

EXPLANATORY NOTE

Draft Planning Agreement for 24 – 26 Railway Parade, Westmead

Prepared in accordance with the requirements of clause 25E of the *Environmental Planning and Assessment Regulation 2000* (NSW)(the **EP&A Regulation**)

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* (NSW) (the **EP&A Act**), in relation to a Planning Proposal for the site known as 24 – 26 Railway Parade, Westmead.

This Explanatory Note has been prepared jointly by the parties proposing to enter into the Planning Agreement, as required by clause 25E(3) of the EP&A Regulation.

Draft planning agreement

The Planning Agreement has been prepared pursuant to s93F of the EP&A Act.

Parties to the planning agreement

The parties to the Planning Agreement are Drill Pty Ltd ACN 000 175 600 (**Developer**) and Parramatta City Council ABN 49 907 174 773 (**Council**).

Description of the subject land

The Planning Agreement applies to 24 – 26 Railway Parade, Westmead, being the land currently within Auto Consol 14505-69, described as Lot 10 in 605684, Lot 1 in DP 952720 and Lot 1 in DP 972068 (the **Land**).

Description of the Planning Proposal

The Land is subject to a draft **Planning Proposal** (Council Ref: RZ/9/2011) which seeks to;

- increase the maximum building height from 12m to 52m;
- increase the maximum Floor Space Ratio applicable to the site from 1.5:1 to 4.5:1; and
- limit the residential Floor Space Ratio of any development on the land to 1.5:1.

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 Planning Proposal and future redevelopment of the site. The nature and effect of

the Planning Agreement will involve the implementation of Works, as set out in the Planning Agreement, and includes the following:

- The provision of a 3m setback on the Railway Parade and Ashley Lane frontages of the site and its embellishment with works including paving and lighting (**Setback Area**).
- The provision of a through site link and plaza area on the site (**Plaza Area**) to be embellished by works including paving, seating, lighting and landscaping.
- The upgrading and embellishment of the footpath on the southern side of Railway Parade between the existing car parking area and Hawkesbury Road by works including paving, landscaping, street trees and seating.
- The construction and embellishment of a raised pedestrian crossing at the entry to Westmead Station to create a safe pedestrian environment across Railway Parade, including kerb extensions on both sides of Railway Parade and high quality landscaping and public domain elements.
- The upgrading and embellishment of the footpath on the northern side of Railway Parade between the western boundary of the site and near the intersection with Hawkesbury Road by works including paving, landscaping, street trees and seating.

(the works in the last three bullet points, collectively, the **Public Domain Works**)

The extent of those works described above that will be required under the Planning Agreement is dependent on the extent that any future development on the site exceeds the current planning controls. Depending on the development proposed, only some of the above works may be required to be provided under the Planning Agreement.

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 EP&A Act, the Planning Agreement has the following planning purposes:

- The provision of public amenities and facilities, including:
 - the establishment and embellishment of the Setback Area;
 - the establishment of a publicly accessible through site link;
 - the establishment and embellishment of the Plaza Area; and
 - the provision of the agreed Public Domain Works.

The works outlined in the Planning Agreement provide a reasonable means for achieving the abovementioned public purposes on the basis that the Planning

Agreement:

- stipulates the timing for the works;
- stipulates the manner of delivery for the works;
- details the constructions terms; and
- requires the provision of security by the Developer to secure the carrying out of the Public Domain Works.

How the draft planning agreement promotes the objects of the EP&A Act

In accordance with section 5 of the EP&A Act, the Planning Agreement promotes the objects of the EP&A Act and specifically achieves the objectives stated in section 5 because it:

- represents an orderly and economic use and development of the Land (s5(a)(ii)); and
- provides land for public purposes and provides community facilities, through the implementation of the works outlined within the Planning Agreement (s5(a)(iv)&(v)).

How the draft planning agreement promotes the public interest

The Planning Agreement promotes the public interest as it will result in the delivery of a number of public benefits including the enhancement of the public domain adjoining the site and the provision of a through site link and Plaza Area. These components will contribute towards meeting the present and future social and economic 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 in section 8(1) of the *Local Government Act 1993* (NSW). In this respect, the Planning Agreement promotes the Council's charter by:

- Providing adequate, equitable and appropriate services and facilities for the community, in the form of the works, as outlined in the Planning Agreement; and
- Properly managing, developing, protecting, restoring, enhancing and conserving 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 providing and improving public open space and extending Council's city pedestrian and cycleway connections. In this respect, the provision of the Land for this purpose, as per the terms of the draft Planning Agreement, conforms 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 certain obligations to be met prior to the issue of construction and occupation certificates for the Development. A covenant restricting the height of any proposed building must be registered prior to the issue of a construction certificate for the Development. All works and easements for public access must be registered prior to the issue of an occupation for the Development.