

## ECONOMY

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<b>ITEM NUMBER</b>	5.1
<b>SUBJECT</b>	Draft Carlingford Block Study and associated planning proposals for 264-268 Pennant Hills Road, Carlingford; and 258-262 Pennant Hills Road and 17 & 20 Azile Court, Carlingford
<b>REFERENCE</b>	RZ/2/2015 - D05061744
<b>REPORT OF</b>	Project Officer Land Use

### PURPOSE:

The purpose of this report is to seek the Independent Hearing and Assessment Panel's (IHAP) endorsement:

- To place the Draft Carlingford Block Study on public exhibition;
- To endorse a revised Planning Proposal for land at 264-268 Pennant Hills Road, Carlingford to allow it to proceed to public exhibition;
- To forward a Planning Proposal for land at 258-262 Pennant Hills Road and 17 and 20 Azile Court, Carlingford to the NSW Department of Planning and Environment (DP&E) requesting a Gateway determination; and
- To proceed with formal negotiations to prepare Voluntary Planning Agreements (VPAs) between Council and the landowners in relation to the above planning proposals.

### RECOMMENDATION

**That** the IHAP recommend to Council:

- (a) **That** Council endorse the Draft Carlingford Block Study (**Attachment 1**) which recommends increases in density, between 2-6 storeys, on land within the study area (bound by Pennant Hills Road to the north, Martins Lane to the east, Homelands Avenue to the south and Tintern Avenue to the west).
- (b) **That** Council endorse the revised Planning Proposal for land at 264-268 Pennant Hills Rd, Carlingford (**Attachment 2**) which seeks to amend the Parramatta Local Environmental Plan (PLEP 2011) in relation to the subject site by:
  1. Rezoning the site from part R2 Low Density Residential and part SP2 Infrastructure (Classified Road) to part R4 High Density Residential, part R2 Low Density Residential and part SP2 Infrastructure (Classified Road);
  2. Increasing the height standard on the site from part 9m to part 21m, part 14m and part 9m;
  3. Increasing the floor space ratio (FSR) standard on the site from part 0.5:1 to part 1.6:1, part 1.1:1 and part 0.5:1; and
  4. Amending the Biodiversity Map to include the identified Blue Gum High Forest as a high constraint, and habitat trees as a moderate constraint.
- (c) **That** Council endorse the Planning Proposal for land at 258-262 Pennant Hills Rd and 17 and 20 Azile Court, Carlingford (**Attachment 3**) which seeks to amend the Parramatta Local Environmental Plan (PLEP 2011) in relation to the subject site by:
  1. Rezoning the site from R2 Low Density Residential and part SP2

- Infrastructure (Classified Road) to part R4 High Density Residential and part and part SP2 Infrastructure (Classified Road)
2. Increasing the height standard on the site from 9m to part 21m and part 14m;
  3. Increasing the floor space ratio (FSR) on the site from 0.5:1 to part 1.6:1 and part 1.2:1; and
  4. Amending the Biodiversity Map to include the identified as habitat trees as a moderate constraint.
- (d) **That** the Planning Proposal for land at 258-262 Pennant Hills Road and 17 & 20 Azile Court, Carlingford be forwarded to the NSW Department of Planning and Environment (DP&E) for a Gateway determination.
- (e) **That** the revised Planning Proposal for land at 264-268 Pennant Hills Road be forwarded to DP&E along with a cover letter addressing how the revised proposal is consistent the conditions of the previously received Gateway determination dated 12 September 2016.
- (f) **That** a Development Control Plan (DCP) be prepared for the entire block study area and be reported to Council prior to formal exhibition of the planning proposals and Draft Carlingford Block Study.
- (g) **That** the Draft Carlingford Block Study be publicly exhibited concurrently with the above planning proposals, study area DCP, VPAs and Section 94 Plan.
- (h) **That** while the planning proposals can be placed on public exhibition they should not be finalised until Section 94 and any other funding arrangements for infrastructure and open space are finalised by Council.
- (i) **That** delegated authority be given to the CEO to negotiate the VPAs on behalf of Council in addition to any Section 94A contributions payable, and that the outcome of negotiations be reported back to Council prior to its concurrent public exhibition with the draft DCPs and planning proposals.
- (j) **That** Council advises DP&E that the CEO will be exercising the plan-making delegations for this Planning Proposal as authorised by Council on 26 November 2012.
- (k) **Further, that** Council authorises the CEO to correct any minor anomalies of a non-policy and administrative nature that may arise during the plan-amendment process.

