

DRAFT Explanatory Note
Exhibition of draft Voluntary Planning Agreement
184-188 George Street, Parramatta

Environmental Planning & Assessment Regulation 2000 (clause 25E)

Planning Agreement

The purpose of this Explanatory Note is to provide a plain English summary to support the notification of a draft voluntary Planning Agreement (**the Planning Agreement**) under Section 93F of the *Environmental Planning and Assessment Act 1979 (the Act)*.

The Planning Agreement will require the provision of monetary contributions and works in connection with a proposed change to provisions of the *Parramatta Local Environmental Plan 2011 (LEP)*.

This Explanatory Note has been prepared jointly between the parties as required by clause 25E of the *Environmental Planning and Assessment Regulation 2000 (the Regulations)*.

This Explanatory Note is not to be used to assist in construing the Planning Agreement.

Parties

Riverport Parramatta Pty Limited ATF The Riverport Unit Trust ACN 159 635 024 (**the Developer**) made an offer to City of Parramatta Council (**the Council**) to enter into a voluntary Planning Agreement, in connection with a Planning Proposal relating to the subject land.

Description of subject land

The land to which the Planning Agreement applies is described as Lot 11 DP 1115358, Lot 20 DP 1115360 and Lot 30 DP 1115365 known as 184-188 George Street, Parramatta (**the Land**).

Description of the Planning Proposal to which the Planning Agreement applies

The Land is subject to a draft Planning Proposal which seeks to;

- (a) increase the maximum building height for the Land from 36m to 120m; and
- (b) increase the maximum Floor Space Ratio applicable to the Land from 4:1 to 10:1.

Summary of Objectives, Nature and Effect of the Planning Agreement

Monetary Contribution

The Planning Agreement requires a monetary contribution in the amount of \$1,000,000 to be applied to Parramatta River foreshore works in accordance with the Parramatta City River Strategy adopted by Council on 25 May 2015.

Works

The Planning Agreement requires the construction and on-going maintenance of a public pedestrian and cycle access path linking George Street to the Parramatta River foreshore across part of the Land (**Pedestrian Link**).

Public access to the Pedestrian Link will be achieved by the grant of an above ground easement for public access in favour of Council.

In the event the Developer undertakes works underneath the Pedestrian Link (which is currently intended) a grant of an easement for support is to be issued in favour of Council.

Assessment of the Merits of the Planning Agreement

How the Planning Agreement Promotes the Objects of the Act and the public interest

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:

- (a) represents an orderly and economic use and development of the Land (s5(1)(ii)); and
- (b) provides land for public purposes and provides community facilities, through the payment of the contribution towards foreshore areas and implementation of the works outlined within the Planning Agreement (s5(a)(iv)&(v)).

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 areas near the Land and the provision of the Pedestrian Link to river foreshore land. These components will contribute towards meeting the present and future social and economic needs of the local community.

The proposed contributions under the Planning Agreement are consistent with the Council's strategic plans and policy documents, including the Parramatta City River Strategy adopted by Council on 25 May 2015 and the Parramatta Civic Improvements Plan (Amendment No 3) effective from 19 November 2014.

The Planning Purposes served by the Planning Agreement

In accordance with section 93F(2) of the EP&A Act, the Planning Agreement has the following planning purposes:

- The provision and improvement of public domain areas, such as the foreshore areas.
- Improvement of pedestrian movement and the creation of new pedestrian connections between the City and the Parramatta River foreshore.
- Improved pedestrian amenity in the vicinity of the Development.

The Planning Agreement provides a reasonable means for achieving the abovementioned public purposes on the basis that the Planning Agreement:

- stipulates the timing for the contributions;
- 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 works to establish public domain and access areas.

How the Planning Agreement promotes the objectives of the *Local Government Act 1993* and the elements of the Council's Charter

The Planning Agreement and the exhibition of the agreement and the planning proposal are consistent with the following purposes set out in section 7 of the *Local Government Act 1993*:

- to facilitate engagement with the local community by councils, councillors and other persons and bodies that constitute the system of local government,

- to provide for a system of local government that is accountable to the community and that is sustainable, flexible and effective.

By enabling Council to provide public amenities and improve public domain areas in accordance with its strategic plan, the Planning Agreement is consistent with the following guiding principles for councils, set out in section 8A of the *Local Government Act 1993* (replacing the Council's Charter):

- Councils should provide strong and effective representation, leadership, planning and decision-making.
- Councils should carry out functions in a way that provides the best possible value for residents and ratepayers.
- Councils should plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
- Councils should manage lands and other assets so that current and future local community needs can be met in an affordable way.
- Councils should consider the long term and cumulative effects of actions on future generations.
- Councils should consider the principles of ecologically sustainable development.
- Councils should actively engage with their local communities, through the use of the integrated planning and reporting framework and other measures.

Whether the Planning Agreement Conforms with the 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 Planning Agreement specifies that certain requirements 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.

The following must occur prior to the issue of a Construction Certificate:

- (a) The monetary contribution must be paid
- (b) A covenant restricting building on the land to be subject to the Pedestrian Link must be registered.
- (c) A Bank Guarantee and other securities must be provided to Council.

The following must occur prior to the issue of an Occupation Certificate:

- (a) The works to construct the Pedestrian Link must be completed.
- (b) The easements for support and for public access over the Pedestrian Link must be registered.