

## EXPLANATORY NOTE

### Voluntary Planning Agreement 24 & 32 Koorine Street, 48 & 56 Bundarra Street, 1 Allambie Street and 64-72 River Road, Ermington NSW 2115

#### ***Introduction***

The purpose of this Explanatory Note is to provide a summary to support the notification of a draft Voluntary Planning Agreement (***Planning Agreement***) made pursuant to Section 93F of the *Environmental Planning and Assessment Act 1979*, in relation to a development consent no. DA/770/2013 (***Consent***) being for the construction of nine (9) residential flat buildings comprising 612 dwellings and basement car parking at 64-74A River Road, 24-56 Seamist Avenue and 2B Broadoaks Street Ermington NSW 2115 (now known as 24 & 32 Koorine Street, 48 & 56 Bundarra Street, 1 Allambie Street and 64-72 River Road, Ermington) (***Development***).

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.

#### ***Parties to the Planning Agreement***

The parties to the Planning Agreement are Payce AE2 I Pty Ltd & Payce AE2 III Pty Ltd (***Developers***) and Parramatta City Council (***Council***).

#### ***Description of the subject land***

The Planning Agreement applies to 24 & 32 Koorine Street, 48 & 56 Bundarra Street, 1 Allambie Street and 64-72 River Road, Ermington, being Lots 301 to 306, DP 1175644 (***Land***).

#### ***Description of the proposed Development***

The Consent is for the construction of nine (9) residential flat buildings comprising 612 dwellings comprising buildings between four and eight storeys in height over basement car parking as approved by the Sydney West Joint Regional Planning Panel on 31 July 2014.

The Planning Agreement is sought in lieu of payment of Section 94A development contributions required by Condition No. 51 of the Consent, which reads as follows:

51. *A monetary contribution comprising \$1,862,489.10 or 1% of the detailed cost of the development is payable to Parramatta City Council in accordance with Section 94A of the Environmental Planning and Assessment Act, 1979 and the Parramatta Section 94A Development Contributions Plan.*

*Payment must be by EFTPOS, bank cheque or credit card only. The contribution is to be paid to Council prior to the issue of a construction certificate.*

*Alternatively, the applicant or persons exercising this consent may enter into a Voluntary Planning Agreement (VPA) with Parramatta City Council to provide a material public benefit. In doing so, the Council may as part of the VPA allow the contributions payable as described above to be waived in part or in full depending of the cost of providing the material public benefit.*

The Developers have lodged a section 96 application to amend the above condition 51 of the Consent so that it only refers to the Planning Agreement to be entered into.

### **Summary of objectives, nature and effect of the Planning Agreement**

The objective of the Planning Agreement is to secure public benefits in lieu of payment of development contributions otherwise applicable under the Consent. The nature and effect of the Planning Agreement will involve the implementation of Developer Obligations, as set out in the Planning Agreement, and include:

- Landscaping and embellishment works within the foreshore land known as 'River Park', adjoining public open spaces known as 'Navy Park' and, 'Halvorsen Park'.
- Construction of two 'Observation Decks' within 'River Park' adjacent the Parramatta River;
- Provision of children's playground within 'Halvorsen Park';
- Landscaping and embellishment works within the 'Pocket Parks' at 52 Bundarra Street and 28 Koorine Street, Ermington NSW 2115;
- Resurfacing, kerb, gutter, island, drainage, formal line marking of George Kendall Riverside Car Park;
- Pedestrian lighting between the George Kendall Riverside Car Park and Parramatta River along an existing shared path within George Kendall Riverside Park; and
- Monetary contribution of \$50,000 towards local pedestrian and/or traffic improvements.

The estimated value of the works and monetary contributions to be provided by the Developers is approximately \$3.8 million (excluding GST).

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

### ***The planning purposes served by the Planning Agreement***

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

- The provision of public amenities or public services.
- The funding of recurrent expenditure relating to the provision of public amenities.
- The conservation or enhancement of the natural environment.

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

### ***How the 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 and artificial resources for the purpose of promoting the social and economic welfare of the community and a better environment.
- Represents an orderly and economic use and development of land;
- Provides 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 Planning Agreement promotes the public interest***

The Planning Agreement is in the public interest as it will result in the provision of open space embellishment and other community facilities and public infrastructure works and improvements to benefit of the local community. In addition, the Planning Agreement will 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 Planning Agreement promotes the objects of the Local Government Act 1993***

The Planning Agreement is consistent with the following purposes of the *Local Government Act 1993*:

- To give Councils the ability to provide goods, services and facilities, and to

carry out activities, appropriate to the current and future needs of local communities and the wider public.

- To give Councils a role in the management, improvement and development of the resources of their areas.

### ***How the 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 Developers' Obligations, as outlined in the Planning Agreement.
- 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 Planning Agreement, amendment or revocation conforms with Council's capital works program***

Council's Management Plan incorporates capital work projects aimed at improving public open spaces, parks and playgrounds. In this respect, the terms of the Planning Agreement conforms to that intent.

### ***Whether the Planning Agreement specifies that certain requirements of the Planning Agreement must be complied with before a construction certificate, occupation certificate or subdivision certificate is issued***

The Developers are required to pay the monetary contributions under the VPA to Council prior to the release of any Construction Certificate for the Development.

All of the Works must be delivered to the Council in accordance with conditions of the Development Consent; and the Planning Agreement

### ***The Impact of the Planning Agreement on the Public or any Section of the Public***

The Planning Agreement will not adversely affect the public in any manner as it places obligations on the Developers that will affect the Developers and the Land only.

The Planning Agreement will benefit the public because it will enable the delivery of public amenities and services in the area.