

## EXPLANATORY NOTE

### Draft Planning Agreement for Nos. 10-12 River Road West, Parramatta

#### Introduction

The purpose of this Explanatory Note is to provide a summary to support the notification of a draft Planning Agreement (**Planning Agreement**) made pursuant to Section 93F of the Environmental Planning and Assessment Act 1979, in relation to a Planning Proposal to rezone the subject land to enable mix of retail, commercial and residential uses on the site.

This Explanatory Note has been prepared jointly by the parties, as required by Clause 25E(3) of the Environmental Planning and Assessment Regulation 2000. This explanatory note is not to be used to assist in construing the Planning Agreement.

#### Draft planning agreement

Draft Planning Agreement between the land owner and Parramatta City Council under s93F of the Environmental Planning & Assessment Act, 1979

#### Parties to the planning agreement

The parties to the Planning Agreement are the land owner (**Developer**) and Parramatta City Council (**Council**).

#### Description of the subject land

The Planning Agreement applies to Nos. 10-12 River Road West, Parramatta, known as Lot 1 in Deposited Plan 190771; and Lot 1 in Deposited Plan 201664 (**Land**).

#### Description of the proposed change to the environmental planning instrument and/or development application

The Land is subject to a Planning Proposal seeking the amendment to Parramatta Local Environmental Plan 2011 to:

- rezone the land from IN1 General Industrial to part B4 Mixed Use and part RE1 Public Recreation.
- permit a maximum building height of 40 metres.
- permit a maximum floor space ratio of 3.3:1.
- regularise the foreshore building line to 15 metres measured from the mean high water mark (MHWM).

as generally detailed in Gateway Determination issued by the Department of Planning & Infrastructure on 22 June 2012.

Re-development of the land will be subject to a future development application.

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

The objective of the Planning Agreement is to secure public benefits associated with Planning Proposal. The nature and effect of the Planning Agreement will involve the implementation of Developer Obligations, as set out in the Planning Agreement, and include:

- The dedication of land to Council along the Parramatta River Foreshore generally equal to 15 metres from the northern (river) boundary;
- The dedication of land to Council through the site between River Road West and the Foreshore, 6 metres in width; and
- The embellishment of land to be dedicated including the provision of shared pedestrian/cycleway, landscaping, lighting, and public domain improvements along the foreshore and through site links; and
- The restoration and repair of the river bank and riparian corridor including weed removal, revegetation, repair of erosion and sea walls; and
- Removal of contamination, including remediation works;
- The payment of a cash contribution toward local traffic improvements and a shared pedestrian/cycle bridge over Parramatta River.

## **ASSESSMENT OF THE MERITS OF THE DRAFT PLANNING AGREEMENT**

### ***The planning purposes served by the draft planning agreement***

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

- The provision of public open space and facilities; and
- The conservation and enhancement of the natural environment.

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

### **How the draft planning agreement promotes the objects of the Environmental Planning and Assessment Act 1979**

In accordance with Section 5 of the EPA Act, the Planning Agreement 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:

- Promotes the proper management, development and conservation of natural areas and cities, through the implementation of the Developer Obligations outlined within the Planning Agreement;
- Represents an orderly and economic use and development of land;
- Provides the suitable and appropriate communication and utility services to

- cater for the proposed development;
- Provides land for public purposes and the provision of community facilities, through the implementation of the Developer Obligations outlined within the Planning Agreement; and
- Protects areas of the local environment and encourages ecologically sustainable development.

### ***How the draft planning agreement promotes the public interest***

The Planning Agreement is in the public interest as it will result in the provision of public open space, public infrastructure works and improvements to benefit of the local community. In addition, planning agreement will restore, repair and protect the riparian corridor environment, providing improvement to the Parramatta River Corridor and local environmental community. These works will contribute towards meeting the present and future needs of the local community.

### ***How the draft planning agreement 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 Planning Agreement 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 foreshore pedestrian and cycleway connections. In this respect, the terms of the Planning Agreement conform to that intent.