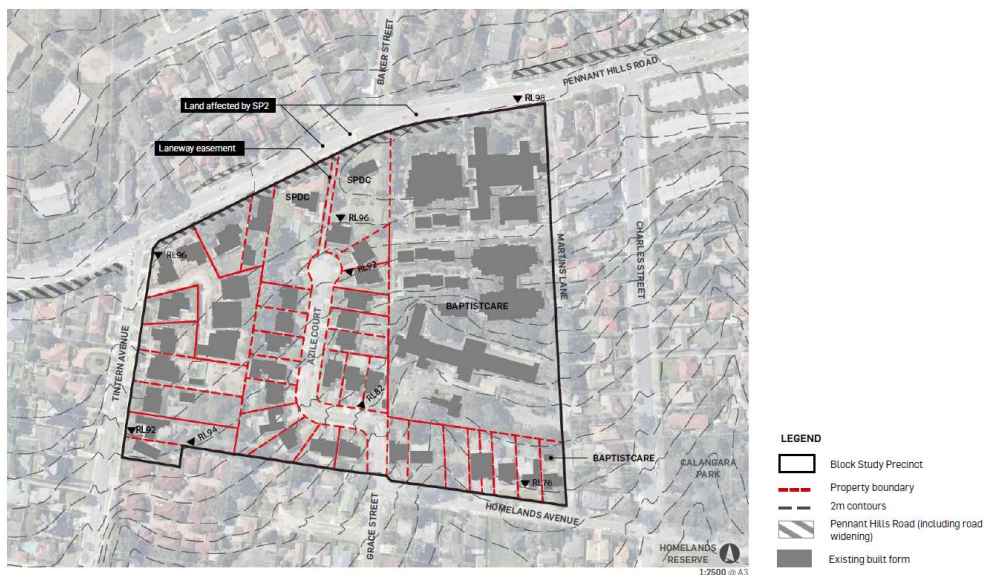
## EXECUTIVE SUMMARY

1. Council has received two planning proposals for land at 264-268 Pennant Hills Road, Carlingford and 258-262 Pennant Hills Road and 17 & 20 Azile Court, Carlingford. These planning proposals seek amendments to planning controls to enable the redevelopment of the sites for higher density residential uses. The planning proposals are supported by a draft strategic planning study (Draft Carlingford Block Study) for the immediate area as well as other relevant studies and strategic plans. It is considered that the planning proposals have strategic merit and it is recommended that they be endorsed and forwarded to DP&E for Gateway determinations, the negotiation of voluntary planning

agreements (VPAs) be undertaken together with preparation of site-specific Development Control Plans (DCPs). It is also recommended that the Draft Carlingford Block Study be endorsed and publicly exhibited concurrently with the two planning proposals. Additional work is required to be undertaken in relation to traffic management and infrastructure funding arrangements post-Gateway to the satisfaction of Council and RMS. Whilst the planning proposals can proceed to exhibition they should not be forwarded to DP&E for finalisation until the infrastructure funding issues associated with the Draft Block Study are resolved.

**THE BLOCK STUDY AREA, PLANNING PROPOSAL SITES AND SURROUNDS**

- The Block Study area is located in Carlingford and bound by Pennant Hills Road to the north, Martins Lane to the east, Homelands Avenue to the south and Tintern Avenue to the west (shown in Figure 1 below). The area measures approximately 7 hectares and includes several large land holdings.



**Figure 1 – Carlingford Block Study Area**

- The Block Study area is within walking distance to Carlingford Train Station and future light rail. The Carlingford train service is proposed to cease when the Parramatta Light Rail replaces heavy rail between Camellia and Carlingford. The light rail will provide more regular services and connect the site with the Parramatta CBD and Westmead. The site is also located close to several schools, services and amenities.
- The sites subject to the planning proposals are located within the Block Study area as shown below in Figure 2. The site at 264-268 Pennant Hills Rd (Baptist Care site) is shown in blue. The site at 258-262 Pennant Hills Rd and 17 & 20 Azile Court (SPD site) is shown in red. The legal description, land size and current use of the sites is explained in Table 1 below:

**Table 1 – Legal description, land size and current use of the sites**

Site	Legal Description	Land size	Current Use
264-268 Pennant Hills Rd	Lot 1, DP 1033201 Lot 2, DP 364225	28,286m <sup>2</sup>	Aged Care Facility
258-262 Pennant Hills Rd and 17 & 20 Azile Court	Lot 1, DP 213263 Lot 3, DP 213263 Lot 19, DP 221491	9,274m <sup>2</sup>	Low density residential dwellings

	Lot 1, DP 221491	
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Figure 2 – Sites subject to planning proposals (left) and Block Study area context (right)

### CURRENT PLANNING CONTROLS

- Under the provisions of the Parramatta LEP 2011 the land within the block study area, including the land subject to planning proposals, has the following planning controls (see Figure 3 below):

Site	Zoning	Height of Buildings	Floor Space Ratio (FSR)
Block Study Area	R2 Low Density Residential	9 metres	0.5:1



Figure 3 – Current planning controls (Carlingford Block Study area outlined)

### BACKGROUND

- A Planning Proposal relating to land at 264-268 Pennant Hills Road, Carlingford was lodged with Council in February 2015. In addition, Council has also received a Planning Proposal for land at 258-262 Pennant Hills Road and 17 & 20 Azile Court, Carlingford in January 2017.

7. Council, at its meeting of 14 June 2016 considered a detailed report (see **Attachment 4**) on the Planning Proposal for 264-268 Pennant Hills Rd and a preliminary planning proposal for 258-262 Pennant Hills Road and 17 & 20 Azile Court, and resolved as follows:
- (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.*
8. On 8 July 2016, Council officers met with the Director (Sydney Region West) of DP&E and the applicants / land owners relating to 264-268 Pennant Hills Road and 258-262 Pennant Hills Road & 17 & 20 Azile Court to discuss a possible way forward for the applications lodged for these sites.
9. At the meeting, both applicants agreed that in response to part (b) of Council's resolution of 14 June that they would work in partnership to undertake further studies to address issues raised in the Council report, and that that any additional studies or analysis would be in keeping with principles agreed by Council. This work has resulted in the draft Carlingford Block Study (Attachment 3) which is discussed in further detail below.
10. On 8 August 2016, Council considered a further report (see **Attachment 5**) on the Planning Proposal for 264-268 Pennant Hills Rd, and resolved as follows:
- (a) That Council endorse the Planning Proposal prepared for 264-268 Pennant Hills Road, Carlingford, provided at Attachment 1 for submission to the Department of Planning and Environment for Gateway Determination, subject to the following condition:*
- (i) the provision of additional studies to be undertaken by the applicant with other adjoining land owners (as outlined in their letter dated 11 July 2016) to address the matters raised by Council in the report of 14 June 2016.*

