

LEADING

ITEM NUMBER	11.10
SUBJECT	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
REFERENCE	RZ/2/2015 - D05094033
REPORT OF	Project Officer Land Use

PURPOSE:

The purpose of this report is for Council to consider the report on the Draft Carlingford Block Study and two associated planning proposals. The recommendation of the IHAP on this matter includes the following actions:

- 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;
- To prepare a Development Control Plan (DCP) and Section 94 Plan for the Block Study area; and
- To proceed with formal negotiations to prepare Voluntary Planning Agreements (VPAs) between Council and the landowners in relation to the above planning proposals.

Council endorsement of the IHAP recommendation is sought.

RECOMMENDATION

- (a) **That** Council considers the report that was submitted to the Independent Hearing and Assessment Panel (IHAP) on 20 June 2017 (**Attachment A**) and its recommendation (**Attachment B**) which supports placing the Draft Carlingford Block Study on public exhibition and the progression of associated planning proposals for 264-268 Pennant Hills Road, Carlingford; and 258-262 Pennant Hills Road and 17 and 20 Azile Court, Carlingford.
- (b) **That** Council endorse the Draft Carlingford Block Study (**Attachment 1 of Attachment A**) 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).
- (c) **That** Council endorse the revised Planning Proposal for land at 264-268 Pennant Hills Rd, Carlingford (**Attachment 2 of Attachment A**) 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.
- (d) **That** Council endorse the Planning Proposal for land at 258-262 Pennant Hills Rd and 17 and 20 Azile Court, Carlingford (**Attachment 3** of **Attachment A**) 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 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.
- (e) **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.
- (f) **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.
- (g) **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.
- (h) **That** the Draft Carlingford Block Study be publicly exhibited concurrently with the above planning proposals, study area DCP, VPAs and Section 94 Plan.
- (i) **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.
- (j) **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 DCP and planning proposals.
- (k) **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.
- (l) **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.

THE BLOCK STUDY AREA AND PLANNING PROPOSAL SITES

1. 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.

