

Schedule 4 – Explanatory Note

EXPLANATORY NOTE

DRAFT PLANNING AGREEMENT FOR 8 LINCLUDEN DRIVE, OATLANDS

Environmental Planning and Assessment Regulation 2021

(clause 205)

1. Introduction

The purpose of this Explanatory Note is to provide a plain English summary to support the exhibition of a proposed draft planning agreement (the Planning Agreement) prepared under section 7.4(1) of the *Environmental Planning and Assessment Act 1979* (the Act).

2. Parties

The parties to the Planning Agreement are City of Parramatta Council ABN 49 907 174 773 (the Council) and Zaki Property Pty Ltd ATF Zaki Property Trust ABN 85 020 549 690 (the Applicant).

This explanatory note has been prepared jointly by the parties.

3. Description of Subject Land

The Planning Agreement applies to the land legally known as Lot 3 in Deposited Plan 775621 and known as 8 Lincluden Place, Oatlands (the Land).

Zaki Property Pty Ltd ATF Zaki Property Trust is the owner of the Land.

4. Description of the Proposed Development

The Applicant is seeking to redevelop the Land with residential dwellings pursuant to its Proposed Development Application.

The Planning Proposal seeks to rezone the Land zoned SP2 Infrastructure (Educational Establishment) to R2 Low Density Residential under *Parramatta Local Environmental Plan 2023*. It is noted that the portion of Land currently zoned SP2 Infrastructure (Classified Road) is to be retained. The portion of land identified within the Land that is proposed to be acquired, as per the Land Reservation Acquisition map, will be subject to a separate process.

The Planning Agreement does not permit the Proposed Development to be carried out and the Applicant will be required to seek and obtain the necessary development consent/s under the Act to do so.

5. Summary of Objectives, Nature and Effect of the Planning Agreement

The Applicant has offered to enter into the Planning Agreement with the Council.

The Planning Agreement provides that the Applicant will provide either:

1. Monetary contribution to Council to be determined once the Proposed Development



- Application has been lodged and dwelling yield has been ascertained; OR
2. Construct a shared pathway upgrade along Pennant Hills Road, specifically between Golan Avenue and Glencoe Avenue.

(The Applicant's Contribution)

Any monetary contribution provided by the Applicant will go towards providing a shared pathway along Pennant Hills Road, specifically between Golan Avenue and Glencoe Avenue.

This is so the current SP2 Infrastructure (Educational Establishment) zoning of the land is varied to be R2 Low Density Residential under *Parramatta Local Environmental Plan 2023*.

6. Assessment of Merits of Planning Agreement

(1) The Planning Purpose of the Planning Agreement

The Planning Agreement will benefit the public by providing the framework for the efficient and equitable collection of Monetary Contributions towards the provision of a shared pathway along Pennant Hills Road, specifically between Golan Avenue and Glencoe Avenue that is generated by the rezoning of the Land.

(2) How the Planning Agreement Promotes the Public Interest

The Planning Agreement promotes the public interest by providing either:

- I. Shared pathway along Pennant Hills Road, specifically between Golan Avenue and Glencoe Avenue; OR
- II. Providing monetary contributions for the recoupment of cost required to construct a shared pathway along Pennant Hills Road, specifically between Golan Avenue and Glencoe Avenue.

This is generated by the rezoning of the Land to meet the community's needs.

(3) How the Planning Agreement Promotes the Objects of the Act

The Planning Agreement promotes the following objects of the Act:

- I. 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,
- II. to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,
- III. to promote the orderly and economic use and development of land.

In addition to the above, the Planning Agreement will not be inconsistent with any of the other objects of the Act.

(4) How the Planning Agreement Promotes Elements of the Local Government Act 1993 and the Guiding Principles for Councils

The Planning Agreement promotes the guiding principles for council under section 8A of the Local Government Act 1993 by assisting Council to:

- I. Carry out functions in a way that provides the best possible value for residents and ratepayers;

- ii. Manage lands and other assets so that current and future local community needs can be met in an affordable way;
- iii. Work with others to secure appropriate services for local community needs.
- iv. Recognise diverse local community needs and interests;
- v. Consider the long term and cumulative effects of actions on future generations;
- vi. Apply the principles of ecologically sustainable development;
- vii. Invest in responsible and sustainable infrastructure for the benefit of the local community; and
- viii. Identify and prioritise key local community needs and aspirations and consider regional priorities.

(5) How the Planning Agreement Promotes Council's Capital Works Program

The planning agreement assists the capital works program by providing funds sourced from the proposed development. These funds facilitate works that support growth within the Parramatta centre.

