

26 November 2024

Chief Executive Officer
Gail Connolly PSM
City of Parramatta Council
PO Box 32
Parramatta NSW 2124

Dear Gail,

Planning Agreement Offer – Former Royal Institute for Deaf and Blind Children Campus, No’s 361-365 Road, North Rocks.

We refer to our draft letter of offer to enter into a Planning Agreement in connection with a planning proposal for the rezoning of the Next Sense campus, formerly the Royal Institute for Deaf and Blind Children, at 361-365 North Rocks Road, North Rocks (Planning Proposal). As you would be aware, the Planning Proposal received Gateway determination on 21 October 2024.

We also acknowledge the discussions and correspondence we have had with Council staff, particularly over the last 12 months in relation to that draft offer.

This letter formalises the offer to enter into a Planning Agreement with Council under section 7.4 of the *Environmental Planning and Assessment Act 1979* in connection with the Planning Proposal.

We have had regard to the email from Ms Annette Crkovski of Council dated 14 November 2024 in the preparation of this offer. We note this correspondence itemises Council’s preferred key deliverables or public benefits that differ slightly from the original draft offer, but which have been refined as a result of recent productive discussions with Council staff.

As per the email response from David Workman (EG’s Divisional Director of Urban and Community Planning) dated 14 November 2024, we are happy for the key deliverables and public benefits in Ms Crkovski’s email to be reported to Council as items for further discussion between the parties, with the intent they ultimately form part of a Planning Agreement.

This amended letter of offer has had regard to and generally reflects the refined schedule of deliverables and public benefits mentioned above. The letter been prepared with the assistance of Louise Camenzuli and Max Newman of Corrs Chambers Westgarth on behalf of EG Funds Management (EG).

It seeks to:

- identify in more detail various public infrastructure items that may be offered in support of the Planning Proposal and intended site renewal,
- inform future discussion and negotiations with Council and any relevant NSW Government agency in relation to the Planning Proposal.

EG is a privately-owned investment management group backed by a number of Australian Superannuation Funds and international investment houses with extensive experience in delivering high-quality urban renewal projects respectful of their context. Since its inception in 2000, EG has delivered numerous residential projects adjacent social and public infrastructure achieving excellence in urban planning, architectural design, environmental sustainability and importantly in curating new communities via its Little Big Foundation and ‘build in good’ philosophy.

The Little Big Foundation is a commitment to aid the establishment and curation of a new community post development completion. It represents a genuine social enterprise with a long-term commitment to communities dedicated to creating a connecting residents, reducing loneliness, and improving mental health.

The renewal of the site as outlined in the Planning Proposal has the potential to provide significant public infrastructure for both the existing and future community at North Rocks. This includes the presence of the Little Big Foundation within the planned Council multi-purpose facility adjacent the village square.

Both the Master Plan and associated infrastructure have been informed by engagement with a number of local stakeholders and community organisations.

Item	Terms
Parties	City of Paramatta Council EG Funds Management Pty Limited
Land	361-365 North Rocks Road, North Rocks NSW 2151, legally known as Lot 3001 in Deposited Plan 1115866.
Planning Proposal / Development Application	<p>Planning Proposal as lodged with Council on 7 May 2021 and which has now received Gateway determination on 21 October 2024, which seeks to amend the <i>Parramatta Local Environmental Plan 2023</i> by:</p> <ul style="list-style-type: none"> (a) rezoning the Land from R2 Low Density Residential to part R3 Medium Density Residential and part R4 High Density Residential; (b) introduce a new maximum floor space ratio development standard that applies to the Land (1.1:1); (c) amend the existing height of buildings development standard as it applies to the Land; and <p>introduce an additional permitted use provision to facilitate a restaurant or café and medical centre within the R4 High Density Residential zone (surrounding the proposed village square)</p>
Works	Embellishment of the public open space and provision of community space as follows:

Item of Works
<p>Oval (approx. 17,040m²), comprising full sized oval construction and embellishment (as generally shown in the Planning Proposal master plan attached at Appendix A), which is capable of accommodating multiple sports such as cricket and soccer and delivery of associated sporting infrastructure in line with Council's sportsground strategy.</p>
<p>Oval pavilion/amenity (approx. 300 m²), comprising construction and fit out of oval pavilion including amenities and storage facilities</p>
<p>2x multi-purpose courts in the area identified in the masterplan, which can be used for sports including pickleball</p>
<p>Multi-Purpose Facility (1,000-1,500 m²) located adjacent to the proposed village square which is to be a publicly accessible space. Part of the multi-purpose facility can be occupied by the 'Little Big Foundation', a not-for-profit community organisation founded by EG. Other potential uses of the space can include the relocation of Senior Citizens from the existing aging facility at Don Moore Reserve.</p>
<p>Passive parkland or dog park in the north-eastern corner of the site.</p>
<p>Provision of play equipment in the area located adjacent to the village square and oval.</p>
<p>Refurbishment of the existing building (cottage in the south-eastern site corner) to Council standards and creation of pocket park with play equipment.</p>
<p>Potential dedication of (northern) bushland reserve to Council should the land not be impacted by Asset Protection Zone obligations. Alternatively, an easement for public access is provided.</p>
<p>Upgrade (where required) of shared path connections to the M2 Barclay Commuter Carpark.</p> <p>Upgrading of pathways within the adjoining bushland reserves.</p> <p>Upgrades of open space. Locations to be determined, but an example being a contribution toward embellishment of the adjacent Baden Powell Reserve.</p> <p>A monetary contribution in-lieu of these works could be provided.</p>

