

ECONOMY

ITEM NUMBER	10.3
SUBJECT	Planning Proposals: 264-268 Pennant Hills Road, Carlingford and 258-262 Pennant Hills Road & 17&20 Azile Court, Carlingford
REFERENCE	RZ/2/2015 - D04246670
REPORT OF	Project Officer, Land Use Planning
APPLICANTS:	Baptistcare NSW & ACT & Think Planners Pty Ltd
LAND OWNERS:	Baptistcare NSW & ACT; F & R Sousou; N & T Issa; and N Cochrane

PURPOSE:

The purpose of this report is to provide a formal response to the Department of Planning and Environment regarding the Pre-Gateway Review lodged for the Planning Proposal at 264-268 Pennant Hills Road Carlingford.

However, this response cannot be provided without having regard to the Preliminary Planning Proposal recently lodged with Council for the adjoining site at 258- 262 Pennant Hills Road & 17&20 Azile Court, Carlingford, and the cumulative impacts associated with both proposals.

RECOMMENDATION

- (a) **That** the Planning Proposal for 264-268 Pennant Hills Road, and the Preliminary Planning Proposal for 258-262 Pennant Hills Road and 17&20 Azile Court not proceed at this point in time.
- (b) **That** the applicants of the two existing proposals be offered the opportunity to either:
 - Wait for further planning analysis to be undertaken by either Council and/or the State government in relation to the light rail corridor to address broader impacts; OR
 - Provide funding for a Council initiated study and consultation process involving affected land owners, to inform a 'block analysis' of the area shown at **Attachment 1**; OR
 - Work in partnership to undertake further studies, (which must also involve consultation with other affected landowners) to prepare a 'block analysis' of the area shown at **Attachment 1** to address the issues detailed in this report. Any block analysis that is prepared must be in accordance with principles agreed with Council officers prior to the commencement of any work.
- (c) **That** the position adopted by Council in (a) and (b) form Council's response to the Department of Planning & Environment relating to the Pre-Gateway Review application lodged for 264-268 Pennant Hills Road, Carlingford.
- (d) **Further** that the applicants be advised of Council's decision.

THE SITE & LOCALITY

1. Council has received two planning proposal applications relating to land at 264-268 Pennant Hills Road, Carlingford and 258-262 Pennant Hills Road & 17&20 Azile Court as shown in **Figure 1** below (marked in blue and red, respectively). In addition, as part of the amalgamation process Council has recently become the Council responsible for a third planning proposal on the opposite side of Pennant Hills Road from The Hills Council (marked in purple on Figure 1).



Figure 1: Existing Planning Proposals & Site Context

2. 264-268 Pennant Hills Road, Carlingford, is located on the southern side of Pennant Hills Road, and adjoins Martins Lane along its eastern boundary. The site also has a frontage to Homelands Avenue to the south. The site has an area of approximately 27,493sqm (2.74ha) and comprises an existing aged care facility, known as Baptistcare. Existing site density is approximately 0.42:1 with buildings generally limited to one and two storeys in height. The site contains remnant endangered ecological community Blue Gum High Forest (approximately 0.28 ha) in the southern portion of the site (see **Figure 9**).
3. 258-262 Pennant Hills Road & 17 & 20 Azile Court adjoins the Baptistcare site to the west. The site currently comprises 4 existing detached dwelling houses with a combined site area of approximately 6,250sqm. An existing Council owned pedestrian accessway traverses the centre of the site, linking Azile Court to Pennant Hills Road along a north-south axis.
4. These sites are currently located approximately 650 metres from the existing Carlingford Railway Station. The State Government recently announced an intention to build a new light rail corridor linking Carlingford to Parramatta. Whilst the exact route has not been confirmed, it is expected that the new rail lines would sit within the existing heavy rail corridor between Camellia and Carlingford. The exact location of future light rail stops is not yet known.
5. A significant amount of redevelopment is occurring around Carlingford Station, including recently constructed 4 storeys buildings on the southern side of

Pennant Hills Road at its intersection with Adderton Road (eastern side) as noted in Figure 1 above. Furthermore, land directly adjoining the station on the northern side of Pennant Hills Road (east of Jenkins Road) is currently being redeveloped to include buildings up to 18 storeys in height.

APPLICATION HISTORY

6. On 13 February 2015, Council received an application relating to land at 264-268 Pennant Hills Road, Carlingford (Baptistcare).

