

EXPLANATORY NOTE

DRAFT PLANNING AGREEMENT FOR 22 NOLLER PARADE, PARRAMATTA

Environmental Planning and Assessment Regulation 2000
(clause 25E)

1. Introduction

The purpose of this Explanatory Note is to provide a plain English summary to support the exhibition of a proposed draft planning agreement (the **Planning Agreement**) prepared under section 7.4(1) of the *Environmental Planning and Assessment Act 1979* (the **Act**).

2. Parties

The parties to the Planning Agreement are City of Parramatta Council ABN 49 907 174 773 (the **Council**) and Jimstam Holdings Pty Ltd ATF The J & S Klapsogiannis Family Trust ACN 002 435 207 (the **Applicant**).

This explanatory note has been prepared jointly by the parties.

3. Description of Subject Land

The Planning Agreement applies to Lot 1 in Deposited Plan 35895 known as 22 Noller Parade, Parramatta, and includes any lot created by the consolidation or subdivision of those lots from time to time (the **Land**).

The Applicant is the Developer and Landowner of the Land.

4. Description of the Proposed Development

The Applicant proposes to redevelop the Land in the future by constructing a five-storey residential flat building comprising of 16 dwellings.

In order to facilitate the Development, the Applicant has sought an amendment to the environmental planning instrument applying to the Land, being the *Parramatta (former The Hills) Local Environmental Plan 2012* (the **LEP**).

The Planning Agreement does not permit the Development to be carried out and the Applicant will be required to seek and obtain the necessary development consent/s under the Act to do so.

5. Summary of Objectives, Nature and Effect of the Planning Agreement

The Applicant has offered to enter into the Planning Agreement with the Council.

The objective of the Planning Agreement is to facilitate the Public Purpose, being the Public Domain works associated with, or new connections to, the Alfred Street Bridge.

The amendments sought to the LEP are as follows:

- i. the rezoning of the Land from R2 Low Density Residential to R4 High Density Residential, and amending the Land Zoning Map (Sheet LZN_010) to reflect this change;

- ii. the increase of the maximum height of building control from RL14m to 17m, and amending the Height of Building Map (Sheet HOB_010) to reflect this change; and
- iii. the amendment to a maximum FSR control of 1.5:1, and amending the Floor Space Ratio Map (Sheet FSR_10) to reflect this change.

The Planning Agreement provides that the Developer will, following amendment of the LEP and obtaining of Development

- a) Pay a monetary contribution of \$225,000.00 (the Contribution) to facilitate the Public Purpose, paid within the following timeframes:
 - i. 75% prior to the issue of any Construction Certificate issued with respect to the Land; and
 - ii. 25% prior to the issue of an Occupation Certificate or registration of a Strata Plan (the earlier of the two).

The Contribution is in addition to any development contributions that may be applicable to the Development under sections 7.11, 7.12 and 7.24 of the Act.

The Applicant is required to register the Planning Agreement on the title of the Land in accordance with section 7.6(1) of the Act no later than 10 business days after the Planning Agreement has been executed.

6. Assessment of Merits of Planning Agreement

The Planning Purpose of the Planning Agreement

The Planning Agreement will benefit the public by facilitating public domain works associated with, or new connections to, the Alfred Street Bridge.

How the Planning Agreement Promotes the Public Interest

The Planning Agreement promotes the public interest by committing the Applicant to provide a monetary contribution for the purposes of facilitating the public domain works.

How the Planning Agreement Promotes the Objects of the Act

The Planning Agreement promotes the following objects of the Act:

- 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,*
- b) *to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- c) *to promote the orderly and economic use and development of land.*

In addition to the above, the Planning Agreement will not be inconsistent with any of the other objects of the Act.

How the Planning Agreement Promotes Elements of the Local Government Act 1993 and the Guiding Principles for Councils

The Planning Agreement promotes the guiding principles for councils under section 8A of the *Local Government Act 1993* by assisting Council to:

- b) Carry out functions in a way that provides the best possible value for residents and ratepayers;
- c) Manage lands and other assets so that current and future local community needs can be met in an affordable way;
- d) Work with others to secure appropriate services for local community needs.
- e) Recognise diverse local community needs and interests;
- f) Consider the long term and cumulative effects of actions on future generations;
- g) Apply the principles of ecologically sustainable development;
- h) Invest in responsible and sustainable infrastructure for the benefit of the local community; and
- i) Identify and prioritise key local community needs and aspirations and consider regional priorities.

How the Planning Agreement Promotes Council's Capital Works Program

Works forming part of the public purpose to which the Contribution may be applied are generally in addition to the Council's capital works program, although may conform with aspects of works identified as a priority by Council's Development Contribution Plans and other strategic plans.

Requirements relating to Construction and Occupation Certificates

The Planning Agreement requires that:

- a) 75% of the Contribution will be paid prior to the issue of any Construction Certificate issued with respect to the Land; and
- b) 25% of the Contribution will be paid prior to the issue of an Occupation Certificate or registration of a Strata Plan (the earlier of the two)