

EXPLANATORY NOTE PURSUANT TO REGULATION 25E OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000

187-189 THOMAS STREET, HAYMARKET

Planning Proposal: 187-189 Thomas Street Haymarket

Background

The purpose of this Explanatory Note is to provide a summary to support the notification of a draft Planning Agreement.

In April 2020 the Council of the City of Sydney received a request to amend the planning controls that apply to 187-189 Thomas Street, Haymarket (**Land**) under Sydney Local Environmental Plan 2012 (**SLEP 2012**).

A Planning Proposal has been prepared to facilitate the development of a 47,000 square metre commercial office tower comprising retail, commercial work space, visitor accommodation and an innovation tech hub, up to 226.8 metres in height, with a four storey podium.

The purpose of this explanatory note is to provide a summary to support the notification of a Planning Agreement, under Section 7.4 of the *Environmental Planning and Assessment Act 1979 (Act)*.

This explanatory note has been prepared jointly by the parties as required by Reg 25E of the *Environmental Planning and Assessment Regulation 2000 (Regulation)*.

The public benefits do not in any way exclude the developer or owner (as the case may be) from paying monies under s.7.11, 7.12 or 7.24 of the Act.

This explanatory note is not to be used to assist in construing the Planning Agreement.

1. Parties to the Planning Agreement

The parties to the Planning Agreement are Greaton Thomas Pty Ltd as trustee for the Greaton Thomas Unit Trust (**Owner**) and the Council of the City of Sydney (**Council**).

2. Description of the Subject Land

The Planning Agreement applies to 187-189 Thomas Street, Haymarket being Lot 100 DP 804958.

3. Summary of the Objectives, Nature and Effect of the Proposed Agreement

The objective of the Planning Agreement is to secure public benefits in connection with the Planning Proposal for the Land.

The nature of the Planning Agreement is to secure:

- A monetary contribution of \$12,540,234 to community infrastructure in Central Sydney;
- A monetary contribution to affordable housing in the local government area; and
- A restrictive covenant on the use of below ground floor space

The effect of the proposed agreement is for the public benefits to be delivered in a timely manner with the development of the Land.

4. Assessment of the Merits of the Proposed Agreement

(a) How the Planning Agreement promotes the public interest and one or more of the objects of the Act

The Planning Agreement promotes the objects of the Act, in particular objects identified in Section 1.3 (c) and 1.3(g) of the Act which is to promote the orderly and economic use and development of land and to promote good design and amenity of the built environment. The Planning Agreement promotes the objects of the Act by:

- Providing improved community infrastructure which will support and service the existing and future population and will contribute to greater amenity and infrastructure in the locality
- Providing contributions to be used for affordable housing for lower income workers close to local jobs

(b) How the Planning Agreement promotes the elements of the Council's charter and objects under the Local Government Act 1993

The Planning Agreement promotes a number of elements of the Council's charter under section 8 of the *Local Government Act 1993* (NSW) consistent with the guiding principles for Councils under that Act. In particular, the Planning Agreement through the delivery of the public benefits allows Council to:

- (i) provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively;
- (ii) exercise community leadership;
- (iii) properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development;
- (iv) in its capacity as the custodian and trustee of public assets, effectively plan for, account for and manage the assets for which it is responsible;
- (v) engage in long-term strategic planning on behalf of the local community; and
- (vi) keep the local community and the State government (and through it, the wider community) informed about its activities.

(c) The impact of the Planning Agreement on the public or any section of the public

The Planning Agreement will benefit the public and local community by providing improved infrastructure to the area and affordable housing in the local government area. In this way the Planning Agreement promotes the public interest.

This Planning Agreement is in accordance with the relevant provisions of the Planning Proposal and site specific development control plan (site specific DCP) for the Land.

(d) Whether the Planning Agreement conforms with Council's capital works program

Yes. The Planning Agreement conforms to Council's capital works program.

(e) The planning purpose or purposes of the Planning Agreement

The Planning Agreement will serve a planning purpose by enhancing the public domain and local infrastructure to reflect the changing nature of the area and the needs of the anticipated incoming population.

It is considered that the Planning Agreement provides for a reasonable means by which to achieve these planning purposes given the extent of the statutory tools that are available to Council by which it can deliver the proposed public benefits.

(f) Compliance with certain requirements prior to issue of construction, occupation or subdivision certificates.

The following requirements of the Planning Agreement must be complied with before:

- (i) A construction certificate is issued:** Payment of the Community Infrastructure Monetary Contribution and Affordable Housing Monetary Contribution and registration of the Restrictive Covenant
- (ii) An occupation certificate is issued:** Nil
- (iii) A subdivision certificate is issued:** Nil