7. The proposal sought amendments to the planning controls as follows:

Control	Existing	Proposed
Zoning	R2 Low Density Residential	R4 High Density Residential
Height	9m	32m (10 storeys)
Floor Space Ratio	0.5:1	1.2:1

8. Council officers raised a number of concerns relating to the urban design, bulk and scale, traffic, access and vegetation. The Roads and Maritime Services raised no objection to the planning proposal subject to provision of traffic improvements being implemented by the developer, and that these were to be delivered via a voluntary planning agreement. This is yet to be agreed by the applicant.
9. The applicant subsequently revised the application slightly by reducing the maximum height to 29 metres (9 storeys) and concentrating building height to the central portion of the site.
10. The matter was presented to the former Councillors at a Workshop held on 14 October 2015. The Councillors raised concern with respect to the proposed height and scale of the application and recommended that:

The applicant to be advised that Council would potentially be supportive of a 4-5 storey built form along Pennant Hills Road with a stepping down to 3 & 2 storeys to provide a more appropriate transition to the surrounding lower density character. Investigation be undertaken to examine the possibility of extending the R4 zoning along Pennant Hills Road (to the west).

11. Following the Councillor Workshop, Council officers met the proponent on 4 November 2015, in which further options were discussed as follows:
- Await the announcement regarding the light rail route to see if it results in a review of planning controls along the route; or
 - Present the proposal to Council as it stands; or
 - Prepare a model of the site and use this for community consultation with Councillors and adjoining neighbours, then report to Council regarding the feedback from the consultation; or
 - Seek Pre-Gateway review (as suggested by the proponent).
12. The proponent nominated that they would prepare a model to assist with a community consultation process they would pursue themselves. The model was submitted to Council on 17 March 2016 and presented at a Councillor Workshop on 21 March 2016.

13. The model demonstrated 4 different options for configuring building height across the site. Each option retained an FSR of 1.2:1 but varied the massing.
14. The heights presented included reducing the heights from within the centre of the site and redirecting this floor space to the Pennant Hills Road frontage, i.e. building heights could be reduced to 6-7 storeys within the centre of the site (down from 9 storeys), and increased to 7 or 8 storeys along Pennant Hills Road (up from 6 storeys).
15. The purpose of presenting options for the site was to enable Councillors to provide feedback to the applicant to enable them to carry out pre-Gateway (non-statutory) consultation with the community prior to Council formally considering the proposal.
16. The Councillors did not form a unanimous position at this workshop, with some Councillors raising significant concerns over the height of the proposal noting that each option still included significant heights and densities in a precinct they considered should be of a lower scale (max height of 5 storeys) given surrounding low density residential development (at the rear and to the west).
17. Other Councillors also commented that Carlingford Station Precinct development currently permits significant densities (up to 18 storeys), and that the proposed future light rail route may in fact also prompt an increase in residential densities at future stops. Given the lack of consensus, Councillors requested that:

The applicant present each option to the community as part of their consultation with the addition of a 5th Option demonstrating a scheme with a mix of 5,4,3, and 2 storey buildings.

18. At the Workshop of 21 March 2016, Councillors were also advised of an impending planning proposal relating to land adjoining the Baptistcare site at 258-262 Pennant Hills Road & 17&20 Azile Court. Councillors requested that:

Council officers provide feedback to the applicant for the site adjoining the Baptist Care site requesting that they consider working together with Baptist Care to ensure an appropriate and consistent approach be taken for FSR and building height across both sites.

19. On 4 May 2016, a Preliminary Planning Proposal was formally received in relation to 258-262 Pennant Hills Road (adjoining the Baptist Care site). The application sought the following:

Control	Existing	Proposed
Zoning	R2 Low Density Residential	R4 High Density Residential
Height	9m	25m (8 storeys)
Floor Space Ratio	0.5:1	1.99:1

20. It is noted that a Preliminary Planning Proposal differs from a Planning Proposal as the proposal is a concept proposal and may not contain the full analysis and studies required with a Planning Proposal. The intension of the Preliminary Planning proposal is to seek Council's in principle advice as to whether (or not) to proceed to a full Planning Proposal.

21. On 5 May 2016, the Department of Planning & Environment advised Council that a Pre Gateway application had been lodged by the applicant in relation to the Baptistcare site. A response to the Department regarding the Pre-Gateway Review was due to the Department by 18 May 2016. Council officers have sought an extension to 17 June 2016, to enable the matter to be formally considered by the Council.

PRE-GATEWAY REVIEW

22. A proponent may request a pre-Gateway review with the Department of Planning & Environment where the relevant local council has determined not to support the planning proposal or has failed to make a decision within 90 days of lodgement of a planning proposal.
23. The Department makes the final decision on each pre-Gateway review request. This decision is informed by:
- material submitted from the applicant;
 - a council assessment report and/or any submission made during the review;
 - a report by the Department identifying whether the planning proposal has strategic merit;
 - independent advice from the Joint Regional Planning Panel on the strategic merit and site-specific merit of the proposal.
24. Where a pre-Gateway review recommends that a proposal should proceed, either the council or the JRPP can be appointed as the relevant planning authority and a Gateway determination issued. The Department offers councils the opportunity to be the relevant planning authority for the planning proposal that arises out of a successful pre-Gateway review request unless council has expressly indicated a preference not to undertake this role.
25. The Gateway determination specifies the level of community consultation including the length of time a proposal is to be publicly exhibited, relevant public authorities to be consulted and whether a public hearing is to be undertaken.

