

Explanatory Note
Exhibition of draft Voluntary Planning Agreement
263 – 281 Pennant Hills Road, Carlingford

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 7.4 of the *Environmental Planning and Assessment Act 1979 (the Act)*.

The Planning Agreement will require the carrying out of works, dedication of land and monetary contributions towards the delivery of public infrastructure and amenities, in connection with a proposed change to provisions of Parramatta Local Environmental Plan 2023 (**LEP**) for land known as 263 – 281 Pennant Hills Road Carlingford (**the Land**).

This Explanatory Note has been prepared as required by clause 205 of the *Environmental Planning and Assessment Regulation 2021 (the Regulations)*.

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

Parties

Karimbla Properties (No 61) Pty Ltd (**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 (the Land) is located at 263 – 281 Pennant Hills Road Carlingford is described as:

Lot and DP Reference	
Lot 22 in DP21386	Lot 61 in DP 819136
Lot 2 in DP9614	Lot 62 in DP 819136
Lot 3 in DP9614	Lot 1 in DP1219291
Lot 4 in DP9614	

Description of the Planning Proposal to which the Planning Agreement applies

The land is subject to a draft Planning Proposal which seeks to:

- (a) Reconfiguring the existing R4 High Density Residential and RE1 Public Open Space zones.
- (b) Increasing the Maximum Height of Building control from 33m on the Pennant Hills Road frontage to 110m and from 27m on the remainder of the R4 zoned portion of the site to 56m.
- (c) Increasing the Maximum Floor Space Ratio control for the R4 High Density Residential zoned land from 2.3:1 to 3.6:1.
- (d) Amending Schedule 1 Additional Permitted Uses to increase the maximum gross floor area of parts of the buildings used for business premises, food and drink premises, recreational

facilities (indoor) and shops on the R4 High Density Residential zoned part of the site from 2,000 sqm to 2,600 sqm.

- (e) Amending the Land Reservation Acquisition map to include the portion of RE1 Public Open Space land which will be dedicated to Council.

The Planning Agreement would apply to the future development of the land for mixed use and high-density residential purposes (Development) in accordance with the LEP. It is estimated that the development will consist of 723 dwellings.

Summary of Objectives, Nature and Effect of the Planning Agreement

The draft Planning Agreement required the following works:

- Construction and dedication of the library (1800m2 net leasable area) and community facility (700m2 net leasable area) known as the community hub.
- Construction, embellishment and dedication of open space known as Central Park consisting of 4,761m2 of open space.
- Embellishment of pedestrian easement and provision of 24-hour access. The area of the easement is 595m2.
- An additional monetary contribution equivalent to Section 7.11 and Section 7.12 Contributions for allocation to the fit-out of the community hub and embellishment of open space within the vicinity of the site.

Monetary Contribution

The draft Planning Agreement requires a monetary contribution equivalent to Section 7.11 and Section 7.12 to be applied for the fit-out of the community hub and embellishment of open space within the vicinity of the site.

Assessment of the Merits of the Planning Agreement

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

The draft Planning Agreement promotes the following objectives of the *Environmental Planning and Assessment Act 1979*:

- Promotes the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources (s1.3(a));
- Promotes the orderly and economic use and development of the Land (s1.3(c)); and
- Promotes good design and amenity of the built environment (s1.3(g))

through the payment of contributions and delivery of community infrastructure improvements in the vicinity of the proposed Development.

The draft Planning Agreement promotes the public interest by delivering a number of public benefits including the enhancement of community infrastructure near the Land, contributing towards meeting the present and future social and economic needs of the local community.

The proposed contributions under the Planning Agreement are consistent with Council's strategic plans and policy documents.

The Planning Purposes served by the Planning Agreement

In accordance with section 7.4(2) of the Act, the draft Planning Agreement will require contributions towards public purposes, including the provision of community infrastructure. The Planning Agreement will provide for the improvement of community infrastructure in the vicinity of the proposed development, and will provide for need of the general public within Carlingford.

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

- Stipulates the timing for the delivery of community facilities and open space;
- Stipulates the timing for the contributions; and
- Restricts the progression of the development unless the obligations are met.

The works will be carried out for the purposes of a new library and community facility, open space and easement to support the movement of residents within the locality.

The monetary contribution will be used to the final fit out of the library and community facility with any residual contributions to be applied to the provision of recreation facilities within the locality.

That land will be dedicated for the purposes of open space and community facilities.

How the Planning Agreement promotes the objectives of the *Local Government Act 1993* and the elements of the Council's Charter (now section 8A)

The draft Planning Agreement is consistent with the following purposes 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 infrastructure and facilities, the Planning Agreement is consistent with the following guiding principles of 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 Confirms with the Council’s Capital Works Program

Council’s Management Plan incorporates capital work projects aimed at providing and improving community infrastructure. In this respect, the provision of the infrastructure and contributions for the purpose of providing community infrastructure in Carlingford 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.

Timing of works and contributions under the Planning Agreement is detailed in the following table:

Works	Timing
Library and Community Facility	Works are to be completed prior to the release of the first occupation certificate for the building which contains the community hub.
Central Park	Embellishment and dedication of the park prior of the issue of the first Occupation Certificate for the final building to be constructed adjacent to Central Park.
Embellishment of Open Space Easement	Embellishment and creation of easement prior to the issue of the first Occupation Certificate in the later of Block C or D.
Monetary Contribution	Appropriate conditions of consent will be applied for each consent.