- (b) *That the applicant be advised that whilst the Planning Proposal may proceed to gateway determination with a maximum floor space ratio of 1.2:1 and a maximum building height of up to 29m, (as shown in the planning proposal at Attachment 1), that these are the maximum potential height and FSR and these may decrease once the additional studies are completed and fully assessed by Council.*

11. The Planning Proposal for 264-268 Pennant Hills Rd (Baptist Care site) was sent to DP&E on 16 August 2016 and a Gateway Determination (**Attachment 6**) was received on 12 September 2016. This Gateway Determination was conditional upon the preparation of further additional studies as per the above Council resolution. The Planning Proposal considered in this report has been revised and is consistent with the further studies that were undertaken. Despite the changes to FSR and height, advice has been received from DP&E that a revised Gateway determination is not required as the Planning Proposal is still consistent with the Gateway determination. However, a Gateway Determination will need to be sought for the adjoining Planning Proposal at 258-262 Pennant Hills Road & 17 & 20 Azile Court (SPD site).

**DRAFT CARLINGFORD BLOCK STUDY**

12. The Draft Carlingford Block Study 2017 (Draft Block Study) was undertaken by Urbis and reviewed land zoning and building controls relating to land bound by Martins Lane, Pennant Hills Road, Tintern Avenue and Homelands Avenue, which included consultation with affected property owners (see Figure 4 below).



Figure 4– Reference plan as per Draft Carlingford Block Study 2017

13. The Draft Block Study was paid for and managed by the land owners/applicants of 264-268 Pennant Hills Road, Carlingford (Baptistcare); and 258-262 Pennant Hills Road and 17 & 20 Azile Court, Carlingford (SPD), who following a Council resolution of 14 June 2016 and 8 August 2016 (regarding their individual

Planning Proposal applications), agreed to work together to complete the necessary Planning Study.

14. The Draft Block Study recommends increases in density within the study area including heights ranging from 2-6 storeys. This could result in townhouses along Homelands Avenue and Tintern Avenue, and residential flat buildings along parts of Pennant Hills Road, parts of Martins Lane and parts of Azile Court. This will result in up to 770 new dwellings within the study area. The proposed building envelopes for the area can be seen in Figure 5 below.



Figure 5– Proposed built form envelopes as per Draft Carlingford Block Study 2017

15. The Draft Block Study also recommends an improved public domain, new access roads, the signalisation of the Baker Street and Pennant Hills Road intersection, retention of high ecological value vegetation and the provision of a new public park. These are discussed in further detail below.

## ASSESSMENT OF DRAFT BLOCK STUDY

16. The Draft Block Study aligns with the intentions and principles of the broader State Government's metropolitan strategy, *A Plan for Growing Sydney*, draft amendment *Towards Our Greater Sydney 2056*, *Draft Central West District Plan*, *GPOP Vision* and local strategy, *Parramatta 2038*. These plans and strategies seek to support Parramatta as Sydney's Central City by increasing housing density and employment opportunities in strategic locations. The recommendations in the Draft Block Study are generally consistent with these objectives. Further analysis about the consistency with these plans and strategies is provided in Section 2 of the Draft Block Study (**Attachment 1**).

## Urban Design and Built Form

17. Council officers are generally supportive of the Block Study recommendations such as massing, street setbacks, proposed street network and proposed open space as submitted by the landowners who undertook the Block Study preparation. However, Council officers have revised the recommended FSR and height controls in the Draft Block Study as a result of additional

assessment and further urban design testing undertaken by Council. The revisions (shown below in Figure 6 and 7) are more consistent with the development envisaged in the Draft Block Study and still allow for development in the area ranging from 2-6 storeys.



**Figure 6** – FSRs as originally proposed (left), FSRs shown in revised Draft Block Study (right)



**Figure 7** – Heights as originally proposed (left), Heights shown in revised Draft Block Study (right)

18. Council officers have discussed the revised FSR and height recommendations with the applicants of both site-specific planning proposals. The applicant of the Planning Proposal for 264-268 Pennant Hills Road (Baptist Care) has accepted the amended recommendations. The applicant for 258-262 Pennant Hills Road and 17 & 20 Azile Court (SPD) has accepted most of the amended recommendations, however, they have not accepted the revised FSR recommendation of 1.2:1 for land at 258 Pennant Hills Rd and 20 Azile Court (western part of SPD site) and are still seeking an FSR of 1.4:1 on that part of the site. Urban design testing for this site has recommended that a maximum FSR of 1.2:1 be provided on the site for the following reasons:
- An FSR of 1.2:1 allows for a four storey building on the site, consistent with the Draft Block Study and the recommended setback controls from Council’s Urban Design Team and Open Space Planner.
  - The site testing provided in the most recent concept plan allows for a setback of 6m from the western side of the site boundary. Comments from Council’s Open Space and Natural Areas Planner has recommended a



minimum 10m setback from the western boundary is required to minimise likely direct impacts (i.e. canopy pruning) and indirect impacts (i.e. conflict between residents and fauna) on the identified 'moderate value' vegetation which provides habitat for threatened fauna species.