	<p>Community parking to support open space and multi-purpose centre uses.</p> <p>Future construction and dedication of internal roads to Council as public road.</p> <p>The final value of the contributions will be re-assessed prior to finalisation of the Planning Agreement. Values are to be based on a quantity surveyors' assessment and estimates provided for Council's consideration.</p>
Other Public Benefits	Affordable housing contributions equivalent to at least 2% of the additional residential gross floor area created by the Planning Proposal, comprising the dedication of approximately 16 affordable rental units to Council or a community housing provider (to be determined prior to finalisation of the Planning Agreement), consistent with the District Panel's recommendations during the rezoning review of the Planning Proposal.
Application of section 7.11, 7.12 and Division 7.1, Subdivision 4 (Local and State Infrastructure Contributions)	<p>EG's preference is that contributions under sections 7.11 and 7.12 be excluded in whole or in part, and acknowledges that this is to be resolved in future consultation with Council.</p> <p>Contributions under Division 7.1, Subdivision 4 are not to be excluded.</p>
Registration	Agreed in principle, but subject to further legal review once the draft Planning Agreement has been prepared.
Dispute Resolution	Agreed in principle, but subject to further legal review once the draft Planning Agreement has been prepared.
Security	<p>Provision of appropriate bank guarantees to secure the payment of the Monetary Contributions and delivery of the Works.</p> <p>The Planning Agreement will include provisions allowing Council to acquire any land required to be dedicated for \$1 if the Developer's obligations under the Planning Agreement are not met.</p>
Restriction on Issue of Certificates	<p>The timing for the delivery of contributions under the Planning Agreement will be appropriately staged in accordance with the carrying out of the proposed development the subject of the Planning Proposal.</p> <p>The Developer looks forward to discussing these matters with Council as part of the Planning Agreement negotiations.</p>
Other Terms	All other terms of Council's template Planning Agreement are subject to further legal review and consideration once the draft Planning Agreement has been prepared.

	The Planning Agreement will, of course, contain the usual “no fetter” provisions in Council’s favour.
Costs	The Developer agrees to pay Council’s reasonable costs of and incidental to the negotiation, preparation and entering into the Planning Agreement, as well as administration and enforcement of the Planning Agreement in accordance with the terms set out in the template Planning Agreement.

EG expects that the Planning Agreement will comply with Council’s Planning Agreement template and the NSW Government Practice Note (February 2021) relating to Planning Agreements, to ensure that all applicable probity requirements are met. The Planning Agreement will of course be publicly exhibited as required under the *Environmental Planning and Assessment Act 1979*.

This offer to enter into a Planning Agreement with Council has been provided in good faith and as a sign of our commitment to ensuring that the Land is not only adequately serviced by public infrastructure following re-development but provides missing civic infrastructure for the benefit of the wider North Rocks community including (but not limited to) a public oval, new parkland, and multi-purpose facility adjacent a new village square. As Council would appreciate, this offer is premised on the expectation that the Planning Proposal will result in an amendment to the Parramatta Local Environmental Plan 2023 that is materially consistent with the Planning Proposal upon which a Gateway determination has been issued. If material amendments are made to the Planning Proposal prior to its finalisation, or if its implementation results in an instrument change that is not consistent with the essential terms of the Planning Proposal, EG reserves the right to make consequential changes to this offer.

We look forward to working with Council in finalising the planning agreement, and in delivering the public benefits. In particular, we greatly appreciate the opportunity for the Little Big Foundation to occupy part of the future multi-purpose facility.

Should you wish to discuss any aspect of this letter, please don’t hesitate to contact either myself or Mr David Workman, EG’s Divisional Director – Urban and Community Planning on (02) 9220 7045 or via email dworkman@eg.com.au.

Yours sincerely

EG Funds Management



**Dr Michael Easson AM FRICS FAICD
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Appendix A – North Rocks Master Plan



North Rocks Master Plan (Hassell, November) 2024)