

Explanatory Note
Exhibition of draft Voluntary Planning Agreement
38-42, 44 and 44A Wharf Road, Melrose Park
657 Victoria Road, Melrose Park
27-29 Hughes Avenue, Ermington

Environmental Planning & Assessment Regulation 2000 (clause 25E)

Draft Planning Agreement

The purpose of this Explanatory Note is to provide a plain English summary to support the notification of a draft 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 carrying out of works, dedication of land and monetary contributions towards the delivery of public infrastructure and amenities, in connection with a Planning Proposal and proposed development of land known as 38-42, 44 and 44A Wharf Road, Melrose Park, and 27-29 Hughes Avenue, Ermington.

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

Payce MP2 Pty Ltd and SH Melrose Development 1 Pty Ltd (**the Developer**) made an offer to Parramatta Council (**the Council**) to enter into a voluntary Planning Agreement, in connection with a Planning Proposal relating to the subject land.

In addition to the Developer and Council, the parties to the Planning Agreement include registered proprietors of the land, being:

- Constant 17 Pty Ltd as trustee for C16 Unit Trust
- Constant 21 Pty Ltd as trustee for C22 Unit Trust
- Constant 15 Pty Ltd as trustee for C14 Unit Trust
- Melrose Park Hope Street Pty Ltd as trustee for Melrose Park Hope Street Trust
- SH Melrose Land Pty Ltd

Description of subject land

The land to which the Planning Agreement applies (**the Land**) is set out in the table below extracted from Schedule 4 of the Planning Agreement:

Address	Lot and DP Reference	Registered Proprietor
44 Wharf Road, Melrose Park	Lot 101 DP 1249762 Lot 6 DP 232929 Lot 11 DP 787611	Constant 15 Pty Ltd

Address	Lot and DP Reference	Registered Proprietor
27-29 Hughes Avenue, Ermington	Lot 1 DP 213196	Constant 15 Pty Ltd
44 Wharf Road, Melrose Park / Hope Street, Melrose Park	Lot 100 DP 1249762	Melrose Park Hope Street Pty Ltd
44A Wharf Road, Melrose Park	Lot 12 DP 787611	Constant 17 Pty Ltd
38-42 Wharf Road, Melrose Park	Lot 10 DP 1102001	Constant 21 Pty Ltd
657 Victoria Road, Melrose Park	Lot 2 DP 588575	SH Melrose Land Pty Ltd

Description of the Change to the Environmental Planning Instrument to which the Planning Agreement applies

The Planning Agreement is offered in connection with Planning Proposal PP_2017_COPAR_009_00 seeking amendment of the *Parramatta Local Environmental Plan 2011 (LEP)* to rezone and amend the development provisions that apply to land in the Melrose Park employment precinct to permit a mix of high density residential and commercial land uses as well as new community and open space areas.

The proposed amendments to the Planning Proposal are set out in Schedule 5 of the Planning Agreement and include:

- (a) rezoning the land from IN1 General Industrial and SP1 Special Activities to part R4 High Density Residential, part B2 Local Centre, part RE1 Public Recreation and part SP2 Infrastructure (Educational Establishment),
- (b) increases to building height ranging from 28m to 90m, and
- (c) increases in floor space ratio subject to endorsement of implementation plans that stage the delivery of dwellings subject to traffic and transport infrastructure being in place to serve the incoming population.

The Planning Agreement will also apply to the future proposed development of the land for mixed use and high density residential purposes in accordance with the LEP once the proposed amendments have been made (**Development**). It is estimated that the Development will consist of up to 5,000 residential lots.

Summary of Objectives, Nature and Effect of the Planning Agreement

Contributions

The Planning Agreement requires the following contributions:

- (a) Construction, embellishment and dedication of a Central Park for the precinct consisting of at least 17,857 square metres of open space.
- (b) Construction, embellishment and dedication of a linear park along Wharf Road in stages, consisting of a total of at least 7,545 square metres of open space.

- (c) Construction, embellishment and dedication of a playing field including adjoining drainage and a wetland area, consisting of at least 7,888 square metres of open space. Construction will include grassed areas, fencing, lighting and an amenities building. It is anticipated that an arrangement will be made to provide the adjoining school with access to the playing field. Accordingly, the Planning Agreement requires remediation of this land to the highest residential standard.
- (d) Construction, embellishment and dedication of a park on the western edge of the Development in stages, consisting of at least 14,708 square metres of open space.
- (e) Dedication of 20 residential units (30 bedrooms) across the Development to be used for affordable housing, including key worker housing. The Planning Agreement requires at least 6 affordable housing units to be delivered (3 x 2 bedroom and 3 x 1 bedroom units) within the Town Centre.
- (f) Construction and dedication of two major roads (identified as NSR-2 and EWR-4 on the concept plans attached to the Planning Agreement) through the Development, which will operate as regional roads providing connectivity with and through the Melrose Park Development. The roads will be constructed in stages as the Development progresses.
- (g) A monetary contribution of \$50,000 towards Smart Cities planning initiatives and works totalling at least \$750,000 towards implementation of Smart Cities projects. These works may include implementation of smart poles, smart wayfinding and sensor technology throughout the Development. To date, the Developer has, pursuant to a funding grant, already carried out works worth approximately \$200,000 towards Smart Cities initiatives to date, including installation of environmental sensors throughout the construction site and surrounding residential streets.
- (h) A monetary contribution of \$3,500,000 towards delivery of the Ermington Community Hub.
- (i) The provision of a shuttle bus service for current and future residents of Melrose Park to connect residents to Meadowbank stations and ferry wharf. The services are to be provided for 3 years or until direct public transport (light rail and / or public bus) to and from Melrose Park is available, whichever occurs first.
- (j) An Additional Monetary Contribution calculated at 1% of the proposed cost of the Development, indexed in accordance with increases in the CPI.

