



EXPLANATORY NOTE

Draft Planning Agreement for 264-268 Pennant Hills Road, Carlingford

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 revised draft Planning Agreement which has been prepared in accordance with Subdivision 2 of Division 7.1 of Part 7 of the *Environmental Planning and Assessment Act, 1979*.

This explanatory note has been prepared by BaptistCare and the Council of the City of Parramatta, 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 264 – 268 Pennant Hills Road, Carlingford, which is described as:

- Lot 1 DP 1033201, and
- Lot 2 DP 364225.

3. Objectives of the Planning Proposal

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

- Rezone the land that is presently zoned R2 – Low Density Residential to R4 – High Density Residential;
- Increase the maximum building height for the land to 14 metres; and
- Increase the maximum permissible floor space ratio for the land to 1:1.

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

The primary objective of the Planning Agreement is to assist with and improve traffic and pedestrian/cyclist management within and around the site. This is achieved through:

- Improvements to the public domain area along the western side of Martins Lane to include a new footpath and landscaping. Existing mature trees along the western side of Martins Lane will be protected and retained.
- Widening of Martins Lane near the intersection of Pennant Hills Road to facilitate easier traffic movements at the intersections (based on left in-left-out movements only).
- Upgrading of the road surface of Martins Lane generally.
- Provision of new street lighting along Martins Lane.
- Replacement of the fencing along the rear boundaries of properties on the eastern side of Martins Lane (subject to the agreement of the property owners).
- Provision of traffic signals and associated pedestrian crossings at the intersection of Pennant Hills Road and Baker Street.
- Provision of a new road adjacent to the western boundary of the site to link with the new mid site east-west link road.
- Provision of a new mid site east-west road linking the north-south road with Martins Lane.

The second objective of the Planning Agreement is to maintain the high value ecological area at the southern portion of the BaptistCare land and provide public access to this area.

The third objective of the Planning Agreement is to provide 162 affordable housing dwellings as part of any new residential development on the land. These dwellings will be managed by BaptistCare until at least 1 January 2045, in accordance with the agreement between BaptistCare and NSW Department of Family and Community Services.

5. Assessment of the merits of the draft Planning Agreement

Public Purpose of the Planning Agreement

The draft Planning Agreement has the following public purposes:

- It will increase the supply of affordable housing in the community.
- 5.1 • It will provide for and deliver improvements to traffic management and road infrastructure in the vicinity of the site.
- It will improve pedestrian safety (by providing a safe crossing of Pennant Hills Road and upgrading of the footpath and public domain area along Martins Lane).
- It will provide improved facilities for cyclists in the vicinity of the site including shared paths.
- It will improve residential amenity.
- It will ensure the protection of an endangered ecological community.

The obligations of BaptistCare as detailed in the draft Planning Agreement identify how these public purposes will be achieved.

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:

- Represents orderly and economic use and development of the land (Clause 1.3(c));
- Promotes the social and economic welfare of the community by providing affordable housing (Clause 1.3(a) and 1.3(d));
- 5.3 • Protects the environment, including the conservation of a threatened ecological community (Clause 1.3(e)); and
- Promotes good design and amenity in the built environment (Clause 1.3(g)).

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, cyclist and vehicular traffic movement and management in the vicinity of the site. The improvements proposed will benefit the existing and future community.

It will also provide for the protection of an endangered ecological community which is in the interests of all members of the community and will provide for public access to the area in which the endangered ecological community is located.

The provision of affordable housing will make a significant contribution towards meeting the existing and future needs of members of the community who require this accommodation, including key workers and low income households.

The works and services proposed under the draft Planning Agreement are consistent with State Government and Council's strategic plans and policy documents.

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.

- 5.4 The draft Planning Agreement through the provision of land dedication and capital works and the provision of public access to part of the site, promotes the charter by providing adequate, equitable and appropriate services and facilities for the community.

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

- 5.5 The improvements to the road network and intersections and the public domain are not works specifically identified on Council's capital works program. Nevertheless, they are works that will result in significant improvements in terms of pedestrian and vehicular movement for the wider community and are therefore considered to supplement works identified on the works program.

The provision of public access to the area of high ecological value will supplement other publicly accessible open space areas in the vicinity of the land and provide a passive recreation space for the wider community.

The Planning Agreement is consistent with Council's Affordable Housing Policy. As works for the purposes of the units are not directly proposed on land owned or managed by Council, this component of the Planning Agreement has no impact upon Council's Works Program.

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

This draft Planning Agreement relates to a Planning Proposal; there is no application for development at this point in time. However, the draft Planning Agreement does include time triggers for the delivery of works that will need to be complied with as part of any future approved, development application.

The draft Planning Agreement refers to Site A and Site B as shown in the plan at Annexure A to the Planning Agreement.

Site A is that part of the BaptistCare site (264-268 Pennant Hills Road) north of the proposed mid site east-west road. Site B is that part of the BaptistCare site between the proposed mid site east-west road and the High Value Ecological Area

The Planning Agreement requires the following works to be delivered prior to the issue of an Occupation Certificate for any building used for residential accommodation on the BaptistCare site:

- That part of the Martins Lane road upgrades between Pennant Hills Road and the new mid site east-west link road (Martins Lane northern section), including the widening of Martins Lane near the intersection of Pennant Hills Road to provide a left-out turn lane;
- The installation of traffic signals at the intersection of Pennant Hills Road and Baker Street; and
- The provision of the mid site east-west road on the site.

In accordance with the Planning Agreement, the following works are required to be delivered no more than 18 months after the issue of an Occupation Certificate for the last building on Site A or prior to the issue of the first Construction Certificate for a building on Site B or no more than 36 months after the issue of the first Occupation Certificate for any building on Site A. These contingency timeframes have been included in case there are delays due to unforeseen circumstances and will allow the affordable housing to be occupied whilst less critical infrastructure works are completed:

- Public domain upgrades along the western side of Martins Lane;



- Upgrades to the southern section of Martins Lane (being that part of Martins Lane between the new mid site east-west link road and the southern extent of the site (adjacent to the High Value Ecological Area); and
- Provision of a new north-south road to link with the new mid site east-west road.

The affordable housing will be delivered prior to the issue of the last Occupation Certificate for Site A.

For the purposes of the provision of an easement for public access to the area of high ecological value, the easement will be registered prior to the issue of the Occupation Certificate for development on Site B.

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