

13.7 **Gateway Request: Planning Proposal, draft Planning Agreement and draft Site-Specific Development Control Plan at 263-273 Pennant Hills Road and 18 Shirley Street, Carlingford**

(Report of Project Officer Land Use)

4620 **RESOLVED:** Councillor Valjak and Councillor MacLean

- (a) That Council approve for the purposes of seeking a Gateway Determination from the Department of Planning and Environment (DPE), the Planning Proposal for land at 263-273 Pennant Hills Road and 18 Shirley Street, Carlingford (Attachment 1) which seeks to amend the Parramatta Local Environmental Plan 2023 (PLEP 2023) in relation to the subject site by:
- i. Reconfiguring the existing R4 High Density Residential and RE1 Public Open Space zones.
  - ii. Increasing the Maximum Height of Building control from 33m (11 storeys) on the Pennant Hills Road frontage to 110m (29 storeys) and from 27m (9 storeys) on the remainder of the R4 zoned portion of the site to 56m (18 storeys).
  - iii. Increasing the Maximum Floor Space Ratio control for the R4 High Density Residential zoned land from 2.3:1 to 3.6:1.
  - iv. Amending Schedule 1 Additional Permitted Uses 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 2,000 sqm to 2,600 sqm.
- (b) That Council request the DPE to provide Council with the authorisation to exercise its plan-making delegations for this Planning Proposal.
- (c) That Council note the Local Planning Panel's advice to Council (refer to Attachment 2) is consistent with the Council Officer's recommendation in this report.
- (d) That Council authorise the CEO:
- a. To amend the draft site-specific Development Control Plan (SSDCP) (Attachment 3) to align with the Planning Proposal and address the matters as described in this report;
  - b. To draft the Planning Agreement subject to the details within the submitted Letter of Offer (Attachment 4) which address the matters described in this report; and
  - c. If a Gateway Determination is issued by DPE, that the Planning Agreement and SSDCP are placed on public exhibition concurrently with the Planning Proposal.
- (e) That if a Gateway Determination is issued by DPE, Council staff liaise with the Department of Education to ensure that it plans for the timely provision of adequate capacity at local schools to meet

the additional need that would be generated by the future development.

- (f) That Council writes to Transport for NSW requesting that if a Gateway Determination is issued by DPE, the Housing and Productivity Contribution collected from the development of the site be applied to the improvement of transport infrastructure in the surrounding area, in particular the Pennant Hills Road/Evans Road/Lloyd Road and Pennant Hills Road/Moseley Street intersections, as well as increased provision of bus services and rail link to Epping.
- (g) That Council authorise the CEO to correct any minor anomalies of a non-policy and administrative nature that may arise during the plan-making process and finalisation of the documents.
- (h) Further, that Council:
  - i. Notes that the planning controls for this part of Carlingford were prepared by The Hills Shire Council 11 years ago.
  - ii. Notes that this part of Carlingford is located in an already identified Growth Precinct in accordance with Council's Local Strategic Planning Statement (LSPS) and Local Housing Strategy (LHS) presenting an opportunity to optimise the potential for this Growth Precinct to accommodate housing growth.
  - iii. Request the CEO to investigate the work required to review the planning controls for this Growth Precinct and for this to inform the 2024/25 budget.
  - iv. That the CEO request an urgent meeting with the Hon. Paul Scully MP, Minister for Planning and Public Spaces to discuss increased density and the provision of infrastructure in the Parramatta LGA, particularly Carlingford. That the Ward Councillors and any other interested Councillors and the Lord Mayor be invited to attend the meeting with the Minister.

**Record of Voting:**

For the Motion: Lord Mayor Councillor Esber, Deputy Lord Mayor Councillor Proxiv, Councillors Darley, Davis, Garrard, Humphries, MacLean, Noack, Siviero, Valjak, Wang and Wearne.

Against the Motion: Councillors Green, Bradley (abstain).

On being PUT to the meeting voting on this MOTION was twelve (12) votes FOR and two (2) votes AGAINST (noting an abstained vote is recorded as against in accordance with Section 11.4 of Council's Code of Meeting Practice). The MOTION was CARRIED.