KEY ISSUES

Cumulative Impact

26. With the receipt of the two adjoining Planning Proposals, as well as the proposal on the opposite side of Pennant Hills Road (No. 241), a number of cumulative issues need to be considered, primarily being the built form context (urban design) and impact upon traffic and access.
27. While the existing Baptistcare site is large and may be able to be considered for redevelopment as a standalone site, the lodgement of the Preliminary Planning Proposal for the adjoining sites, reflects an expectation that any change in development potential on the Baptistcare site would form a catalyst to enable similar built form on the adjoining sites.
28. Council must consider whether the two proposals will be seen as a precedent by other owners for the future character of the area and development across a wider range of sites is likely to have cumulative impacts that must be considered.

Urban Design

264-268 Pennant Hills Road, Carlingford (Baptistcare)

29. One of the key unresolved issues relating to the Baptistcare site is the built form, particularly proposed height and density on the site in the context of surrounding development. The proposed development sought is consistent with height and densities sought in higher order centres.
30. The Baptistcare site is zoned R2 Low Density Residential. While the existing aged care development is not reflective of a traditional low density use (i.e. detached dwelling houses), the existing density of the site at approximately 0.42:1, along with the 1 and 2 storey built form within a landscaped setting is consistent with a low density residential environment.
31. Land immediately east of the site, on the eastern side of Martins Lane, was rezoned under the Parramatta Local Environmental Plan 2011, to enable R4 High Density Residential development up to 4 storeys in height along the Pennant Hills Road frontage (for a depth of 100m), with an R3 Medium Density Residential zoning to Homelands Avenue. The R3 Medium Density zone enables town house development up to 11m in height (2 storeys plus attic).
32. The reason for rezoning was to enable some increased density in proximity to Carlingford Railway Station. The reason for not extending the higher density zoning to the Baptistcare site or further, reflected the greater separation from public transport. Additional density was allowed for along Adderton Road, which was better serviced by public transport at both Telopea and Carlingford Stations.

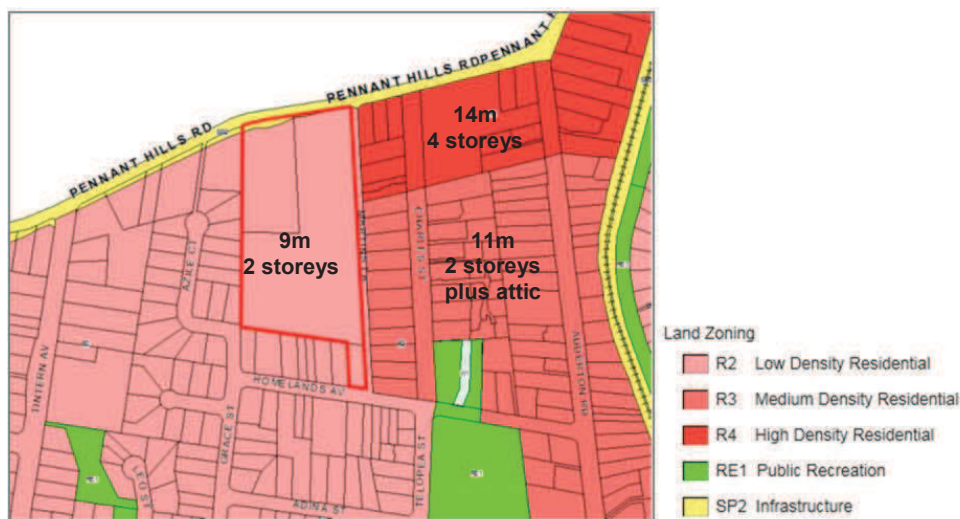
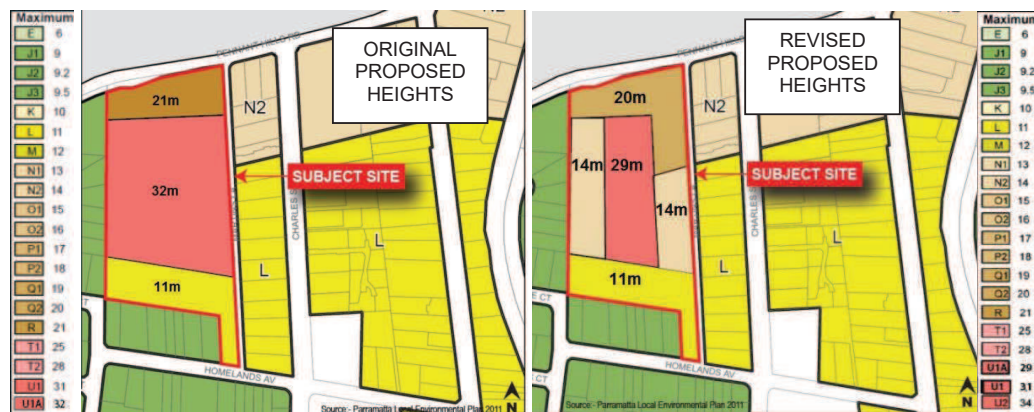