### **Traffic, Access and Transport**

19. The subject sites are located approximately 800 metres (10 minutes' walk) from Carlingford and Telopea train stations. Both stations are on the Carlingford line which offers connectivity to Clyde and on to the wider rail network. The Carlingford train service is proposed to cease when the Parramatta Light Rail replaces heavy rail between Camellia and Carlingford. The light rail will provide more regular services and connect the subject sites with the Parramatta CBD and Westmead. The sites are also serviced by several bus stops along Pennant Hills Road that provide frequent services.
20. The planning proposals are supported by traffic assessment reports by Colston Budd Hunt and Kafes (Baptist Care site) and Varga Traffic Planning (SPD site). An updated traffic report was also undertaken for the wider block study area by Colston Budd Rogers and Kafes (CBRK), including the two subject sites, which takes into consideration comments raised by council officers and RMS.
21. Both of the planning proposal sites that adjoin Pennant Hills Road are subject to road widening reservations, to be acquired by the RMS. Given this affectation, the planning proposals have both been referred to Roads and Maritime Services (RMS) for comment. The Draft Block Study considers the road widening reservations and the proposed built form is adequately setback from Pennant Hills Road as a result.
22. While the (RMS) raised no objection to the planning proposals and Draft Block Study, and were supportive of the signalisation of Baker Street and Pennant Hills Road, this was subject to the implementation of traffic improvements by the developer, via a voluntary planning agreement. This is yet to be formally agreed by the applicants.

#### *Traffic and Transport recommendation of Draft Block Study*

23. Consistent with the recommendations of the traffic report for the Draft Block Study by CBRK, earlier comments from Council's Traffic and Transport team and comments from the RMS, the following traffic management improvements are recommended:
  - New signalised intersection of Baker Street and Pennant Hills Road - this will provide improved access and connection to amenities and schools north of the block study area;
  - New traffic lights on Baker Street intersection – this will provide safer pedestrian crossing across Pennant Hills Road;
  - Providing a new street as an extension of Baker Street through the Block Study area – this will improve the overall permeability of the Block Study area;
  - The existing carriageway on Martins Lane to remain unchanged, but include widening for public domain improvements such as footpaths, street planting and indented parallel parking bays;

- At intersection with Pennant Hills Road and within the public domain set-out, Martins Lane has the potential to be widened to provide for left in/left out movements; and
- The proposed new street connections, public domain upgrades will provide increased connectivity for pedestrians and cyclists.

24. The provision of new internal public roads as recommended above would be delivered (in part) across a portion of those sites shown below in Figure 8, with the remaining land to be dedicated by the two planning proposal applicants. Delivery of traffic lights at the intersection of Pennant Hills Road, Baker Street and any new internal north-south road would also be required. It is expected that the delivery of the roads/intersection would be in part via voluntary planning agreements with the planning proposal applicants, and possibly in part via a future Section 94 contribution plan.



**Figure 8** – Draft Public Domain Set-out Plan (left) and concept design for new intersection (right)

25. The Draft Block Study and associated traffic report was sent to NSW Roads and Maritime Services (RMS) for comment on 16 March 2017. Comments received were in relation to specific details of the proposed signalisation of Pennant Hills Road / Baker Street and additional details sought on cost splitting and funding mechanisms. A supplementary report was then prepared by CBRK to address the matters raised and forwarded to RMS for review. Further comments were received from RMS on 2 June 2017 where it was requested that additional information about funding be provided and that they inform future VPA negotiations. The planning proposal applicants have engaged SGS to undertake additional work in relation to infrastructure funding and apportionment of contributions. This is yet to be received and will need to be detailed and reviewed post-Gateway but prior to exhibition.
26. Based on the above, it is recommended that the applicants of the planning proposals for the Baptist Care site and SPD site continue to liaise with the RMS in relation to the proposed traffic management improvements and funding mechanisms. It is also recommended that the CBRK report be amended to reflect the revised planning proposals and the recently received comments from the RMS. In addition, it is recommended that further analysis is to be informed by discussions with RMS and Transport for NSW. The funding of the proposed traffic management improvements and cost-splitting arrangements will also need to be detailed post-Gateway but prior to exhibition.

## Biodiversity and Open Space

27. As part of the Draft Block Study, an ecological assessment of the study area was undertaken by Cumberland Ecology (November 2016). This assessment identified the following:
- Areas of 'High' constraint are present within patches of Blue Gum High Forest (Critically Endangered Ecological Community) located at 264-268 Pennant Hills Road, and 10 Tintern Avenue and 8 Azile Court (shown below in red in Figure 9).
  - Areas of 'Moderate' constraint are present within 264-268 Pennant Hills Road and lots to the north, west and south of 20 Azile Court. These areas consist of mature vegetation containing tree hollows, or large trees potentially containing hollows (shown below in orange in Figure 7).
  - Areas of 'Low' constraint are present throughout the study area and offer little constraint to future development.