Question taken on Notice (Clr Garrard) - Item 13.7 Gateway Request: Planning Proposal, draft Planning Agreement and draft Site-Specific Development Control Plan at 263-273 Pennant Hills Road and 18 Shirley Street, Carlingford.

- Is there any affordable housing in the Riverbank Development?

Note: Councillor Pandey returned to the meeting at 8.00pm.

## **ADJOURNMENT OF MEETING**

Note: At 8.01pm, the Lord Mayor adjourned the meeting for 10 minutes.

## **RECONVENED MEETING**

Note: At 8.12pm, the Lord Mayor reconvened the meeting. The following Councillors were present; Lord Mayor Councillor Esber, Deputy Lord Mayor Councillor Prociv and Councillors Davis, Humphries, MacLean, Pandey, Valjak and Wang.

## **10. PETITIONS**

There were no petitions tabled at this meeting.

## **11. RESCISSION MOTIONS**

Nil

## **12. REPORTS TO COUNCIL - FOR NOTATION**

Nil

## REPORTS TO COUNCIL - FOR COUNCIL DECISION

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<b>ITEM NUMBER</b>	13.7
<b>SUBJECT</b>	Gateway Request: Planning Proposal, draft Planning Agreement and draft Site-Specific Development Control Plan at 263-273 Pennant Hills Road and 18 Shirley Street, Carlingford
<b>REFERENCE</b>	RZ/5/2023 - D09206084
<b>APPLICANT/S</b>	Karimbla Properties (No. 61) Pty Ltd
<b>OWNERS</b>	Karimbla Properties (No. 61) Pty Ltd
<b>REPORT OF</b>	Project Officer Land Use

**CPS THEME:                    INNOVATIVE**

### DEVELOPMENT APPLICATIONS CONSIDERED BY SYDNEY CENTRAL CITY PLANNING PANEL

Deferred Commencement Development Consent No.1103/2011/JP issued by the Joint Regional Planning Panel for demolition of existing structures and associated construction of five apartment buildings 9-11 stories containing 450 units and basement parking for 662 cars (active consent granted 21 July 2015).

Development Application (DA/53/2022) was lodged on 21 January 2022 for construction of seven 10-13 storey buildings comprising 620 residential units, child care centre for 110 children, 1,735sqm of 17 neighbourhood retail shops and 864 basement car parking spaces; publicly accessible open spaces and through site links; roads; landscaping; and tree removal. The application was refused by the Sydney Central City Planning Panel on 7 December 2022. The DA is currently the subject of an appeal to the Land and Environment Court and a conciliation conference was held on 20 October 2023.

### PURPOSE

To seek Council's approval of a Planning Proposal for land at 263-273 Pennant Hills Road and 18 Shirley Street, Carlingford to be forwarded to the Department of Planning & Environment (DPE) for the purposes of seeking a Gateway Determination, and to seek Council's endorsement to finalise an associated Planning Agreement and draft Site-Specific Development Control Plan for public exhibition concurrently with the Planning Proposal if a Gateway Determination is received.

### RECOMMENDATION

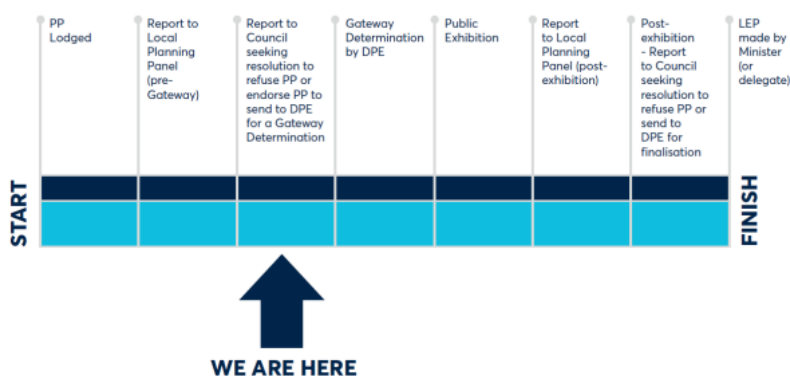
- (a) **That** Council approve for the purposes of seeking a Gateway Determination from the Department of Planning and Environment (DPE), the Planning Proposal for land at 263-273 Pennant Hills Road and 18 Shirley Street, Carlingford (**Attachment 1**) which seeks to amend the Parramatta Local Environmental Plan 2023 (PLEP 2023) in relation to the subject site by:
- i. Reconfiguring the existing R4 High Density Residential and RE1 Public Open Space zones.