Figure 2: Existing Land Use Zoning Map

33. Council's Urban Designers raised a number of concerns relating to the initial Baptistcare application received in February 2015. The concerns included: excessive height and density; inappropriate relationship to the surrounding low density environment; visual impact of proposed tall buildings from both the public domain and the adjoining low density environment; potential overshadowing and overlooking impacts; built form relationship to topography;

excessive building lengths; inappropriate internal street network; lack of potential connections to the adjoining properties to the west; potential impact upon existing vegetation.

34. A detailed letter outlining key issues, including urban design matters, was sent to the applicant on 12 May 2015 (see **Attachment 2**). As a result, Council officers met with the proponent on 23 June 2015 to discuss these matters, in particular building height and scale.
35. As a result, the application was amended to reduce the height of buildings across the site as shown in **Figures 3 & 4** below and photomontages prepared by the applicant in **Figures 5, 6 and 7**. The key changes being :
 - a. Concentrating the taller buildings in the centre of the site (maximum 29m or 9 storeys);
 - b. Creating lower buffer heights adjacent to the eastern and western side boundaries (14m or 4 storeys).



Figures 3 & 4: Original & Revised Height of Building Map submitted by proponent



Figure 5: Indicative bulk & scale montage – viewed from Pennant Hills Road



Figure 6: Indicative bulk & scale montage – viewed from Azile Court



Figure 7: Indicative bulk & scale montage – viewed from Homelands Avenue

36. A full response to Council's letter dated 12 May 2015 was provided by the applicant on 11 September 2015, see **Attachment 3**. Council's Urban Design Team reviewed the amended design and additional information and provided the following response:

Master Plan

Council's Urban Design Team has consistently recommended a master plan with an indicative subdivision plan referenced in the Development Control Plan (DCP), highlighting open space, streets, right of ways and developable land. An updated illustrative master plan consistent with the changed Height of Building (HOB) is yet to be received. It is strongly recommended that the Urban Design Report is updated and submitted to support with the Planning Proposal (PP) to reflect the changes to height. The structure plan and illustrative concept master plan (in the Urban Design Report) should be included in the DCP. As a minimum the concept master plan should identify the open space and street provision (in sqm/ percentage of site area) as well as street sections and building setbacks.

Building footprints should meet Apartment Design Guidelines (ADG) inter building and privacy separations and located a minimum of 3m from the edge of any proposed street/ lane/ thoroughfare easement to minimise overlooking. This should be dimensioned on the master plan.

Martins Lane

A public domain concept plan for the length of the widened Martins Lane should be prepared at PP stage. This is to inform the alignment plans at Development Application (DA) stage. This is important should the proponent choose to develop the site in stages.

Connectivity

The proponent has not adequately addressed the following (other than a rebuttal) considered important from an urban design point of view. The

proponent's approach risks this proposal becoming a gated estate with poor connectivity. We strongly recommend the following is incorporated in the proposal:

- *North-south central pedestrian link - A 3m pathway as proposed in the last iteration is not acceptable. This should be widened to a formed street that reads as a public thoroughfare. Any landscape and tree planting should be located outside the easement so that it is not relegated to a garden pathway. Where the terrain does not allow an accessible path this may be designed as a wide flight of stairs with accessible circulation alongside.*



Figure 8: Image demonstrating wide flight of stairs acting as de facto street

- *The three cul de sacs – the proposed cul-de-sacs even if linked by a pedestrian access are not supported. It is recommended a vehicular north-south street similar in nature to the widened Martins Lane links the northern most cul-de-sac with the one midway as a loop road that provides address, low speed vehicular access and improved connectivity.*
- *Connectivity with Azile Court*
 - *The proposal lacks adequate pedestrian and cycleway links to Azile Court. It is strongly recommended that a pedestrian/ cycle connection to Azile Court is provided at the south-western corner of the site. The proponent labels that because they do not own the adjoining land they cannot legally achieve this – from an urban design perspective it is considered a desire line and will help with improved connectivity instead of creating a gated estate.*
 - *It is recommended a through site link is future proofed to allow a mid-block link to Azile Court from Martins Lane. The building footprints should be adjusted to facilitate this.*

Terrain/ Access:

Residential uses should limit the ground floor to 500mm above or below existing natural ground level (NGL) unless located above a basement where it should not be more than 1m above NGL.

An accessibility plan is to be provided for the subject site at PP stage to accommodate a potential staged implementation of the development.

