

Explanatory Note
Exhibition of draft Voluntary Planning Agreement
Lots 13, 15 & 16. DP.1239 and Lot 142. DP. 537053, known as
85-91 Thomas Street, 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 land dedication in connection with a proposed change to provisions of the *Parramatta Local Environmental 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)*. 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

Century 888 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.

Description of subject land

The land to which the Planning Agreement applies is 85-91 Thomas Street, Parramatta (**the Land**) and legally described as:

- a) Lot 13 DP 1239 known as 85 Thomas Street Parramatta;
- b) Lot 142 DP 537053 known as 87 Thomas Street Parramatta;
- c) Lot 15 DP 1239 known as 89 Thomas Street Parramatta; and
- d) Lot 16 DP 1239 known as 91 Thomas Street, Parramatta.

Description of the Planning Proposal to which the Planning Agreement applies

The Planning Proposal [PP_2020_COPAR_005_00 which is known as (**the Instrument Change**)] proposes the following amendments to the LEP:

- (a) extension of the RE1 – Public Recreation zone to the location identified in the plan provided at Annexure C to the Planning Agreement, with associated reduction in the area of the Land that is to remain zoned R4 High Density Residential;
- (b) increasing the maximum Building Height control from 11 metres to 22 metres across the R4 zoned part of the Land and removing the Building Height control from the portion of the Land to be rezoned RE1 – Public Recreation;

- (c) increasing the maximum Floor Space Ratio control from 0.8:1 to 1.3:1 across the R4 zoned part of the Land, and removing the Floor Space Ratio control from the portion of the site to be rezoned RE1 – Public Recreation; and
- (d) removing the rear portion of the parcel of the Land known as 85 Thomas Street from the Land Reservation Acquisition Map.

The Planning Proposal is accompanied by a draft site-specific development control plan in relation to the Land (**Development Control Plan**), which was endorsed by Council on 15 June 2021 for concurrent public exhibition with the Planning Proposal and the Planning Agreement.

Summary of Objectives, Nature and Effect of the Planning Agreement

Works

The Planning Agreement requires the erection and maintenance of the following fencing between the developable (zoned R4 High Density Residential) and dedication (zoned RE1 Public Recreation) areas of the Land, in such form as may be consented to by the consent authority if development consent is granted for future development of the Land in accordance with the Instrument Change and the Development Control Plan (**Development**):

- a) Construction fencing, prior to construction commencing for the Development or any part of the Development; and
- b) Residential fencing, to a height of no more than 1.5 metres prior to the issue of an occupation certificate for the Development or any part of the Development.

Land

The Planning Agreement requires the parts of the Land that are proposed in the Instrument Change to be zoned RE1 – Public Recreation to be dedicated to Council, free of cost, in accordance with the agreement (as provided for in clause 6 of, and shown on the plan at Annexure B to, the agreement).

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 facilitation of ecologically sustainable development by including relevant economic, environmental and social considerations in decision-making about environmental planning and assessment;
- The protection of the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats; and
- The promotion of good design and amenity of the built environment.

The draft Planning Agreement promotes the public interest by providing a cost-effective mechanism to acquire local open space.

The Planning Purposes served by the Planning Agreement

The fencing works will be carried out for the purposes of providing increased access and protection to public recreation.

The land that is proposed to be zoned RE1 Public Recreation will be dedicated for the purposes of local open space.

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;
- 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.

In addition, the agreement forms a part of the proposal to provide a suitable mechanism to ensure the land to be zoned RE1 Public Recreation has an appropriate acquiring authority identified as specified in the Gateway Determination for the Planning Proposal.

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

The commitments made in the attached Planning Agreement will assist in addressing the infrastructure shortfalls and demands identified by Council in the area.

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:

- Dedication of the portion of the Land that is proposed to be zoned RE1 Public Recreation, at no cost to Council; and

- A bank guarantee in the amount of \$150,000 must be provided to the Council to secure the completion of the fencing works.

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

- Erection of residential fencing, to a height of no more than 1.5 metres, between the developable (zoned R4 High Density Residential) and dedication (zoned RE1 Public Recreation) areas of the Land.