

**Explanatory Note  
Voluntary Planning Agreement  
263-281 Pennant Hills Road, Carlingford**

*Environmental Planning & Assessment Regulation 2021 (clause 205)*

**Planning Agreement**

The purpose of this Explanatory Note is to provide a plain English summary to support a Voluntary Planning Agreement (**the Planning Agreement**) under Section 7.4 of the *Environmental Planning and Assessment Act 1979 (the Act)*.

The Planning Agreement requires the carrying out of works, dedication of land and monetary contributions towards the delivery of public infrastructure and amenities, in connection with changes to provisions of Parramatta Local Environmental Plan 2023 (**PLEP 2023**) 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 Planning Agreement, in connection with a Planning Proposal relating to the subject land. Meriton Properties Pty Ltd (**the Guarantor**) are also party to the Planning Agreement.

**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 DP 1219291
Lot 4 in DP9614	

**Description of the Planning Proposal to which the Planning Agreement applies**

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

- (a) Reconfiguring the existing R4 High Density Residential and RE1 Public Recreation zones and retaining the existing SP2 Infrastructure zone as is.
- (b) Amending the maximum building height by:
  - Amending the maximum height of buildings on the Pennant Hills Road frontage from 27 metres to part 0m, part 65 metres, part 84 metres and part 110 metres.

- Amending the maximum height of buildings on the remainder of the site from part 33 metres and part no height to part 0m, part 33 metres, part 46 metres, part 56 metres and part no height.
- (c) Amending 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 of PLEP 2023 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 a maximum GFA of 2,000 sqm to a maximum GFA of 2,600 sqm.
- (e) Amending the Land Reservation Acquisition Map to include the portion of RE1 Public Recreation land that will be dedicated to Council.

The Planning Agreement applies to the future development of the land for mixed use and high-density residential purposes (**Development**) in accordance with the PLEP 2023. It is estimated that the development will consist of 723 dwellings.

### **Summary of Objectives, Nature and Effect of the Planning Agreement**

**The Planning Agreement requires the following works:**

- A Community Hub of a minimum 2,500 sqm (net lettable area) including a minimum 1,800 sqm (net lettable area) warm shell 'library' and minimum 700 sqm (net lettable area) warm shell 'community centre' with provision for 20 car parking spaces.
- Construction, embellishment and dedication of the RE1 Public Recreation land (5,455 sqm) on the site in the form of a Central Park (4,768 sqm) and a Community Link (687 sqm) which is a portion of land adjacent to the Community Hub.
- Embellishment of a minimum of 595 sqm of open space to be made publicly accessible via a pedestrian easement and provision of 24-hour access.

### **Monetary Contribution**

The Planning Agreement requires a monetary contribution equivalent to Section 7.11 and Section 7.12 to be applied to 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 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 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 Planning Agreement requires contributions towards public purposes, including the provision of community infrastructure. The Planning Agreement provides for the improvement of community infrastructure in the vicinity of the proposed development and will provide for the needs 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 an 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 and/or land recreation purposes 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 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 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 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.
Community Link	Embellishment and dedication of the Community Link adjoining the Community Hub prior to the issue of the Occupation Certificate for the latter of either Building Block F or G.
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. Payment is due prior to the Occupation Certificate of the relevant part of the Development in accordance with the Planning Agreement.

## Post Exhibition Amendments

The Planning Agreement was placed on public exhibition from 25 March 2024 to 24 April 2024 with the Planning Proposal. Several post exhibition amendments to the Planning Agreement have been made including:

- An amendment to the definition of Development to include reference to DA/53/2022.
- Amendments to the definition of Planning Proposal to provide all details of the Planning Proposal.
- An increase in the area of land to be dedicated to Council as Public Open Space.
- An amendment to the timing for completion of the works to embellish the Public Open Space.
- A reduction in the Maintenance Period for the park works.
- Requirement of Council approval of stratum documents related to the Community Hub.
- Refinement of Schedule 1 (Scope of Works) related to the Community Hub and landscape embellishment.
- Amendments to Schedule 2 (Construction Terms) to refine the meaning of Warm Shell Fit Out and incorporate a more detailed design process.
- Refinement of Annexure C (Library Design Brief) and the Schedule 5 (Infrastructure Services Delivery Plan).

The amendments did not involve significant changes to the public benefit provided under the Planning Agreement and as such the Planning Agreement did not require re-exhibition prior to execution.