Height of Buildings:

The height of building (HOB) plan and section is without reference and is inadequate and needs to relate to the illustrative master plan. While a textual

description has been provided, the dimensions/ setout of the HOB plan must be submitted as a drawn to scale graphic.

Floor Space Ratio:

It is noted a gross FSR of 1.2:1 is proposed for the site. This translates to a net FSR of 2:1 assuming open space and public domain provision of 40% of the total site area (Net FSR = Gross FSR/ % of developable land). This is significantly higher than any net FSR of major developments in the immediate context.

No update has been provided with respect to the area calculation given that the height has been reduced in certain areas – this is likely to reduce the FSR as well. For the purpose of area calculation, a 75% efficiency should be used to calculate (Gross Floor Area) GFA, where 75% of the Gross Building Area (GBA) = GFA. GBA includes all building areas inclusive of balconies, external walls and internal voids.

Vegetation

It is yet to be demonstrated by the proponent that 30% deep soil zone can be achieved. Given the size of the site, the building and basement footprints are likely to be significant. While the depth of soil cover above basements determines the types of planting that may occur, reinstating the existing vegetated nature (including Sydney Blue Gum stands) of the surrounding context would ideally happen in deep soil areas and not above basements. Based on the proponents rebuttal, a significant portion of the planting area may be located above basement car parks. It is therefore recommended that a deep soil zone provision (not including buildings, basement carparks, swimming pools, tennis courts, patios and decks, and impervious surfaces such as paved areas, driveways, carparking and roofed areas) of 30% of the site area is specifically included in the site specific DCP.

Building Length:

Given the fine grained nature of the surrounding development the maximum length of a residential flat building shall not exceed 45m.

Our experience with residential flat building (RFB) development applications indicate a building footprint over 45m generally results in poor amenity, aesthetics and outcomes. Hence any RFB should not exceed 45m.

Lot 1 DP26212 Homelands Avenue

If an 11m high building is located on the lot it will result in an inappropriate built form outcome that is out of character with the remainder of the dwellings on Homelands Avenue. From an urban design perspective the proposed R4 zoning, 11m HOB and 1.2:1 FSR on this lot is not supported. The lot should either be dedicated as a pocket park or zoned R2 (9m and 0.6:1) if included in the PP, or excluded from the proposal.

Recommendations:

- *Recommended Height of Buildings alone may not ensure that the solar access and visual impact issues are adequately addressed. Building*

envelopes consistent with the HOB and illustrative master plan should demonstrate that solar access is achieved on adjacent sites.

- *Dimensions/ setout of the HOB plan is to be submitted as a drawn to scale graphic.*
- *An updated area calculation based on the illustrative concept master plan and HOB should be provided consistent with Item 6 above. It is recommended that the FSR reflect the updated height of building, ensures solar access and minimises visual impact. It is expected this will be lower than the 1.2:1 proposed.*
- *Proposed height and yield should be commensurate to identified public benefit – they include but are not limited to, provision of or contribution to:*
 - *public domain dedication or upgrade/ provision of pedestrian through site links,*
 - *affordable housing provision/ contribution, and*
 - *community facilities/ social infrastructure.*
- *The widened and upgraded Martins Lane should be a public street, designed and named as such, with its fully public nature embedded in the VPA and the title arrangements. No provisos in the VPA and relevant easements should be permitted which allow the owner to restrict access to animals, temporarily exclude the public, remove any member of the public, monitor and direct behaviour of the public, engage security personnel to monitor and control the behaviour of the public, prescribe times when the easement may be exercised, or temporarily suspend the use of the space.*

37. Comment: The issues raised above are yet to be resolved in detail. While some of these issues can be further addressed post gateway determination, the key matter yet to be resolved relates to the maximum building height and density, which would be better informed by the address of urban design concerns raised above.

258-262 Pennant Hills Road and 17&20 Azile Court

38. Council's Urban Designers have reviewed the Preliminary Planning proposal for the adjoining site at 258-262 Pennant Hills Road and 17&20 Azile Court and provided the following analysis.

Based on the existing material submitted and the adjacent proposal on the Baptist Church site, a doubling of density as proposed is a significant departure from the existing context.

Without a precinct based strategic investigation to precede the type, form and height of development this results in, and the transition issues the envelopes at 2:1 have created, the proposal in its current form is difficult to support from an urban design perspective.

A density in accordance with the surrounding context may be the limit to what can be considered under a spot rezoning and an appropriate transition in form in relation to the surrounding low density detached dwellings will still need to be achieved. In our view this might be no more than 1:1 at this stage, however the proponents would be required to provide further testing at these reduced parameters discussed to continue with considerations.