The Planning Agreement contains:

- (a) A Contributions Table (Schedule) 1 setting out the contributions that are required to be delivered by the Developer and the proposing timing for delivery.
- (b) A Staging Plan at Schedule 6, which shows the indicative stages of the proposed development.
- (c) Concept Designs and specifications for the parks and roads.

The Developer will be required to maintain the public parks for a period of 2 years from completion for hard landscaping and 5 years from completion for soft landscaping. The Developer will be required to rectify defects on the public roads dedicated under the Planning Agreement for a period of 2 years from dedication, however ongoing maintenance will be required if the Developer uses those roads for access to construction sites by construction vehicles.

Other Requirements

Schedule 3 of the Planning Agreement sets out how the Planning Agreement meets the requirements of section 7.4 of the Act. In particular, the Planning Agreement includes:

- (a) provisions confirming that sections 7.11 and 7.12 are excluded, but only to the extent that the Residential Gross Floor Area of the Development does not exceed 508,768 square metres (clause 8),
- (b) confirmation that if the Residential Gross Floor Area of the Development exceeds 508,768 square metres, sections 7.11 and 7.12 will apply to the extent of any exceedance and the Additional Monetary Contribution (1% of the cost of the Development) will not apply to the extent of any exceedance (clause 8),
- (c) provisions confirming that section 7.24 of the Act is not excluded from applying to the Development (clause 8), so the Developer will be required to pay additional Special Infrastructure Contributions if applicable;
- (d) a mechanism for dispute resolution (clause 11);
- (e) provisions about enforcement of the Planning Agreement including a requirement for the Developer to provide financial securities, a clause authorising Council to compulsorily acquire the land if it is not dedicated as required and restrictions on the issue of Construction Certificates and Occupation Certificates for the Development if the obligations under the Planning Agreement are not met (clause 12);
- (f) a requirement for the Planning Agreement to be registered against the title to the Land (clause 9); and
- (g) provisions confirming that the Council is not obliged to grant consent or exercise any of its functions in relation to a change to an environmental planning instrument (clause 15).

Assessment of the Merits of the Planning Agreement

The Public Purposes served by the Planning Agreement

The proposed contributions under the Planning Agreement will serve the public purposes of providing public amenities and services to meet the needs of the proposed future population of Melrose Park. The Planning Agreement will deliver open space, public roads, transport solutions, community facilities and Smart Cities initiatives in the locality.

The Planning Purposes served by the Planning Agreement

The delivery of the contributions will facilitate the redevelopment of the Land envisaged by relevant planning strategies, including Council's Employment Lands Strategy (2016), Local Housing Strategy (2020) and Local Strategic Planning Statement (2020). These are consistent with the State Government's A Metropolis of Three Cities – the Greater Sydney Region Plan and Central River City District Plan. The contributions to be delivered under the Planning Agreement will contribute to providing appropriate facilities and infrastructure for the Development and the surrounding area, producing a good planning outcome for the Development of the Land. The new public roads will address accessibility and connectivity requirements within the local area and surrounds. The open space areas will provide for the needs of future residents and visitors to Melrose Park.

The delivery of the contributions will facilitate the orderly and economic use and development of the land. The provision of public amenities and services as part of the redevelopment will promote the social and economic welfare of the community and a better environment.

The contributions proposed under the Planning Agreement are consistent with the strategic planning for the Land and its surrounds and will contribute to meeting the needs of the future community for public services and amenities. As it would be difficult to obtain these benefits through other statutory means, the Planning Agreement is the most suitable instrument by which the contributions can be delivered.

Impacts of the Planning Agreement on the Public

The Planning Agreement will contribute to the provision of public roads, public open space, community facilities, Smart Cities initiatives and transport solutions for the proposed redevelopment of the land. The contributions will address connectivity and amenity needs of the future residents.

The contributions under the Planning Agreement towards improving accessibility, connectivity and amenity will be in the public interest because they will result in the provision of public infrastructure and will improve amenity for those who will live and work in the locality. The provision of the new open space will contribute to the social and physical wellbeing of the future community.

Future residents (and existing residents) will have access to a range of open space areas and the playing field will be publicly accessible, as well as able to be used by the adjoining school. Road networks and transport solutions will ensure that residents are able to connect with other parts of the local government area and commute to work and other locations, as well as providing thoroughfares through the area.

In general, the Planning Agreement will facilitate the Planning Proposal and redevelopment of the Land, achieving the strategic objectives for Melrose Park. The redevelopment of the Land and associated public infrastructure under the Planning Agreement will contribute to the vision of Melrose Park as a diverse and dynamic mixed-use neighbourhood.

The proposed contributions under the Planning Agreement will therefore have a positive impact on the public.