

EXPLANATORY NOTE

Draft Deed of Amendment to Planning Agreement for 2-8 River Road West, Parramatta

Prepared in accordance with the requirements of Clause 25E of the Environmental Planning and Assessment Regulation 2000

Introduction

The purpose of this Explanatory Note is to provide a summary to support the public exhibition of a draft Deed of Amendment (**Amendment Deed**) to the existing Planning Agreement (**Planning Agreement**) made pursuant to Section 93F of the Environmental Planning and Assessment Act 1979, in relation to an approved mixed use development on the site known as 2-8 River Road West, Parramatta.

This Explanatory Note has been prepared jointly by the parties, as required by Clause 25E(3) of the Environmental Planning and Assessment Regulation 2000.

Existing Planning Agreement

An existing Planning Agreement was executed on 30 October 2012 in relation to 2-8 River Road West, Parramatta. The Planning Agreement was made in conjunction with the rezoning of the land from IN1 General Industrial to B4 Mixed Use. The Planning Agreement achieved the following outcomes:

- Dedication and embellishment of foreshore land;
- Dedication and embellishment of 6m wide through site link linking River Road West to the Parramatta River foreshore;
- Monetary contribution of \$375,000 toward a pedestrian bridge over Parramatta River;
- Monetary contribution of \$150,000 toward local traffic improvements;

The timing for completing deliverables was as follows:

- Monetary contribution: prior to the issue of the first occupation certificate issued for the development.
- Land dedication: prior to the issue of any occupation certificate issued for the development.
- Works: prior to the issue of any occupation certificate issued for the development.

Draft Amendment Deed Planning Agreement

Draft Amendment Deed to the Planning Agreement between Parariver Pty Limited and City of Parramatta Council under s93F of the Environmental Planning & Assessment Act, 1979.

Parties to the planning agreement

The parties to the Planning Agreement are Parariver Pty Limited (**Developer**) and City of Parramatta Council (**Council**).

Description of the subject land

The Planning Agreement applies to Lot 1 DP1204213 known as 2-8 River Road West, Parramatta (***Land***).

Description of the development application

The Land is subject to approved development application (DA702/2013) for the construction of a part 11 and part 12 storey mixed use development comprising three (3) individual towers, basement car parking, ground floor retail and 271 residential units.

A further development application (DA/30/2015) was approved on the site for an additional 34 units across the site. As part of this application, the Developer agreed to make an additional \$700,000 monetary contribution toward a pedestrian bridge over Parramatta River.

Summary of objectives, nature and effect of the draft planning agreement

The objective of the Planning Agreement is to secure public benefits associated with the additional approved development under DA/30/2015. The nature and effect of the Amendment Deed will involve the implementation of Developer Obligations, as set out in the Amendment Deed, and include:

- An additional cash payment to Council, being \$700,000 for additional floor space approved under DA/30/2015.

The Amendment Deed also seeks the following:

1. Modify the timing in which the Developer is required to complete the physical works and land dedication;
2. Change the through site link from land dedication to easement for access and support (Note: this change is at the request of the Council);
3. Include provisions (via an 88B instrument) to ensure public artwork contained within the land to be dedicated to Council, will be maintained in perpetuity by the registered proprietor of the land.

ASSESSMENT OF THE MERITS OF THE DRAFT AMENDMENT DEED

The planning purposes served by the draft amendment deed

In accordance with Section 93F(2) of the EPA Act, the Amendment Deed has the following public purposes:

- The provision of funding for public amenities and facilities.

The Developer Obligations outlined in the Planning Agreement provide a suitable means for achieving these purposes.

Other changes to planning agreement are of an administrative nature and do not change the overall intent of what was agreed under the original Planning Agreement.

How the draft amendment deed promotes the objects of the Environmental Planning and Assessment Act 1979

In accordance with Section 5 of the EPA Act, the Amendment Deed promotes the Objects of the EPA Act and specifically achieves the Objectives stated at Section 5(a)(i) to 5(a)(vii) in the following manner:

- Represents an orderly and economic use and development of land; and
- Provides funding for the provision of community facilities, through the implementation of the Developer Obligations outlined within the Planning Agreement;

How the draft amendment deed promotes the public interest

The Amendment Deed is in the public interest as it will provide a further monetary contribution to deliver public infrastructure. This will contribute towards meeting the present and future needs of the local community.

How the draft Amendment Deed promotes elements of Council's charter

In accordance with Clause 25E(2)(d), Council's charter is provided at Section 8 of the Local Government Act 1993. In this respect, the Amendment Deed promotes the Council's charter in the following ways:

- Provides adequate, equitable and appropriate services and facilities for the community, in the form of the Developer's Obligations, as outlined in the Planning Agreement; and
- Properly manages, develops, protects, restores, enhances and conserves the environment in a manner which is consistent with, and promotes the principles of, ecologically sustainable development.

Whether the agreement, amendment or revocation conforms with Council's capital works program

Council's Management Plan incorporates capital work projects aimed at improving public open space and extending Council's city and foreshore pedestrian and cycleway connections. In this respect, the provision of funds can be applied to these elements through the Planning Agreement which conform to that intent.

Whether the agreement, amendment or revocation specifies that certain requirements of the agreement must be complied with before a construction certificate, occupation certificate or subdivision certificate is issued

The Amendment Deed amends obligations of the planning agreement to be completed as follows:

- Land dedication and physical works: within 12 months of the issue of the first occupation certificate or prior to issue of last occupation certificate (whichever occurs first).

The obligations relating to payment of monetary contribution remain unaltered, being prior to the issue of the first occupation certificate.