Combined Urban Design Analysis

39. Given the cumulative effects of the two proposal, Council's Urban Designers were asked to comment on the benefits of a potential block analysis of the area generally bound by Tintern Avenue to the west, Homelands Avenue to the south, Martins Lane to the east, and Pennant Hills Road to the north as shown in the diagram at **Attachment 1**. The urban designers were asked to highlight the matters that would need to be considered in a wider block analysis.
40. The Urban Designers provided the following recommendation.

Our preference is for a precinct based corridor study to inform any future uplift within the area. This will allow for a strategic approach to this centre in its entirety and avoid the contextual urban design issues spot rezoning tend to create; failing which, a density above 1:1 should not be pursued.

For any block studies undertaken, a master plan should be prepared by a skilled and experienced urban designer addressing the following issues and principles embodied within a revised scheme for any such block incorporating the two relevant sites:

- *Dedicated open space*
- *Street network and connectivity including identification of dedicated street easements and ROWs.*
- *Subdivision patterns addressing implementation and staging.*
- *Block specific DCP controls including, but not limited to:*
 - *Envelope dimensions (including max lengths),*
 - *Setbacks,*
 - *ADG requirements,*
 - *Heights relative to context*
- *Transition in height and transition edges*
- *A public domain concept plan*
- *Street sections*
- *A vegetation DCP/ deep soil and landscaping controls*

The extensive urban design comments provided in relation to the Planning Proposal for 264-268 Pennant Hills Road discussed above (Council reference RZ/2/2015) should be utilised.

Traffic & Access

41. The subject planning proposals are located adjacent to Pennant Hills Road, which forms a major arterial road linking Parramatta to Wahroonga. The road is an RMS controlled roadway, and until recently (12 May 2016) formed a boundary divide between Parramatta City Council and The Hills Shire Council (within part of the suburb of Carlingford).
42. Both of the Planning Proposal allotments that adjoin Pennant Hills Road are subject to road widening reservations, to be acquired by the RMS. Given this affectation, the Baptistcare Planning Proposal was referred to the RMS for comment. The Preliminary Planning Proposal for the adjoining site (258-262 Pennant Hills Road and 17&20 Azile Court) has not been referred to date, as it

is likely that the comments made to the Baptistcare site would be relevant to both sites.

43. In their letter dated 24 March 2015 (see **Attachment 4**), the RMS raised no objection to the planning amendments sought by the Baptistcare Planning Proposal. However, the RMS requested demonstration that the following works can be achieved, should the Planning Proposal be endorsed:
- Signalisation of Pennant Hills Rd/Baker St intersection;
 - Signalised vehicular access/egress to the site at Pennant Hills Rd/Baker St intersection, including:
 - Right turn movements from Pennant Hills Rd into the site are not to be permitted;
 - Diamond right turn phasing – right turn out of the site is restricted;
 - Internal streets designed to avoid vehicle rat-running through the site;
 - Intersection of Pennant Hills Road and Martins Lane is to be widened to allow for left in/left out movements,
 - No right hand turns movements from Martins Lane to Pennant Hills Road or from Pennant Hills Road into Martins Lane will be permitted.
44. The RMS has requested that these works be fully funded and constructed by developer/proponent, including maintenance of traffic control signals for first 10 years. The RMS has also requested that the developer/proponent be required to submit detailed civil signal design plans to meet RMS requirements, and enter into a Works Authorisation Deed (WAD) with the RMS.
45. In response to the RMS comments, the proponent, in their response dated 11 September 2015 (see **Attachment 3**) stated the following:

Although there are currently three points of vehicular access to the site from Pennant Hills Road, as part of this Planning Proposal those accesses would be removed. We believe that this will be a net positive result. As no direct access from the site to Pennant Hills Road is proposed could you please confirm which access/egress to the site at Pennant Hills Road/Baker Street the RMS are seeking to be signalised.

BaptistCare is willing to discuss options regarding treatments to the intersection of Pennant Hills Road and Baker Street should this be deemed as necessary, however any upgrade (if required) should only be triggered when the population increases above that already on site and when it can be demonstrated that the development is likely to have an adverse impact on the level of service of that intersection.

The permanent resident population of the site as it currently exists is 240 persons. When this is combined with the estimated daily working population of 100 employees, and visitors to the existing development, it is estimated that the increase in traffic generation as a result of full development in accordance with the indicative concept plan would be in the order of 60 to 90 vehicles per hour two-way during the weekday morning and afternoon peak hours¹. Should it be determined that the development will impact on the operation of the intersection of Pennant Hills Road and Baker Street (taking into account the removal of the three access points to Pennant Hills Road), any contribution towards the signalization of the intersection of Pennant Hills Roads and Baker Street should be pro-rated to take in account the contribution the development

of 264-268 Pennant Hills Road Carlingford will make as a proportion of the vehicles using this intersection.