- ii. Increasing the Maximum Height of Building control from 33m (11 storeys) on the Pennant Hills Road frontage to 110m (29 storeys) and from 27m (9 storeys) on the remainder of the R4 zoned portion of the site to 56m (18 storeys).
  - iii. Increasing the Maximum Floor Space Ratio control for the R4 High Density Residential zoned land from 2.3:1 to 3.6:1.
  - iv. Amending Schedule 1 Additional Permitted Uses 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 2,000 sqm to 2,600 sqm.
- (b) **That** Council request the DPE to provide Council with the authorisation to exercise its plan-making delegations for this Planning Proposal.
- (c) **That** Council note the Local Planning Panel's advice to Council (refer to **Attachment 2**) is consistent with the Council Officer's recommendation in this report.
- (d) **That** Council authorise the CEO:
- a. To amend the draft site-specific Development Control Plan (SSDCP) (Attachment 3) to align with the Planning Proposal and address the matters as described in this report;
  - b. To draft the Planning Agreement subject to the details within the submitted Letter of Offer (Attachment 4) which address the matters described in this report; and
  - c. If a Gateway Determination is issued by DPE, that the Planning Agreement and SSDCP are placed on public exhibition concurrently with the Planning Proposal.
- (e) **That** if a Gateway Determination is issued by DPE, Council staff liaise with the Department of Education to ensure that it plans for the timely provision of adequate capacity at local schools to meet the additional need that would be generated by the future development.
- (f) **That** Council authorise the CEO to correct any minor anomalies of a non-policy and administrative nature that may arise during the plan-making process and finalisation of the documents.
- (g) **Further, that** Council:
- a. Notes that the planning controls for this part of Carlingford were prepared by The Hills Shire Council 11 years ago.
  - b. Notes that this part of Carlingford is located in an already identified Growth Precinct in accordance with Council's Local Strategic Planning Statement (LSPS) and Local Housing Strategy (LHS) presenting an opportunity to optimise the potential for this Growth Precinct to accommodate housing growth.
  - c. Request the CEO to investigate the work required to review the planning controls for this Growth Precinct and for this to inform the 2024/25 budget.

## BACKGROUND

1. In September 2023, Karimbla Properties (No.61) Pty Ltd lodged a Planning Proposal with the City of Parramatta Council for land at 18 Shirley Street and 263-273 Pennant Hills Road, Carlingford to enable the development of the site for high density residential development and commercial uses including reconfiguring the existing residential and open space zoning.
2. On 2 November 2023, the Local Planning Panel (LPP) provided advice to Council recommending it approve the Planning Proposal for the purposes of requesting a Gateway Determination for the site as per the Council Officer recommendation in this report. The Panel's endorsement of the Planning Proposal was subject to Council considering several matters which are detailed in this report.
3. The site has a complex planning history detailed at **Attachment 5**.

## PLANNING PROPOSAL TIMELINE



## SITE DESCRIPTION

4. The subject site (**Figure 1**) is known as 263-273 Pennant Hills Road and 18 Shirley Street, Carlingford and comprises of seven lots which are legally described as follows in Table 1:

**Table 1** – Property Address - Lots and DPs

Property Address	Lot & DP
263 Pennant Hills Road	Lot 22, DP 21386
265 Pennant Hills Road	Lot 2, DP 9614
267 Pennant Hills Road	Lot 3, DP 9614
269 Pennant Hills Road	Lot 4, DP 9614
271 Pennant Hills Road	Lot 62, DP 819136
273 Pennant Hills Road	Lot 61, DP 819163
18 Shirley Street	Lot 1, DP 1219291



**Figure 1 - Subject Site**

5. The site is irregular in shape and has a total area of approximately 27,987sqm, made up of 6,050 sqm of RE1 Public Recreation zoned land and 21,880 sqm of R4 High Density Residential zoned land and 57 sqm of SP2 Infrastructure zoned land.
6. The site is located on the western side of Pennant Hills Road (classified road) and the southern and eastern sides of Shirley Street (local road). The site is predominately undeveloped and cleared of vegetation however there are five detached two-storey dwellings fronting Pennant Hills Road.
7. The site is located approximately 400 metres east from the Carlingford Light Rail stop and 60m to the south of the Carlingford Village shopping centre (**Figure 2**).



