

Explanatory Note

Exhibition of draft Voluntary Planning Agreement

**258-262 Pennant Hills Road, Carlingford NSW 2118 and
17 & 20 Azile Court, Carlingford NSW 2118**

Environmental Planning & Assessment Regulation 2000 (clause 25E)

The following is a revised explanatory note to be placed on exhibition with the Planning Proposal, draft DCP and draft Planning Agreement for the site at 258-262 Pennant Hills Road, Carlingford NSW 2118 and 17 & 20 Azile Court, Carlingford NSW 2118.

This explanatory note has been prepared in accordance with the requirements of Clause 25E of the Environmental Planning and Assessment Regulation, 2000.

1. Introduction

The purpose of this explanatory note is to provide a summary to accompany the exhibition of the draft Planning Agreement which has been prepared in accordance with Subdivision 2 of Division 7.0 of Part 7 of the Environmental Planning and Assessment Act, 1979.

This explanatory note has been prepared by Sydney Property Development Consultants and the City of Parramatta Council, being the parties proposing to enter into the Planning Agreement.

The explanatory note is not to be used to assist in construing the agreement.

2. Description of Land to which the Planning Agreement relates

The Planning Agreement applies to 258-262 Pennant Hills Road, Carlingford NSW 2118 and 17 & 20 Azile Court, Carlingford NSW 2118, respectively described as:

- (a) Lot 1 DP 213263
- (b) Lot 3 DP 213263
- (c) Lot 1 DP 221491
- (d) Lot 19 DP 221491

3. Objectives of the Planning Proposal

The Planning Proposal seeks to amend Parramatta Local Environmental Plan 2011 as it currently applies to the land, as follows:

- (a) Rezone of the site from part R2 Low Density Residential and part SP2 Infrastructure (Classified Road) to part R4 High Density Residential and part SP2 Infrastructure (Classified Road);
- (b) Increase the building height from part 9m to part 14m (such that the height shall be no more than 4 storeys);

- (c) Increase the maximum permissible floor space ratio from part 0.5:1 to part 1:1;
- (d) Amend the Natural Resources - Biodiversity Map to include part of the site as an existing Endangered Ecological Community; and
- (e) Dedication of land along the eastern boundary at 2 metres in width as part of the new north-south road link being prepared with the adjoining site.

4. Summary of Objectives, Nature and Effect of the draft Planning Agreement

The objectives of the Planning Agreement are to:

- (a) Improve traffic and pedestrian management within and around the site;
- (b) Maintain a high value ecological area;
- (c) Achieve biodiversity protection; and
- (d) Allow for the redevelopment of the site for higher density residential development in a manner that does not result in adverse impacts on the natural and built environment.

The objectives will be achieved through:

- (a) Improvements to the public domain with the embellishment along the Lane Way between 258 Pennant Hills Road & 20 Azile Court and 262 Pennant Hills Road & 17 Azile Court;
- (b) Upgrade of Homelands Avenue Reserve, Telopea, by a capital contribution of \$350,000.00;
- (c) Dedication of land along the eastern boundary of 2 metres in width as part of the new north-south road link being prepared with the adjoining site; and
- (d) Dedication of land for the provision of the signalisation of the intersection of Pennant Hills Road and Baker Street, to facilitate easier traffic movements.

5. Assessment of the merits of the draft Planning Agreement

5.1 Public Purpose of the Planning Agreement

The draft Planning Agreement has the following public purposes:

- It will provide for and deliver improvements to traffic management and road infrastructure in the vicinity of the site;
- It will improve pedestrian safety and accessibility;
- It will improve residential amenity; and
- It will ensure the protection of an ecological community.

5.2 Promotion of Objects of the Act

The Objects of the Environmental Planning and Assessment Act, 1979 are detailed in Section 1.3 of the Act.

The Planning Agreement promotes the Objects of the Act and achieves the objectives stated in Clause 1.3 because it:

- to promote 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 (Clause 1.3(a));
- to promote the orderly and economic use and development of land (Clause 1.3(c));
- to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats (Clause 1.3(e));
- to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage) (Clause 1.3(f)); and
- to promote good design and amenity of the built environment (Clause 1.3(g)).

5.3 How the draft Planning Agreement promotes the public interest

The draft Planning Agreement is in the public interest as it will result in an improvement in pedestrian and vehicular traffic movement and management in the vicinity of the site. The improvements proposed will benefit the existing and future community, whether it being the local community or commuters travelling through the community regularly or otherwise.

It will also provide for the protection of the ecological community which is in the interests of all members of the community.

The contribution and dedication of land proposed under the draft Planning Agreement are consistent with State Government and Council's strategic plans and policy documents.

5.4 How the draft Planning Agreement promotes elements of Council's charter

The Charter for all Councils is provided in Section 8 of the Local Government Act 1993 and provides objectives for Council to adhere to throughout its decision making and operation.

The proposal for land dedication and monetary contribution promotes the Charter by providing adequate, equitable, enhanced and appropriate services and facilities for the wider community.

5.5 Whether the draft Planning Agreement conforms with Council's capital works program

The construction of the new north-south road link and the signalisation of the intersection of Pennant Hills Road and Baker Street, including two signalised pedestrian crossings are not specifically identified on Council's capital works program however, they are works that will significantly improve the area in terms of pedestrian and vehicular movement for the wider

community. Accordingly, these works supplement works already identified on the works program.

5.6 Whether the draft Planning Agreement specifies when the requirements of the Agreement are to be completed or complied with.

The draft Planning Agreement is in respect of a Planning Proposal. There is no development application at this stage however, the proposed amendments to the LEP provide an indication of what may be proposed in the future. Any proposed development application cannot be determined until such time that the monetary contribution has been paid to Council and title to the Dedication Land has been transferred to Council.

The Planning Agreement requires that the agreement be registered on the title.

It is the parties' intention to satisfy all obligations pursuant to the Planning Agreement with minimal delays.