Figure 9 – Ecological constraints within Block Study area as shown in Ecological Report

28. To minimise impacts on the biodiversity values of the study area as a result of future development, it is recommended that all areas of 'High' and 'Moderate' constraint be avoided where possible. Avoiding all areas of 'High' and 'Moderate' constraint will result reduced impacts on biodiversity. Council's Open Space and Natural Area Planner supported this position and the recommendation that 'all areas of 'high' and 'moderate' constraint be avoided where possible' to minimise both costs and impacts on biodiversity. As these high / medium constraint areas only comprise a small portion of the study area, it is therefore considered reasonable to implement this recommendation.
29. The Draft Block Study has considered the recommendations in the ecological assessment report by Cumberland Ecology as well as comments from Council officers and is consistent with these. The proposed building envelopes reduce

impacts on biodiversity by avoiding all areas of 'High' and 'Moderate' constraint, resulting in the retention of the Blue Gum High Forest and mature tree species.

### *New public park and potential acquisition of properties*

30. As part of Draft Block Study, Council officers recommended the investigation of opportunities for dedicated public open space. Councils open space team identified that a minimum of 5000sqm of new open space was needed as a result of the redevelopment of the block study area, based on the NSW Department of Planning *'Recreation and Open Space Planning Guidelines for Local Government'*, and that this open space should be provided within 400m of 'most dwellings' in the block study area. There were four options identified as part of the review. These options are shown in Figure 10 and Table 2 below.



Figure 10 – Open space options that were investigated as part of the Draft Block Study

Table 2 – Open space options investigated as part of Draft Block Study

Criteria	Option 1	Option 2	Option 3	Option 4
Size of area	4,900m <sup>2</sup>	5,500m <sup>2</sup>	2,700m <sup>2</sup>	3,100m <sup>2</sup>
Distance from furthest dwelling	160m	250m	360m	530m
Ecological value	Habitat trees	Areas of high ecological value on northern boundary	Connects areas of high ecological value	Expands Homelands Reserve
Location	Within study area	Within study area	Outside of study area	Outside of study area

31. As can be seen above, both option 1 and option 2 meet the minimum size requirement (5000m<sup>2</sup>), distance requirement (within 250m of high density dwellings) and provide opportunities to incorporate ecologically sensitive vegetation. Comparatively, option 3 and option 4 fail to meet the criteria and are therefore considered unsuitable.

32. The Draft Block Study recommends that option 1 is the most appropriate location for a new public park for the following reasons:
- It is consistent with the Recreation and Open Space Planning Guidelines and benchmark criteria;
  - It is located in the most central location within the block study area which provides greater accessibility to all dwellings;
  - It will have three sides fronting public streets when the new north-south access road is provided; and
  - It provides an opportunity to dedicate part of one site to deliver the new north-south access road.
33. All options assume the acquisition of land by Council. If council resolves to proceed with option 1, this would require the acquisition of 8 residential properties to provide for new public park. The value of this land acquisition is yet to be determined, however, should it be viable, the funding of the acquisition would most likely need to be undertaken via the introduction of a new Section 94 Development Contribution Plan. This would require payment of a monetary contribution to be spread across all new dwellings delivered across the block study area. Depending on the outcome of the feasibility analysis and Section 94 plan preparation it may be necessary to decrease the area of open space if its acquisition is not deemed to be financially viable.
34. Council officers are aware of the sensitive nature of rezoning privately owned land for public purposes and have met with the affected property owners. Two meetings were held with the property owners in May 2017 to inform them of the recommendations of the Draft Block Study and how it is likely to affect them. The purpose of the meetings with those land owners was to explain how the RE1 land zoning would affect their land value, explain how land would be acquired and over what time period, and advise the process for appropriate compensation to be provided via the Just Terms Compensation Act. It was communicated to the affected landowners that there will be opportunities to provide formal comment on the Draft Block Study during the public exhibition.

### Social Impacts / Infrastructure

35. Based on the average size of households living in higher density apartments in the Parramatta LGA (2.3 persons per dwelling), the Draft Block Study and planning proposals will result in the following population:

**Table 3** – Approximate population resulting from proposals and Draft Block Study

Site	Approximate dwellings	Approximate population
Block Study Area (including below sites)	770	1,771 people
Baptist Care site 264-268 Pennant Hills Rd	407	936 people
SPD site 258 - 262 Pennant Hills Rd, and 17 & 20 Azile Court	95	218 people

36. The subject sites and block study area are located within walking distance of the following schools:
- Carlingford West Primary School,

- Cumberland High School, and
  - James Ruse Agricultural High School.
37. The increase in population resulting from the densities envisaged in the Draft Block Study will place increased demand on local schools. It is considered that this demand can be met by the above existing schools in close proximity to the site. Consultation is recommended to be undertaken with the NSW Department of Education during the public exhibition stage to ensure that the additional demand on local schools can be accommodated.
38. The signalisation of Baker Street and Pennant Hills Road will also provide a new pedestrian crossing, making the abovementioned local schools, open space and recreational facilities north of Pennant Hills Road more accessible and safer to access.
39. As discussed above, a new public park is recommended as part of the Draft Carlingford Block Study. This new park is to be provided through a Section 94 Plan or VPA and is considered necessary to service the future resident population of the area.