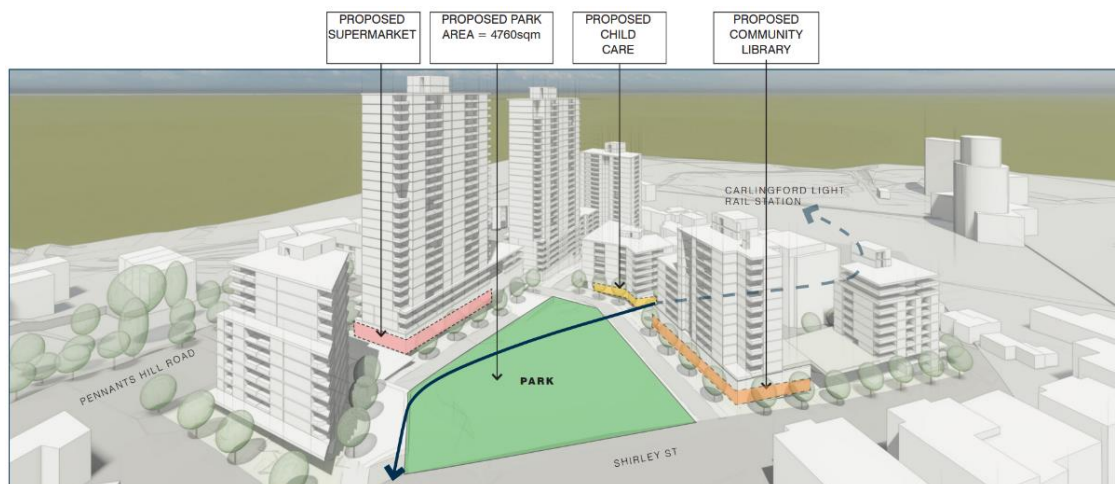


Figure 2 – Local Context Map

## PLANNING PROPOSAL

8. The Planning Proposal seeks to facilitate a higher density mixed use development scheme (**Figure 3**) on the site than is allowed under the current planning controls by increasing the Floor Space Ratio and Height of Building controls and reconfiguring the layout of R4 High Density Residential and RE1 Public Recreation zoned land. The proposal also includes a substantial public benefit offering including a library, community space and consolidated open spaces. Further details are outlined in the LPP Report at **Attachment 2** and the Planning Proposal at **Attachment 1**.





**Figure 3 – Reference Scheme**

9. **Table 2** describes the instrument changes being sought under the Planning Proposal compared with the current controls under PLEP 2023. Refer to the LPP Report (**Attachment 2**) for mapping changes.

**Table 2 – Proposed PLEP 2023 Amendments**

	Existing as per PLEP 2023	Dyldam DA – <u>existing consent</u> (Excludes 263-273 Pennant Hills Road)	Proposed changes to PLEP 2023
<b>Zoning</b>	Part R4 High Density Residential, Part RE1 Public Recreation and Part SP2 Infrastructure	Part R4 High Density Residential, Part RE1 Public Recreation, Part SP2 Infrastructure	Reconfigured part R4 High Density Residential and RE1 Public Recreation.  Existing SP2 Infrastructure to remain as is.
<b>Site Area</b>	27,987 sqm	23,482 sqm	27,987 sqm
<b>Dwelling Yield</b>	526	450 on Dyldam site	723
<b>GFA</b>	50,454 sqm residential	Total GFA 53,069 sqm residential	Total GFA 80,510 sqm <ul style="list-style-type: none"> <li>- 74,655 sqm residential</li> <li>- 2,500 sqm Community Hub</li> <li>- 550 sqm childcare centre</li> <li>- 2,600 sqm non-residential</li> <li>- 5,585 sqm of RE1 Public Open Space</li> <li>- 4,760 sqm Central Park to be dedicated.</li> </ul>
<b>HoB</b>	Part 33m (11 storeys) and part 27m (9 storeys)	Part 27m (9 storeys) on Pennant Hills Road and Part 33m (11 storeys) on the remainder of the site.	Part 110m (29 storeys) and part 56m (18 storeys)
<b>FSR</b>	2.3:1	3:1 (excluding open space)	3.6:1

