

Explanatory Note

Exhibition of draft Voluntary Planning Agreement

Lot 10 DP 10979449 and SP8700, known as 8-14 Great Western Highway, Parramatta

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 monetary contributions (only if the future development of the Land contains a residential component) in connection with a proposed change to provisions of the Parramatta Local Environment Plan 2011 (**LEP**).

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)*.

In preparing this Explanatory Note, City of Parramatta Council (**Council**) has considered the NSW Department of Planning, Industry and Environment *Planning Agreements, Practice Note* dated February 2021.

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

Parties

Sept Fortis Property Group Pty Ltd (**Developer**) and 8GWH Pty Ltd (**Future Landowner**) made an offer to Council to enter into a voluntary Planning Agreement, in connection with a Planning Proposal. Both the Developer and Future Landowner are responsible for making contributions under the Planning Agreement. The Developer will guarantee the performance by the Future Landowner of the obligations.

Landowners, The Owners – Strata Plan No 8700 and J M Malouf Investments Pty Ltd are also parties to the Planning Agreement for the purposes of requirements to register the Planning Agreement against the title to Lot 10 DP 10979449 and the common property of SP8700. The Future Landowner has entered into call options with the registered proprietor of Lot 10 DP10979449, J M Malouf Investments Pty Ltd, and each of the registered proprietors of lots in SP8700.

Description of subject land

The land to which the Planning Agreement applies is described as Lot 10 DP 10979449 and SP8700, known as 8-14 Great Western Highway, Parramatta (**the Land**).

Description of the Planning Proposal to which the Planning Agreement applies

The Planning Proposal numbered PP_2020_COPAR_006_00 will amend the provisions of the LEP applying to the Land including to:

- (a) increase the height of building control applying to the Land from 28 metres to 211 metres,
- (b) increase the maximum FSR controls applying to the Land from 3.5:1 to 10:1,

- (c) insert site specific provisions applying the following controls to the Land:
- i. a minimum 1:1 FSR for commercial uses,
 - ii. an additional 5% FSR bonus (0.5:1) provided high performing building standards are met,
 - iii. an additional 3:1 FSR bonus if development meets the “opportunity site” criteria, and
 - iv. an unlimited additional commercial FSR above the mapped FSR control; and
- (d) insert a site-specific provision applying maximum car parking rates in accordance with the Parramatta CBD Strategic Transport Study.

Summary of Objectives, Nature and Effect of the Planning Agreement

Monetary Contribution

The Planning Agreement requires a monetary contribution of \$5,010,600 (indexed in accordance with increases in the CPI) if development consent is granted that includes use of the Land or any part of the Land for residential purposes.

Assessment of the Merits of the Planning Agreement

The Public Purposes served by the Planning Agreement

The monetary contribution to be paid under the Planning Agreement will be used towards the provision of public benefits, including community infrastructure and the improvement of the public domain within the Parramatta CBD.

The Planning Purposes served by the Planning Agreement

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

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

The improvement of the public domain and the provision of community infrastructure through the delivery of benefits under the Planning Agreement will contribute to addressing the needs of residents and others in the locality created by future development.

Impacts of the Planning Agreement on the Public and Promotion of the Public Interest

In general, the Planning Agreement will facilitate the Planning Proposal and the redevelopment of the Land, achieving strategic objectives for the Parramatta CBD. The redevelopment of the Land and the provision of monetary contributions towards public infrastructure will have a positive impact on the public and promotes the public interest.

The monetary contribution to be provided under the Planning Agreement will be used to provide community infrastructure. This contribution is required in addition to any contributions under sections 7.11, 7.12 and 7.24 of the *Environmental Planning and Assessment Act 1979*.

Accordingly, the contribution will positively contribute to the extent and quality of infrastructure available for use by the community.

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 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 instalments of the monetary contribution to be paid prior to the issue of a Construction Certificate and prior to the issue of an Occupation Certificate for the Development.

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