

EXPLANATORY NOTE

Draft Planning Agreement for No 330 Church Street, 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 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 330 Church Street 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.

Draft planning agreement

Draft Planning Agreement between Karimbla Properties No.22 Pty Ltd 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 Karimbla Properties No. 22 Pty Ltd (**Developer**) and Parramatta City Council (**Council**).

Description of the subject land

The Planning Agreement applies to Lots 2 & 3, DP 788637 known as 330 Church Street Parramatta (**Land**).

Description of the proposed development application

The Land is subject to an approved Major Project Application (Ref MP10_0171) comprising:

- Demolition of existing structures,
- Construction of a mixed use building (residential/retail/serviced apartments) including podium (3 storeys) and two towers (22 and 32 storeys) in height,
- Four levels of basement car parking accommodating 597 spaces,
- Further related works as detailed in the approved plans and determination issued by the Department of Planning & Infrastructure on 19 October 2012.

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 approved development. 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 (1065m²) to Council along the Parramatta River Foreshore generally ranging in width from 8.14 to 12.29 metres in depth from the proposed northern boundary,
- The turfing of this land,
- The embellishment (tiling) of the northern face of the proposed river foreshore retaining wall adjacent to the site boundary, and
- Provision of legal rights for Council to further embellish and affix materials and fittings (e.g. public art, historic interpretation) to the foreshore retaining wall adjacent to the site boundary.

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;

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:

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

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 and improvements to benefit of the local community. In addition, the planning agreement will provide future opportunity for provision of public art/historical interpretation to the proposed retaining wall adjacent the area of public open space providing improvement to the Parramatta River Foreshore Area. 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.

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 planning agreement requires the obligations of the planning agreement (embellishment and dedication of the identified area of open space) to be completed prior to the issue of the final occupation certificate for the Development.