46. The matter is yet to be further discussed between the proponent and the RMS, and no VPA provisions have yet been agreed. Additional traffic analysis may also be required in relation to the proponent's claims regarding existing traffic generation from the aged care facility. However it is noted that these requirements could form conditions of any Gateway approval.
47. It is noted that the requirement to signalise the Baker Street/Pennant Hills Road intersection will also be influenced by the Planning Proposal for 241 Pennant Hills Road, and 258-262 Pennant Hills Road & 17&20 Azile Court. As such, any future VPA may need to be undertaken on a pro-rata basis.
48. Council's Urban Design team identified that Martins Lane should be widened with the road widening to be dedicated to Council as a fully public, unrestricted, minimum 12-metre wide street with:
 - Double carriageway for two-way vehicular movement;
 - A formed footpath along the western side of the street and verge zone along the eastern side of the street.; and
 - On street car parking that would not impinge on pedestrian and verge areas.
49. In response to the Council comments, the proponent, in their response dated 11 September 2015 (see **Attachment 3**) stated the following:

The requirement to widen Martins Lane to a minimum 12 metre wide street for its full length however is questioned as this will impact on the existing mature trees located on the eastern boundary of the site. A road reserve of 11.6m as proposed is sufficient to allow for two way traffic movements and accommodate parking bays as well as a wide verge on the western side of the road in order to provide a footpath, retain existing trees and provide deep soil areas for new landscaping.

As previously discussed, the need to provide a 3.3m verge on the eastern side of Martins Lane (as suggested in the amended connections plan attached to Council's letter) is considered unnecessary and would have detrimental impacts on existing trees.
50. Further analysis regarding widening of Martins Lane may still be required. However, this matter could be resolved post gateway determination.
51. Council Service Manager Traffic & Transport reviewed both Planning Proposal applications and considered that the density was too great given the distance from existing railway stations and centres (for 258-262 Pennant Hills Road).
52. Other concerns raised included: difficulty for pedestrians to safely cross Pennant Hills Road to access either buses or Carlingford Station; problematic right turn movements across Pennant Hills Road (out of the site); safety concerns of vehicles turning right from Pennant Hills Road into the site; and impacts on the local road network, including impact on key intersections, as a result of additional vehicle movements. Much of these concerns could be resolved if arrangements can be put in place to implement the RMS requirements as detailed above.

Cumulative Traffic Analysis

53. Council's Service Manager Traffic & Transport was asked to provide comment on the potential for a "block analysis" as discussed earlier in this report and advised that the following should be considered:

- Signalisation of Baker Street intersection;
- Possible realignment of Azile Court to align to Baker Street;
- Possible new local road connections linking Martins Lane and Azile Court;
- Widening of Martins Lane;
- Capacity for right turn movements onto and off the sites;
- Improved pedestrian safety and pedestrian crossing at Pennant Hills Road;
- Review of local road capacity and widths as a result of increased density;
- Further analysis of intersection service and capacity at key intersections (to be nominated) with consideration of the cumulative impact on the increase in development in the broader Carlingford/Telopea area; and
- Further analysis to be informed by discussions with RMS and Transport for NSW.

Vegetation

54. The site contains remnant areas of an endangered ecological community Blue Gum High Forest. An Ecological Constraints Assessment (incorporating an Assessment of Significance) was prepared for the site and reviewed by Council Open Space and Natural Area Planner who provided the following comment.

A review of the report confirms the presence of 0.28ha of Blue Gum High Forest (BGHF) in 2 distinct areas comprising:

- *Area 1 (11 x Eucalyptus saligna) located along the southern edges of the site;*
- *Area 2 (3 x Eucalyptus saligna) located along the south-eastern edges of the site.*

A number of these trees feature hollows, which provide important habitat for local native fauna. Whilst a modified understorey exists, these BGHF areas are consistent with the NSW Scientific Committee Determination for Critically Endangered Blue Gum High Forest (Threatened Species Conservation Act 1995). BGHF has been reduced to less than 5% of its original extent, with the remaining patches being fragmented, lacking native understorey and surrounded by urban development.

The report therefore regards the BGHF within the site to be of 'moderate conservation significance' and that 'its removal could be considered significant given that the community is listed as critically endangered' and 'will contribute to the cumulative loss of what is considered to be an over-cleared vegetation community'.

The report notes that 'the planning proposal has the potential to cause a significant impact on Blue Gum High Forest through facilitation of future urban development of the subject site' and 'has the potential to cause a significant

impact on the community within the subject site if avoidance measures aren't taken'.

It recommends that 'any development facilitated by the Planning Proposal avoids the removal of Eucalyptus saligna trees where possible' and 'that characteristic shrub and understorey BGHF plant species may be incorporated into the landscape plan to further increase the ecological functioning of the community within the subject site'.

