

PLANNING AGREEMENT EXPLANATORY NOTE

263-273 Pennant Hills Road and 18 Shirley Street, **Carlingford (Land)**
(Section 205 of the *Environmental Planning & Assessment Regulation 2021*)

Draft 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 (**Planning Agreement**) under s7.4 of the *Environmental Planning and Assessment Act 1979 (the Act)*, for the provision of works for public purposes to Council.

The Planning Agreement is being publicly exhibited concurrently with an application to change to an environmental planning instrument relating to the subject Land.
This Explanatory Note is not to be used to assist in construing the Planning Agreement.

Parties

Karimbla Properties (No.61) Pty Ltd (**Developer**) and Meriton Properties Pty Ltd (**Guarantor**) have agreed to enter into the Planning Agreement with City of Parramatta Council (**Council**) in connection with a change to an environmental planning instrument relating to the subject Land.

Description of Land

The Land to which the Planning Agreement applies is the Land contained in the following lots (collectively):

- Lot 22 DP 21386
- Lots 2, 3 and 4 DP 9614
- Lots 61 and 62 DP 819136 and
- Lot 1 DP 1219291

The land on which the works are to be carried out by the Developer is part of Shirley Street road reserve and part of Shirley Street Reserve.

Description of proposed change to environmental planning instrument

The planning proposal seeks to amend *Parramatta Local Environmental Plan 2023 (PLEP 2023)* as it applies to the Land to enable development for the additional permitted uses of shops, food and drink premises and business premises. The Planning Proposal also seeks to restrict the uses of shops, food and drink premises, business premises and recreation facilities (indoor) up to a maximum of 2,000m² in aggregate total gross floor area as defined in PLEP 2023, on the parts of the Land within Zone R4 High Density Residential under PLEP 2023.

Summary of Objectives, Nature and Effect of the Planning Agreement

In summary, the Planning Agreement proposes the provision of a raised pedestrian/cycle crossing on Shirley Street and a shared pedestrian/cycle path from the Shirley Street road reserve through Shirley Street Reserve to form part of the existing Active Transport Link connecting Carlingford Light Rail Station, and associated works.

Objectives of Planning Agreement

The objective of the Planning Agreement is to secure the provision of works for public purposes to improve pedestrian and cycle connectivity.

Nature of Planning Agreement

The Planning Agreement is a planning agreement under s7.4 of the Act. The Planning Agreement is a voluntary agreement under which the works for public purposes (as defined in Schedule 1 of the Planning Agreement) are required to be carried out by the Developer.

Effect of the Planning Agreement

The Planning Agreement:

- relates to the planning proposal for the subject Land;
- does not exclude the application of s7.11, s7.12 or s7.24 of the Act to the proposed future development of the Land;
- requires the carrying out of works to provide a shared pedestrian/cycle way through Shirley Street Reserve including:
 - a raised pedestrian crossing with cycle lane over Shirley Street
 - rectification works to the footpath in Shirley Street
 - a footpath, landscaping strip and cycle path within Shirley Street Reserve
 - lighting and provision for utilities.

A plan showing the Land and the location of the proposed works is attached to this Explanatory Note.

Assessment of the Merits of the Planning Agreement

The Planning Agreement is considered to provide for sound planning and public benefit outcomes and represents a considered, negotiated approach to planning and development. Council supports the Planning Agreement in its draft form and has resolved to place it on public exhibition to allow for the consideration of public comment.

The Planning Agreement has been reviewed by Council staff and is considered to provide adequate legal surety for the delivery of the proposed public benefits.

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

The Planning Agreement promotes the following objects of the Act:

s1.3(a) 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,
s1.3(c) to promote the orderly and economic use and development of land,

The Planning Agreement promotes the public interest by providing pedestrian and cycle connectivity to and through Shirley Street Reserve and enhancing the public domain.

The Planning Purposes served by the Planning Agreement

The Planning Agreement facilitates the improvement of the public domain and provides public amenities positively contributing to the improvement of the local pedestrian and cycle network.

Whether the Draft Planning Agreement conforms with the Council's Capital Works Program

The Planning Agreement conforms with Council's Capital Works Program through the proposed improvements in the public domain, consistent with the existing Active Transport Link connecting Carlingford Light Rail Station.

