

# **Explanatory Note**

## **Exhibition of draft Voluntary Planning Agreement**

### **The land comprised in Strata Plan No 47006, known as 23-25 Windsor Road, Northmead**

*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 payment of a monetary contribution, and provision of cycling and pedestrian infrastructure, in connection with a proposed change to provisions of the *Parramatta (former The Hills) Local Environmental Plan 2012 (Instrument Change)*.

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)*. As required by the Regulations, the Council has considered the *Planning Agreements Practice Note* prepared by the Planning Secretary dated February 2021 in negotiating the Planning Agreement to date and preparing this Explanatory Note.

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

#### **Parties**

The Owners—Strata Plan No 47006 (**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.

#### **Description of subject land**

The land to which the Planning Agreement applies is described as the common property in Strata Plan No 47006, known as 23-25 Windsor Road, Northmead (**the Land**).

#### **Description of the Planning Proposal to which the Planning Agreement applies**

A proposed amendment to the *Parramatta (former The Hills) Local Environmental Plan 2012* (namely, the Instrument Change) which:

- increases the height of buildings on the Land to a maximum of 30 metres; and
- provides for a maximum floor space ratio of 1.8:1 on the Land.

The Planning Proposal is accompanied by a draft site-specific development control plan in relation to the Land, which was endorsed by Council on 19 May 2021 for concurrent public exhibition with the Planning Proposal and the Planning Agreement.

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

### Monetary Contribution

The Planning Agreement requires a monetary contribution in the amount of \$2,858,400.00, subject to adjustment for increases in the Consumer Price Index at the time of the relevant contribution payments (**the Monetary Contribution**).

### Works

The Planning Agreement requires the following works in kind (**Works**), and the registration of related easements for maintenance of (and public access to) shared pathways across the Land:

- Works to establish a three (3) metre wide shared pathway for pedestrians and cyclists from the south-eastern corner to the north-eastern corner of the Land, noting that this will provide access for residents of the Land, as well as the general public to access the pedestrian and cycling network exterior to the Land, through the adjoining land and on to Campbell Street; and
- Works to establish a three (3) metre wide shared pathway for pedestrians and cyclists from the north-eastern corner of the Land to the north-western corner, at the Windsor Road interface noting that this will provide access for residents of the site, as well as the general public, to access the pedestrian and cycling network exterior to the Land, from Windsor Road, through to the adjoining school and on to Campbell Street to the north-east and Darling Mills Creek to the south-east.

## 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; and
- Good design and amenity of the built environment.

The draft Planning Agreement promotes the public interest by:

- improving pedestrian circulation and the amenity of the public domain in the vicinity of the Land, and
- procuring a monetary contribution which reflects the additional infrastructure need generated by the additional residential density on the Land, if the Instrument Change is made and development is carried out in accordance with the Act following such change.

### The Planning Purposes served by the Planning Agreement

The Monetary Contribution will be used by the Council towards:

- the construction and implementation of outdoor fitness equipment for the Speers Road Reserve (valued at approximately \$100,000);
- the provision of affordable housing, in accordance with Council's Affordable Housing Policy, being \$579,600 (as calculated in accordance with the Council's Affordable Housing Policy); and

- in the case of the balance of the contribution – providing such other public benefits as the Council may from time to time determine to provide in accordance with the Act and Regulations, reflecting the infrastructure needs of residents and the local community.

The Works will be carried out for the purposes of improving pedestrian circulation and the amenity of the public domain in the vicinity of the Land.

**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 proposed shared pathways support the aims of the Council's Parramatta Ways Walking Strategy – to create a safe and attractive walking network, which offers a variety of local walking opportunities and supports the local community and the environment.

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

An Infrastructure Services Delivery Plan for development of the Land is included in the Planning Agreement, which conforms with the Council's Capital Works Program.

**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 following to be satisfied prior to the issue of a construction certificate:

- A bank guarantee in the amount of \$39,600 must be provided to the Council to secure the completion of the Works; and
- 75% of the Monetary Contribution must be paid to the Council, or a bank guarantee provided to the Council as security for that payment.

The Planning Agreement requires the following to be satisfied prior to the issue of an occupation certificate:

- The Works must be completed, and the related easements registered on land titles; and
- The remaining 25% of the Monetary Contribution, plus the amount of any bank guarantee referred to above, must be paid to the Council.