### **BLOCK STUDY PROCESS AND IMPLEMENTATION**

40. Should the Draft Block Study be endorsed by Council, it will be placed on public exhibition concurrently with the two planning proposals, DCP for the entire study area, Section 94 Plan and VPAs.
41. Following the public exhibition of the Draft Block Study, a report will be prepared for Council outlining the submissions received, recommended amendments and way forward.
42. Once the Block Study is finalised, a planning proposal will need to be prepared for the remaining sites, including the land to be zoned RE1 Public Open Space, and reported to Council. Any potential acquisition of properties for open space or new access roads will be considered in more detail at this stage. If endorsed, the planning proposal would then be sent to DP&E for a Gateway determination and, subject to a Gateway being issued, the planning proposal would then be placed on public exhibition. Following exhibition, the planning proposal may be amended. It then has to be reported again to Council, supported and sent to DP&E to draft the legal instrument. When the Instrument is drafted, Council will be provided with a date of gazettal. The land is rezoned on the date of gazettal.
43. Council officers will continue to inform the landowners within the Block Study area and provide regular project updates.

### **PLANNING PROPOSALS**

44. The planning proposals described earlier in the report seek to begin implementations of the Block Study findings for these two sites. The planning proposals seek to amend the Parramatta LEP 2011 to increase the development capacity and enable the redevelopment of the sites for higher density residential uses in a manner generally consistent with the Draft Block Study. The exception is then the planning proposal for the western part of the SPD site at 258 Pennant Hills Road and 20 Azile Court, which is seeking an FSR different from that Council officers consider to be appropriate.

45. The Planning Proposal for 246-248 Pennant Hills Road (Baptist Care site) would result in the following amendments to PLEP 2011:

**Table 4 - Current and Proposed Planning Controls**

<b>Site: 264-268 Pennant Hills Rd (Baptist Care site)</b>			
	<b>Current</b>	<b>Original Proposal</b>	<b>Revised Proposal</b>
<b>Zoning</b>	<ul style="list-style-type: none"> <li>Part R2 Low Density Residential</li> <li>Part SP2 Infrastructure (Classified Road)</li> </ul>	<ul style="list-style-type: none"> <li>Part R4 High Density Residential</li> <li>Part R2 Low Density Residential</li> <li>Part SP2 Infrastructure (Classified Road)</li> </ul>	<ul style="list-style-type: none"> <li>Part R4 High Density Residential</li> <li>Part R2 Low Density Residential</li> <li>Part SP2 Infrastructure (Classified Road)</li> </ul>
<b>Floor Space Ratio</b>	<ul style="list-style-type: none"> <li>0.5:1*</li> </ul>	<ul style="list-style-type: none"> <li>1.2:1*</li> </ul>	<ul style="list-style-type: none"> <li>Part 1.6:1,</li> <li>Part 1.1:1, and</li> <li>Part 0.5:1</li> </ul>
<b>Maximum Height of Buildings</b>	<ul style="list-style-type: none"> <li>9 metres*</li> </ul>	<ul style="list-style-type: none"> <li>Part 29m</li> <li>Part 20m,</li> <li>Part 14m,</li> <li>Part 11m, and</li> <li>Part 9m</li> </ul>	<ul style="list-style-type: none"> <li>Part 21m,</li> <li>Part 14m, and</li> <li>Part 9m</li> </ul>
<b>Natural Resources Biodiversity</b>	<ul style="list-style-type: none"> <li>N/A</li> </ul>	To map part of site as Natural Resources-Biodiversity to reflect existing Endangered Ecological Community (EEC) on the site.	To map part of site as Natural Resources-Biodiversity to reflect existing Endangered Ecological Community (EEC) on the site.

\* There is no FSR or maximum height of buildings control on land zoned SP2

46. The Planning Proposal for 258 and 262 Pennant Hills Road, and 17 & 20 Azile Court (SPD site) would result in the following amendments to PLEP 2011:

**Table 5 - Current and Proposed Planning Controls**

<b>Site: 258 and 262 Pennant Hills Road, and 17 &amp; 20 Azile Court (SPD site)</b>			
	<b>Current</b>	<b>Proposed</b>	<b>Recommended</b>
<b>Zoning</b>	<ul style="list-style-type: none"> <li>Part R2 Low Density Residential</li> <li>Part SP2 Infrastructure (Classified Road)</li> </ul>	<ul style="list-style-type: none"> <li>Part R4 High Density Residential</li> <li>Part SP2 Infrastructure (Classified Road)</li> </ul>	<ul style="list-style-type: none"> <li>Part R4 High Density Residential</li> <li>Part SP2 Infrastructure (Classified Road)</li> </ul>
<b>Floor Space Ratio</b>	<ul style="list-style-type: none"> <li>0.5:1*</li> </ul>	<ul style="list-style-type: none"> <li>Part 1.6:1, and</li> <li>Part 1.4:1</li> </ul>	<ul style="list-style-type: none"> <li>Part 1.6:1, and</li> <li>Part 1.2:1</li> </ul>
<b>Height of Buildings</b>	<ul style="list-style-type: none"> <li>9 metres*</li> </ul>	<ul style="list-style-type: none"> <li>Part 21m, and</li> <li>Part 15m</li> </ul>	<ul style="list-style-type: none"> <li>Part 21m, and</li> <li>Part 14m</li> </ul>
<b>Natural Resources Biodiversity</b>	<ul style="list-style-type: none"> <li>N/A</li> </ul>	<ul style="list-style-type: none"> <li>N/A</li> </ul>	To map part of site as Natural Resources-Biodiversity to reflect the significant tree species on the site.