Recommendations

- i. In recognition of the conservation significance of the BGHF within the site, it is recommended that the BGHF Areas 1 & 2 (Figure 3.1) are included within the Natural Resources - Biodiversity Map (as this is consistent with other Critically Endangered Ecological Communities located on non-public land within Parramatta LGA);*
 - ii. Buildings (and other infrastructure) are to be located and designed to ensure the retention and ongoing health of the 14 x Eucalyptus saligna trees in Areas 1 & 2 (Figure 3.1);*
 - ii. Landscaping within the site in proximity to the BGHF Areas 1 and 2 is to incorporate the use of BGHF understorey plant species.*
55. Comment: The addition of the area into the Natural Resources – Biodiversity Map could be incorporated into the final planning proposal. However, further consideration is required to understand the potential impact of this on site density that could be achieved while preserving the identified BGHF ecological community.
56. Any associated site specific DCP could also include controls relating to the specific retention of the existing Blue Gum High Forest trees. The provisions of Parramatta LEP 2011 and Parramatta DCP 2011 relating to tree preservation will also continue to apply to the land.



Figure 9: Existing Blue Gum High Forest communities at 264-268 Pennant Hills Road Carlingford (Referred to as Figure 3.1 in Ecological Constraints Assessment)

DRAFT SITE SPECIFIC DEVELOPMENT CONTROL PLAN

57. A draft site-specific DCP, which seeks an amendment to the Parramatta DCP 2011, has been prepared by the proponent for 264-268 Pennant Hills road, Carlingford. The draft site-specific DCP intends to guide any future development on the site as a result of the Planning Proposal.
58. It is noted that further substantial review of the draft DCP will be required dependent upon the outcomes of the pre-gateway review determination, any changes on the adjoining site, as well as potential further block analysis of the wider area shown in **Attachment 1**.

DRAFT VOLUNTARY PLANNING AGREEMENT

59. A draft Voluntary Agreement Offer was made by the proponent in relation to 262-268 Pennant Hills Road, Carlingford including widening of Martins Lane, and potential for an affordable housing unit to be dedicated to Council. No offer has been made by the proponent for the adjoining site at 258-262 Pennant Hills Road & 17&20 Azile Court, Carlingford
60. Any future VPAs would need to be commensurate with the uplift being sought by the application/s. Consideration would also need to be given to the traffic upgrade requirements suggested by the RMS. These matters could be considered further following gateway determination.

NEXT STEPS

61. The cumulative urban design and traffic impact of the two applications requires a more considered response having regard to the broader site context, including the future light rail corridor connecting Carlingford to Parramatta, recently announced by the NSW State government.
62. Given the comments from the RMS and Council's Service Manager Traffic & Transport there is an opportunity to take a broader approach which may also resolve precinct based traffic management issues which may not be achievable if different development sites in this precinct are assessed and subsequently developed on a site by site basis.
63. It is recommended that changes to the planning controls in this area be either deferred until a broader approach to address these issues can be considered.
64. One option is to allow this be considered at the same time as Council and/or the State government undertake further land use planning analysis around the future light rail station precincts.
65. Acknowledging that the timeframe for the Light Rail corridor analysis is uncertain and that the applicant may wish to proceed within a shorter timeframe an alternative approach would be for the two existing planning proposal applications to be considered together, to form part of a broader 'block analysis' generally bound by Tintern Avenue to the west, Homelands Avenue to the south, Martins Lane to the east, and Pennant Hills Road to the north as shown below and at **Attachment 1**. This option would require consultation with all affected land owners and the provision of additional studies.
66. This "block analysis" could work in one of two ways. The applicant in this case could agree to fund the studies and consultation. Council officers would write the relevant brief and engage consultants to undertake the further necessary analysis required. The alternative would be for Council Officers to agree on broad principles that need to be addressed and the applicants could undertake the analysis and a broader study in partnership (i.e. effectively Council Officers would sign off on a brief for the analysis). The study could then be pursued and funded by the landowners and provided to Council for its consideration. If the "block analysis" was able to resolve the cumulative issues these Planning Proposals could then proceed without having to wait for the Light Rail Corridor Analysis.



Figure 10: Potential block analysis study area

67. The Department of Planning should be advised that Council does not support the Planning Proposal for 264-268 Pennant Hills Road, Carlingford proceeding until the cumulative impacts associated with the redevelopment of the broader precinct and properly considered. The options Council Officers are suggesting could be pursued to consider the cumulative impact should also be communicated to the Department.

Diane Galea

Project officer, Land Use Planning

ATTACHMENTS:

1	Potential Block Analysis Site Plan	1 Page
2	Letter dated 12 May 2015 outlining Council concerns for Planning Proposal at 264-268 Pennant Hills Road, Carlingford	7 Pages
3	Letter dated 11 September 2015 from applicant responding to Council letter of 12 May 2015	7 Pages
4	Roads & Maritime Services comments regarding Planning Proposal for 264-268 Pennant Hills Road	3 Pages

REFERENCE MATERIAL