<b>Additional Permitted Uses</b>	As per Schedule 1 of PLEP 2023 shops, food and drink premises and business premises and recreation facilities (indoor) on the R4 High Density Residential zoned part of the site - maximum GFA of 2,000 sqm on the R4 High Density Residential zoned part of the site.	NA	Schedule 1 of PLEP 2023 to shops, food and drink premises, business premises and recreation facilities (indoor) on the R4 High Density Residential zoned part of the site - maximum GFA of 2,600 sqm on the R4 High Density Residential zoned part of the site.
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10. The existing development consent that applies to the 18 Shirley Street portion of the site allows a 30% increase in floorspace permitted on that site (as the RE1 Public Open Space land was included in the calculations of floor space ratio) to 53,069 sqm which equates to an FSR of 3:1 for this site. The subject Planning Proposal seeks a total floorspace of 80,510 sqm which equates to an FSR of 3.6:1 when the 263-273 Pennant Hills Road properties are added to the site and public open space is excluded from the calculation of FSR.
11. It is also noted there was a development application refused by the Sydney Central City Planning Panel on 7 December 2022 for 263-273 Pennant Hills Road and 18 Shirley Street, Carlingford. The DA is currently the subject of an appeal to the Land and Environment Court and a conciliation conference was held on 20 October 2023. Refer to the LPP Report (**Attachment 2**) for details.

## SUMMARY OF COUNCIL OFFICER ASSESSMENT

12. Council officers' assessment of the Planning Proposal is summarised below. Further details of the assessment are provided in the LPP Report (**Attachment 2**).

### State Planning Policies and Strategies

13. The Minister for Planning has recently written to all councils and planning panels asking them to *'prioritise the delivery of housing when assessing development applications and rezoning schemes, so that the entire planning system is geared to addressing the housing shortfall'*. The Minister further asks that *'...council teams prioritise the opportunity to deliver homes as part of merit considerations where, on balance, dwelling numbers may warrant a scale or built form that is different to or greater than the outcome originally anticipated'* (see **Attachment 6**).
14. The Minister also advises in his letter that updated region and cities plans are being prepared by the Greater Cities Commission, and that in the meantime a strategic merit assessment should be applied to Planning Proposals which will be used to confirm if the proposal can satisfy relevant regional, district, and local strategies.
15. The Planning Proposal presents the opportunity to accommodate more housing growth in an already identified Growth Precinct in accordance with Council's Local Strategic Planning Statement (LSPS) and Local Housing Strategy (LHS). The outcome will generate greater public benefits than the existing development

controls and consent for the site, provide a much better distribution of open space and building layout, and deliver much greater community infrastructure benefit. A summary of how the subject Planning Proposal is consistent with all relevant policies is provided in the LPP report at **Attachment 2**.

16. It is also considered that in the context of the need to ensure the potential for Carlingford to continue to appropriately contribute towards meeting growing housing needs it is timely to review the planning controls for this part of Carlingford. It is therefore recommended that this work be included in the Council budget for 2024/25. It is noted that the current Carlingford Precinct built form strategy was developed in The Hills Development Control Plan 2012 prepared by The Hills Shire Council 11 years ago. It is appropriate for Council to review the scale of development in Carlingford to contribute to housing supply.

#### Urban Design and Built Form

17. As detailed in the LPP Report (**Attachment 2**) Council officers have identified several impacts associated with the increased scale, density, built form and design of the proposal. The LPP report also notes that there are opportunities to improve the site planning and public domain relating to the bulk and scale of buildings to ensure that amenity is maximised within the proposed height and density controls, and it is recommended that the draft SSDCP controls be amended to address these matters.