\* There is no FSR or maximum height of buildings control on land zoned SP2



**Figure 11** – Recommended planning controls for both planning proposals (remainder of block study area is subject to a future planning proposal)

### ASSESSMENT OF PLANNING PROPOSALS

47. The planning proposals have been prepared in accordance with the NSW Department of Planning and Environment (DP&E's) *A Guide to Preparing Planning Proposals* and considers the State and local planning strategies. It aligns with the intentions and principles of the broader State Government's metropolitan strategy, *A Plan for Growing Sydney*, draft amendment *Towards Our Greater Sydney 2056*, *Draft Central West District Plan*, *GPOP Vision* and local strategy, *Parramatta 2038*. These plans and strategies seek to support Parramatta as Sydney's Central City by increasing housing density and employment opportunities in strategic locations. The planning proposals are generally consistent with these objectives.
48. The planning proposals are also generally consistent with the relevant State Environmental Planning Policies and Section 117 Directions. A full assessment is provided in the planning proposals (**Attachment 2** and **Attachment 3**).

### Urban Design and Built Form

49. Council officers have worked extensively with the applicants to refine the concept plans for the sites and have considered the study area in its entirety in order to address concerns raised in previous reports to Council and satisfy the condition of the Gateway Determination received for the Baptist Care site requiring further studies.
50. The Planning Proposal for the Baptist Care site will result in a number of residential apartment buildings ranging from 4-6 storeys surrounding communal open space. This will result in a dwelling yield of approximately 407 apartments which has been calculated based on 34,600m<sup>2</sup> residential GFA and an average of 85m<sup>2</sup> for each apartment as shown in Table 6 below.

**Table 6** - Development yield under the proposed development concept

Site: 264-268 Pennant Hills Road (Baptist Care)	
<b>Total site area*</b>	27,493 sqm*
<b>Site area (land with FSR of 1.6)</b>	9,582 sqm
<b>Site area (land with FSR of 1.1)</b>	17,517 sqm
<b>GFA (land with FSR of 1.6)</b>	15,331 sqm



	180 dwellings (at 85 sqm each)
<b>GFA (land with FSR of 1.1)</b>	19,269 sqm 226 dwellings (at 85 sqm each)
<b>TOTAL GFA</b>	34,600 sqm 407 dwellings (at 85 sqm each)

\*Excludes land zoned SP2 and block of land along Homelands Ave

51. The Planning Proposal for the SPD site will result in a number of residential apartment buildings ranging from 4-6 storeys similar to the northern portion of the Baptist Care site along Pennant Hills Road. This will result in a dwelling yield of approximately 95 apartments which has been calculated based on 8,118m<sup>2</sup> residential GFA and an average of 85m<sup>2</sup> for each apartment as shown in Table 4 below.

**Table 7 - Development yield under the proposed development concept**

<b>Site: 258 and 262 Pennant Hills Road, and 17 &amp; 20 Azile Court (SPD site)</b>	
<b>Total site area*</b>	5818 sqm**
<b>Site area (land with FSR of 1.6)</b>	2,840 sqm**
<b>Site area (land with FSR of 1.2)</b>	2,978 sqm**
<b>GFA (land with FSR of 1.6) - 262 Pennant Hills Rd and 17 Azile Court</b>	4,544 sqm 53 dwellings (at 85 sqm each)
<b>GFA (land with FSR of 1.2) - 258 Pennant Hills Rd and 20 Azile Court</b>	3,574sqm 42 dwellings (at 85 sqm each)
<b>TOTAL GFA</b>	8,118 sqm 95 dwellings (at 85 sqm each)

\*\*Excludes land zoned SP2

52. For reasons outlined previously in this report and in the Draft Block Study, it is recommended that the maximum FSR for the site at 258 Pennant Hills Rd and 20 Azile Court be 1.2:1. The recommended FSR for this site has been discussed with the applicant. They do not accept the position taken by Council officers and believe that the FSR of 1.4:1 should be retained. The applicant was given the opportunity not to progress with the Planning Proposal for their site and to make a submission in relation to the Draft Block Study that would allow Council to reconsider their position more formally before a PP is forwarded to DP&E. The applicant advised that they would prefer to have the Planning Proposal reported with the Draft Block Study despite the recommendation from Council officers for the lower FSR of 1.2:1.

## Traffic

53. It is recommended that the applicants continue to liaise with the RMS in relation to the proposed traffic management improvements. It is also recommended that the CBRK report be amended to reflect the revised planning proposals and the recently received comments from the RMS. In addition, it is recommended that further analysis is informed by discussions with RMS and Transport for NSW. The funding of the proposed traffic management improvements and cost-splitting arrangements will also need to be detailed post-Gateway but prior to exhibition.

## Biodiversity

54. Consistent with the ecological report by Cumberland Ecology and the Draft Block Study, it is recommended that part of both subject sites are included in the Natural Resources - Biodiversity Map in the PLEP 2011 and mapped as

'Biodiversity' to reflect existing ecological constraints. This is consistent with other Critically Endangered Ecological Communities located on non-public land within Parramatta LGA.