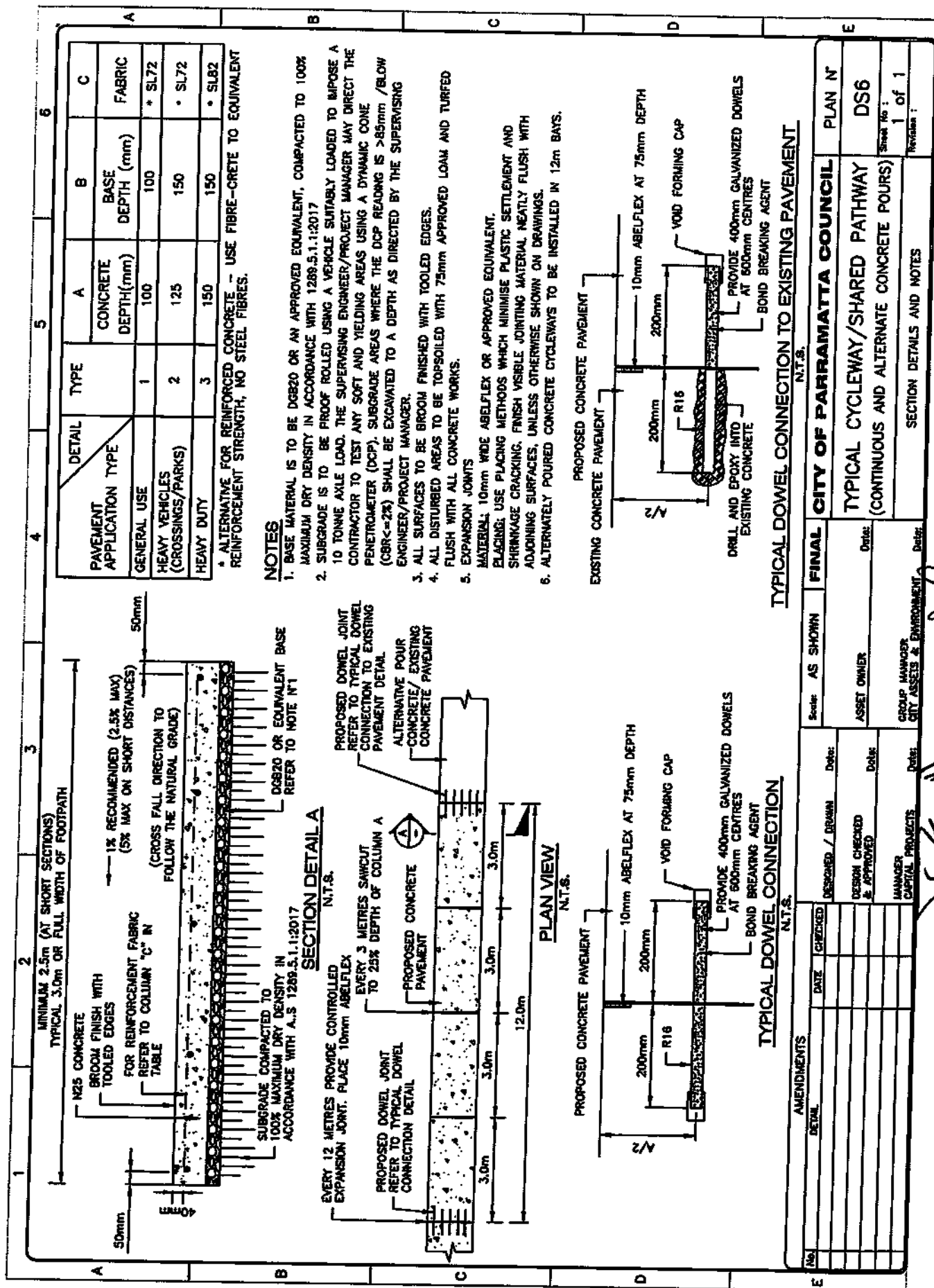
(6) Requirements relating to Construction and Occupation Certificates



If the Applicant elects to construct the shared pathway, it must be, in the reasonable opinion of Council, satisfactory. If the Applicant elects to provide Monetary Contributions, these are to be paid prior to the issue of the Occupation Certificate.



Schedule 5 – Construction requirements for Shared Pathway

the *refer* 



CAPITAL PROJECTS	Date	GROUP MEMBERS	CITY ASSETS & ENVIRONMENT	Date
				

Executed as an agreement

Signed on behalf of City of Parramatta Council (ABN 49 907 174 773) by its authorised delegate pursuant to section 377 of the Local Government Act 1993 in the presence of:


Signature of witness

ANN-MARIE SUDINIC
Name of witness

126 CHURCH ST PARRAMATTA
Address of witness

Executed by Zaki Property Pty Ltd as trustee for Zaki Property Trust in accordance with section 127 of the Corporations Act 2001:



Signature of Director

Maged Zaki
Name of Director


Signature of authorised delegate

GAIL CONNOLLY
Name of authorised delegate

C.E.O.
Position of authorised delegate


Signature of Director

Wafaq Zaki
Name of Director


8/7/24