#### Traffic, Transport and Parking

18. Council officers undertook a detailed assessment of the proposal. The proposal is supported on grounds relating to public transport and site access.
19. Carparking in accordance with the NSW Guide to Traffic Generating Developments is supported as is the proposed parking for the community hub. For the childcare centre and retail components, the applicant's reliance on The Hills DCP parking rates is acceptable given The Hills DCP requires higher minimum parking rates than the Parramatta DCP.
20. Signalisation of the Pennant Hills Road/Lloyd Road/Evans Street intersection will be required to facilitate safe pedestrian access to south bound bus stops on Pennant Hills Road. The upgrade design and funding arrangements with the applicant will be addressed by Transport for NSW (TfNSW).

#### Other Considerations

21. The detailed analysis contained in the LPP Report (**Attachment 2**) addresses the relevant State and Council policies, land use and zoning, wind impacts, heritage, acoustic impacts, environmentally sustainable design, overland flow, social impact, open space, landscaping and arboriculture, retail and economic impact, and geotechnical and contamination issues.
22. Some of these matters will additionally be covered in the draft site-specific DCP, which will be exhibited concurrently with the Planning Proposal and Planning Agreement should Council resolve to proceed with the Proposal and a Gateway Determination be issued by the DPE.

23. Furthermore, in relation to the issue of the ability of local schools to serve the development, it is recommended that if a Gateway Determination is issued by DPE, Council staff liaise with the Department of Education to ensure that it plans for the timely provision of adequate capacity at local schools to meet the additional need that would be generated.

### **LOCAL PLANNING PANEL ADVICE**

24. The Local Planning Panel considered this matter at its meeting of 8 November 2023 (**Attachment 2**) and provided the following advice to Council:

*“The Local Planning Panel acknowledges that the site is the largest privately owned residential development site within the Carlingford Precinct and is in close proximity to the proposed Carlingford Light Rail Station. The Panel further notes the significant public benefits proposed as part of the proposal.*

*That subject to the matters below, the Panel endorses the Council Officer’s recommendations as contained in the report.*

*Further consideration be given to adjusting the massing of the buildings on the Pennant Hills frontage to improve the visual impact and overshadowing.*

*Further detailed modelling be undertaken to confirm the statement by the applicant’s town planner at the panel meeting that overshadowing to the buildings on the other side of Pennant Hills Road (346-362 Pennant Hills Road) will not be increased by more than 17% as described in the Apartment Design Guide.*

*The provision of car parking appears excessive and should be reviewed.*

*That Council initiate urban design and planning studies to guide future growth in the Carlingford Precinct.”*

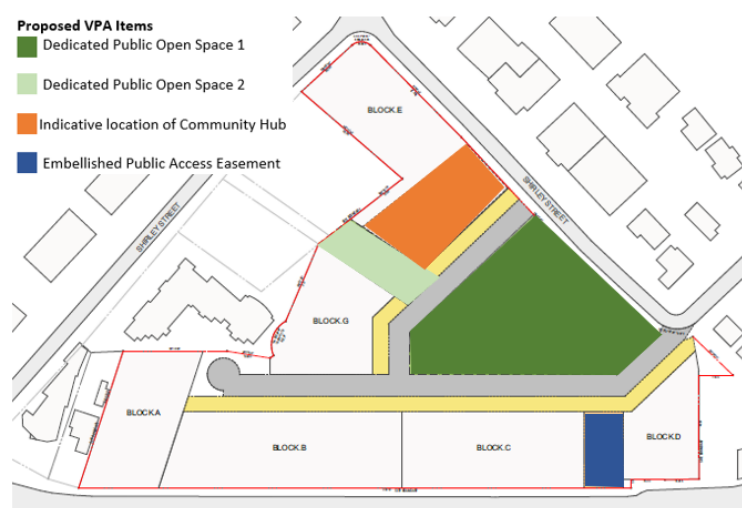
### **Council Officer Response**

25. Council have previously explored a range of potential site layout options including testing the possibility of redistributing building mass away from Pennant Hills Road to other buildings to reduce the overshadowing impacts on apartments to the southeast. The increased height has been focused on the Pennant Hills Road frontage to respond to, and manage, the impacts on properties on Shirley Street in accordance with the Parramatta DCP 2023 which encourages more substantial buildings on Pennant Hills Road and to avoid encroachment into the open space. However, consideration will also be given to introducing built form controls into the draft site-specific DCP to help mitigate the impacts identified.
26. The overshadowing modelling of the impacts on the apartment buildings on the opposite side of Pennant Hills Road has been checked. It is confirmed that the increased shadow impact accords with the Apartment Design Guide requirement that *where an adjoining property does not currently receive the required hours of solar access, the proposed building ensures solar access to neighbouring properties is not reduced by more than 20%*. In other words, the proposal cannot reduce solar access to an adjoining property by more than 20% where these properties already receive less than the required amount of solar access.