## **VOLUNTARY PLANNING AGREEMENT**

55. A Voluntary Planning Agreement (VPA) can be made under section 93F of the EP&A Act and is a voluntary agreement between Council and the developer, under which the developer is required to dedicate land free of cost, pay a monetary contribution or provide other material public benefit, or any combination of these, to be used towards a public purpose. This may be in lieu of a Section 94A development contribution, as a part substitution or an additional benefit.
56. The Act specifies that a public purpose includes the provision of public amenities or public services, the provision of affordable housing, the provision of transport or other infrastructure relating to the land, the funding of recurrent expenditure relating to any of these, the monitoring of the planning impacts of a development and the conservation or enhancement of the natural environment.
57. Council has an adopted VPA policy which sets out the principles governing such agreements, matters that Council will consider in negotiating agreements, steps in the negotiating process, public probity, notification requirements and implementation. The EP&A Act and Regulation sets out the legal and procedural framework for planning agreements.
58. The negotiation of a VPA is at Council's discretion. Key principles of Council's policy are that:
  - planning decisions will not be bought or sold through planning agreements,
  - development that is unacceptable on planning grounds will not be permitted because of the benefits of a planning agreement,
  - the benefits of the planning agreement will bear a relationship to the application,
  - Council will not give undue weight to a planning agreement when making a decision on a development application, and
  - Council will not improperly rely on its position in order to extract unreasonable public benefits under planning agreements.
59. The applicants have submitted letters of offer dated 7 June 2017 and 8 June 2017 (**Attachment 7** and **Attachment 8**) indicating that they intend to enter into a VPA. The letters suggest that the VPAs for the sites might be in the form of: delivery of signalisation of new intersection, delivery of new north-south access road and widening of Martins Lane. Future VPA negotiations will also need to include the RMS as they are a key party in the proposed signalisation of the Baker St and Pennant Hills Rd intersection.
60. It is recommended that delegated authority be given to the CEO to negotiate the VPA on behalf of Council in addition to Section 94A contributions payable, and that the outcome of negotiations be reported back to Council prior to its concurrent public exhibition with the draft DCP and Planning Proposal.

## **PLAN-MAKING DELEGATIONS**

61. New delegations were announced by the then Minister for Planning and Infrastructure in October 2012, allowing councils to make LEPs of local significance. On 26 November 2012 Council resolved to accept the delegation for plan making functions. Council has resolved that these functions be delegated to the CEO.
62. Should Council resolve to proceed with the planning proposals (**Attachment 2** and **Attachment 3**), it is intended that Council will be able to exercise its plan-making delegations. This means that once the planning proposals have 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.
63. Council has already been granted delegation for the Planning Proposal at 264-268 Pennant Hills Road as per the Gateway determination dated 12 September 2016. When the planning proposal for 258 - 262 Pennant Hills Rd, and 17 & 20 Azile Court is submitted to Gateway, Council will advise the DP&E that it will be exercising its delegation.

## **NEXT STEPS AND CONCLUSION**

64. It is recommended that the Draft Carlingford Block Study (**Attachment 1**) be endorsed in-principle, updated to reflect the recommendations of this report and be publicly exhibited.
65. Should Council endorse the planning proposals provided at **Attachment 2** and **Attachment 3** (Council Officer's recommendation) they will be forwarded to the NSW Department of Planning and Environment. A letter will be sent to DP&E informing them of the revised Planning Proposal for the Baptist Care site and responding to the conditions of the Gateway determination dated 12 September 2016.
66. A Gateway determination will be sought from DP&E for the Planning Proposal at 258 and 262 Pennant Hills Road, and 17 & 20 Azile Court.
67. The applicants are also requested to update their urban design analysis, concept plans and traffic reports to reflect the Council's endorsed position and recommendations of the Draft Block Study prior to public exhibition, should a Gateway Determination be issued.
68. A DCP is recommended for the entire block study area to control the built form and urban design outcomes. This will be reported to Council prior to its exhibition. The Section 94 Plan and a report on the outcomes of the VPA negotiations will also be put to Council before it is publicly exhibited.
69. It is recommended that the Draft Carlingford Block Study be publicly exhibited concurrently with the planning proposals, DCP, Section 94 Plan and VPAs and the outcomes of the exhibition be reported to Council.

Benjamin Gresham  
**Project Officer – Land Use Planning**

Robert Cologna

**Service Manager – Land Use Planning**

Sue Weatherley

**Director Strategic Outcomes & Development****ATTACHMENTS:**

<b>1</b>	Draft Carlingford Block Study 2017 (June 2017) - Urbis	56 Pages
<b>2</b>	Planning Proposal for 264-268 Pennant Hills Road, Carlingford	37 Pages
<b>3</b>	Placeholder - Planning Proposal for 258-262 Pennant Hills Rd and 17&20 Azile Court, Carlingford	1 Page
<b>4</b>	Council Report - Planning Proposals: 264-268 Pennant Hills Road, Carlingford and 258-262 Pennant Hills Road & 17&20 Azile Court, Carlingford -14 June 2016	38 Pages
<b>5</b>	Council Resolution - Planning Proposal for 264-268 Pennant Hills Rd, Carlingford - 8 August 2016	2 Pages
<b>6</b>	Gateway Determination - 264 to 268 Pennant Hills Road Carlingford - 12 September 2016	4 Pages
<b>7</b>	VPA Offer - 264-268 Pennant Hills Rd, Carlingford	2 Pages
<b>8</b>	VPA Offer - 258-262 Pennant Hills Rd and 17&20 Azile Court, Carlingford	1 Page