

EXPLANATORY NOTE

Draft Planning Agreement for 316 Victoria Road Rydalmere

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 a Development Application (modification) for the land known as 316 Victoria Road Rydalmere.

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

Draft planning agreement

Draft Planning Agreement between Bunnings Properties 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 Bunnings Properties Pty Ltd (***Developer***) and Parramatta City Council (***Council***).

Description of the subject land

The Planning Agreement applies to Lot 1 DP 883008, 316 Victoria Road, Rydalmere, NSW (***Land***).

Description of the Development Application

The Land is subject to a Development application seeking a modification to the approved vegetation management plan applicable to the site. The modification has been prepared in response to unauthorised clearing of sensitive vegetation on the site. The revised vegetation management plan will require restoration works to be carried out to the cleared area and on-going maintenance and management of the vegetation on the site.

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

The objective of the Planning Agreement is to secure a public benefit associated with the development of the site in recognition that the contractor engaged by the developer undertook unauthorised land clearing on the site. The nature and effect of the Planning Agreement will involve the implementation of Developer Obligations, as set out in the Planning Agreement, and includes:

- A Monetary Contribution of \$92,885 to be put towards the carrying out of bush regeneration works, by Council, on a site at 15 Sturt Street, Dundas to help offset the environmental impact of the clearing.

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 conservation or enhancement of the natural environment.

The Developer Obligations outlined in the Planning Agreement provide a suitable means for achieving this purpose.

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 embellishment of publicly owned land for environmental habitat purposes through the implementation of the Developer Obligations outlined within the Planning Agreement.

How the draft planning agreement promotes the public interest

The draft planning agreement is in the public interest as it will result in the embellishment of currently degraded portion of natural bushland, of similar potential environmental value, as the land the subject of unauthorised clearing.

The components of the draft Planning Agreement will contribute towards meeting the present and future needs of the local community by ensuring threatened ecological plant communities are maintained and enhanced.

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:

- 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

The site to be re-generated (15 Sturt Street Dundas) is not specifically identified on Council's capital works program however it is within Council's remit and open space management plan to undertake maintenance and enhancement of areas of natural bushland as resources permit.

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 to be completed within 20 business days of the plan being executed (signed and registered). The bushland regeneration works to be funded by this agreement will be carried out over a period of three years.