27. A detailed review of the applicant's overshadowing modelling will be undertaken at the Gateway stage of the proposal.
28. As noted earlier, carparking for the residential component is proposed in accordance with the NSW Guide to Traffic Generating Developments. Application of the minimum carparking rates in The Hills DCP is considered acceptable for the childcare centre and retail components. Council's Traffic Engineer supports the use of these rates and the application of a 20 carparking space requirement for the community hub.
29. Council staff agree that it is timely to review and update the planning controls for this part of Carlingford in the context of the need to ensure Council plans optimise the potential for this Growth Precinct as identified in Council's LHS and LSPS to contribute to meeting the growing housing needs of the community. It is therefore recommended that this work be included in the Council budget for 2024/25.

## PLANNING AGREEMENT

30. The Planning Proposal is accompanied by a Letter of Offer (**Attachment 4**) which proposes to deliver the following public benefits at a value estimated by the applicant to be \$27.5 million:
  - Dedicate a 2,500 sqm community hub to Council, including 1,800 sqm 'warm shell' library and 700 sqm 'warm shell' community centre with the provision of 20 parking spaces (refer to **Figure 4**);
  - Embellish and dedicate at least 5,585 sqm of public open space to Council, in the land proposed to be zoned RE1;
  - Embellish and make accessible, via public easement, approximately 595 sqm of publicly accessible open space; and
  - Include a monetary contribution equivalent to the Section 7.11 Contributions, enabling Council to directly allocate this funding to the fit-out of the community centre.



**Figure 4 – Proposed VPA Items**

31. A preliminary assessment of the Letter of Offer by Council Officers concludes that in principle the items offered are acceptable in terms of their nature, subject to design modifications with the only exception being the dedication of the Community Link referred to as 'Dedicated Public Open Space 2' in **Figure 4** for the reasons noted in the LPP Report at **Attachment 2**.

## SITE SPECIFIC DEVELOPMENT CONTROL PLAN

32. A draft Site-Specific Development Control Plan (SSDCP) (**Attachment 3**) has been prepared by the applicant to accompany the Planning Proposal. The draft SSDCP provides details on site arrangement, road layout, envelope controls and open space for the site. The SSDCP seeks to guide future development consistent with the concept design for the site. The draft SSDCP will provide site-specific controls for:
- Indicative site structure and arrangement.
  - Public domain and open space.
  - Residential and non-residential uses.
  - Storey height.
  - Setbacks and building depths.
  - Building design and material.
  - Landscaping.
  - Vehicle access and parking.
  - Environmental Sustainability.
  - Public Art.
33. It is considered that the current draft SSDCP submitted by the applicant requires amendment. The amendments will include addressing site-specific built form objectives and controls relating to: upper-level setbacks, building modulation, building separation, rationalisation of building stepping, reverse podiums, basement protrusions above ground level, material finishes and distinction between podium and tower elements, in addition to those issues identified in the LPP Report and required by the LPP (refer **Attachment 2**).
34. It is proposed that the SSDCP will be updated to address these matters before it is placed on public exhibition with the Planning Proposal following the DPE issuing of a Gateway determination for the Planning Proposal.

## PLAN MAKING DELEGATIONS

35. Should Council resolve to endorse the Planning Proposal to proceed, it is recommended that Council request that it exercise its plan-making delegations. This means that once the Planning Proposal has been to Gateway, undergone public exhibition and been adopted by Council, Council officers will deal directly with the Parliamentary Counsel Office on the legal drafting and mapping of the amendment. The LEP amendment is then signed by the CEO before being notified on the NSW Legislation website.

