principles of ecologically sustainable development.
- Councils should actively engage with their local communities, through the use of the integrated planning and reporting framework and other measures.

The Planning Agreement is consistent with the Council's strategic plans and policy documents.

Whether the Planning Agreement Conforms with the Council's Capital Works Program

Council's Management Plan incorporates capital work projects aimed at providing and improving community infrastructure. In this respect, the provision of the contributions for the purpose of providing community infrastructure in the Parramatta City Centre conforms to that intent.

Whether the Planning Agreement specifies that certain requirements must be complied with before a construction certificate, occupation certificate or subdivision certificate is issued

The Planning Agreement requires the monetary contributions to be provided, the works to be completed and dedication of land to be made prior to the issue of an Occupation Certificate for the residential component of the development of the Land.