## CONSULTATION & TIMING

36. The Planning Proposal and supporting documents were referred internally to various Council staff/teams and specialty consultants Flux Consulting as detailed in the LPP Report (**Attachment 2**).
37. Preliminary consultation with TfNSW was also undertaken. Formal consultation will occur as part of the Gateway process.
38. No public consultation has yet been undertaken relating to this Planning Proposal. Should Council resolve to proceed with the Planning Proposal it, and



all related information, will be submitted to the DPE for Gateway Determination. Community consultation will be undertaken as required by the Gateway Determination.

## FINANCIAL IMPLICATIONS FOR COUNCIL

39. Should Council resolve to proceed with the Planning Proposal, the costs incurred in conducting the community consultation are covered by the fees associated with the submission of the Planning Proposal. The developer will reimburse any legal costs relating to the drafting/negotiation of the Planning Agreement.
40. The Planning Proposal is accompanied by a Letter of Offer (**Attachment 4**) which proposes that the applicant enter into an agreement to deliver a range of community infrastructure. The financial implications of the offer will be presented to Council.
41. If Council resolves to endorse the recommendations of this report, the financial impacts on the budget are set out in the table below.

	<b>FY 22/23</b>	<b>FY 23/24</b>
<b>Revenue Contribution</b>		
<b>Operating Result</b>	Nil	Nil
External Costs		
Internal Costs		
Depreciation		
Other		
<b>Total Operating Result</b>	Nil	Nil
<b>Funding Source</b>		
<b>CAPEX</b>	Nil	Nil
CAPEX		
External		
Internal		
Other		
<b>Total CAPEX</b>	Nil	Nil
<b>Funding Source</b>		

## LEGAL IMPLICATIONS FOR COUNCIL

42. The drafting of the Planning Agreement will be by both parties in accordance with the recommendations of this report.

## CONCLUSION AND NEXT STEPS

43. This report recommends that the Planning Proposal for 263-273 Pennant Hills Road and 18 Shirley Street, Carlingford be submitted to the DPE for Gateway assessment.

44. It is recommended that Council endorse the preparation of a draft Planning Agreement for 263-273 Pennant Hills Road and 18 Shirley Street, Carlingford based on the submitted Letter of Offer and to address the matters described in this report, and that the Chief Executive Officer be authorised to prepare the legal drafting.
45. It is recommended that Council endorse that the draft SSDCP be amended to align with the Planning Proposal and address the matters as described in this report.
46. If approved, the Planning Proposal, a draft Planning Agreement and draft SSDCP will be publicly exhibited concurrently for 263-273 Pennant Hills Road and 18 Shirley Street, Carlingford for a minimum of 28 days. A further report will be prepared for Council on the outcome of the public exhibition.

Rafael Morrissey  
**Project Officer Land Use**

Carmel O'Connor  
**Team Leader Land Use Planning**

David Birds  
**Group Manager, Major Projects and Precincts**

Jennifer Concato  
**Executive Director City Planning and Design**

John Angilley  
**Executive Director Finance & Information**

Gail Connolly  
**Chief Executive Officer**

#### **ATTACHMENTS:**

- |          |  |           |
|----------|--|-----------|
| <b>1</b> | Planning Proposal & Appendices (separately enclosed) | 854 Pages |
| <b>2</b> | LPP Minutes & Report - 8 November 2023               | 28 Pages  |
| <b>3</b> | Draft Site-Specific Development Control Plan         | 25 Pages  |
| <b>4</b> | Letter of Offer to enter into a Planning Agreement   | 5 Pages   |
| <b>5</b> | Site History   | 3 Pages   |
| <b>6</b> | Letter from Minister of Planning & Public Spaces     | 2 Pages   |

#### **REFERENCE MATERIAL**

Follow the links below to the 4 December 2023 Council Business Paper to view the Council Report and attachments. See item 13.7 at page 511 of the Business Paper.

[https://businesspapers.parracity.nsw.gov.au/Open/2023/12/OC\\_04122023\\_AGN\\_861\\_AT.PDF](https://businesspapers.parracity.nsw.gov.au/Open/2023/12/OC_04122023_AGN_861_AT.PDF)

[https://businesspapers.parracity.nsw.gov.au/Open/2023/12/OC\\_04122023\\_ATT\\_861\\_EXCLUDED.PDF](https://businesspapers.parracity.nsw.gov.au/Open/2023/12/OC_04122023_ATT_861_EXCLUDED.PDF)