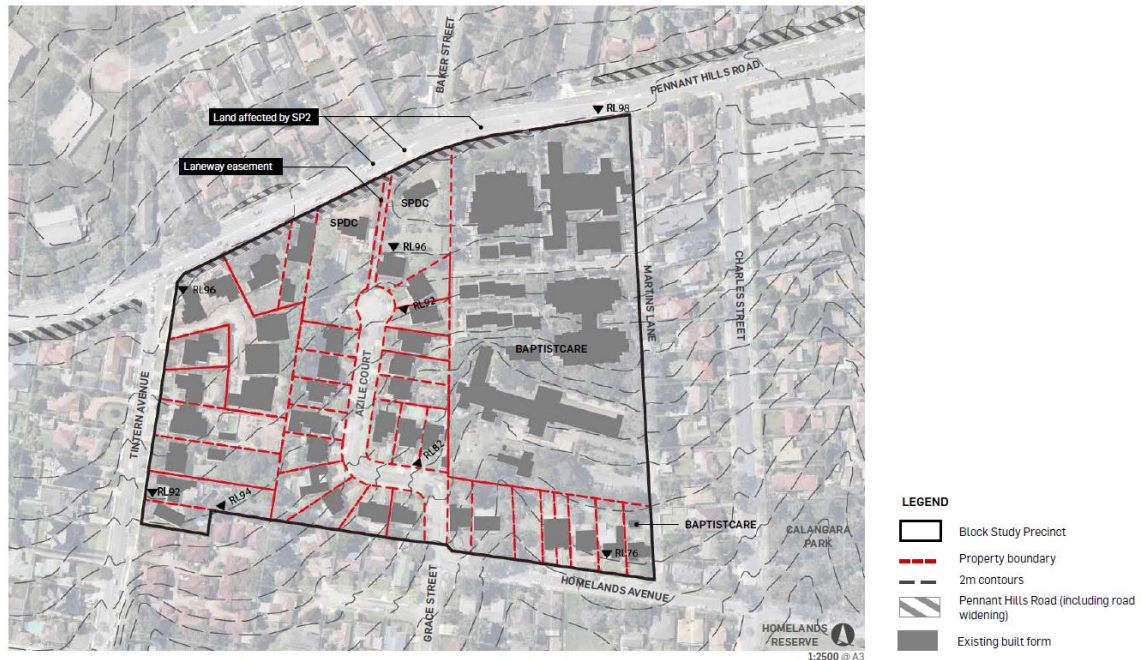


Figure 1 – Carlingford Block Study Area

2. The Block Study area is within walking distance to Carlingford and Telopea train stations and future light rail stops. 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.
3. 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.



Figure 2 – Sites subject to planning proposals (left) and Block Study area context (right)

DRAFT CARLINGFORD BLOCK STUDY

4. The Draft Carlingford Block Study 2017 (Draft Block Study) was undertaken by Urbis and reviewed land zoning and building controls within the Block Study area, which included consultation with affected property owners.
5. 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.
6. The process undertaken to prepare the Draft Block Study is detailed in the attached IHAP report (**Attachment A**). It should also be noted that Council officers have recommended that the version lodged by the applicant be amended to decrease the FSR and height on several sites in the study area, including the Baptist Care site and SPD site. The Draft Block Study incorporates these amendments in the version recommended for public exhibition (**Attachment 1 of Attachment A**).
7. 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 (see **Figure 3** below). This will result in up to 770 new dwellings within the study area.



Figure 3– Reference Plan as per the Draft Carlingford Block Study 2017

8. 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 and moderate ecological value vegetation and the provision of a new public park. These are discussed in further detail in the Draft Block Study (**Attachment 1 of Attachment A**).

Provision of a new public park and potential acquisition of properties

9. The Draft Block Study provides an analysis of open space options which were considered as part of an identified need for new public open space within the Block Study area. Four options were assessed against the NSW Department of Planning *'Recreation and Open Space Planning Guidelines for Local Government'* and relevant criteria such as distance from furthest dwelling, ecological value and location. All options assume the acquisition of land by Council and the Draft Block Study makes a recommendation for an appropriate location within the centre of the Study area (shown above in **Figure 3**). Should Council resolve to proceed with this option, this would require the acquisition of 8 residential properties to provide for the 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.
10. Council officers are aware of the sensitive nature of rezoning privately owned land for public purposes and have met with the affected property owners and explained how the RE1 land zoning would affect their land value, how land would be acquired and over what time period, and advised the process for appropriate compensation to be provided via the Just Terms Compensation Act. It was also communicated to the affected landowners that there will be opportunities to provide formal comment on the Draft Block Study during the public exhibition.
11. A letter was received on 21 June 2017 from 7 of the 8 affected landowners objecting to the potential acquisition of their properties for a new public park. Several of these landowners also addressed the IHAP on 20 June 2017 and noted their objection. The matters relating to the objection will be given further consideration and assessment, following the public exhibition of the Draft Block Study and amendments could be made prior to finalisation of the Study by Council. 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.

Assessment of the Draft Block Study

12. An assessment of the Draft Block Study found that 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*. The Draft Block Study is also supported by a traffic assessment report and ecological assessment. The report to IHAP (**Attachment A**) provides a detailed assessment of the technical issues relating to the Block Study,

including traffic, access, biodiversity, social impacts, infrastructure and open space provision.

PLANNING PROPOSALS

13. The planning proposals described earlier in the report seek to begin implementation of the Block Study findings for two sites within the Study area. The planning proposals for the Baptist Care site and SPD site 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 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.
14. The Planning Proposal for 246-248 Pennant Hills Road (Baptist Care site) would result in the following amendments to PLEP 2011:

Table 2 - Current and Proposed Planning Controls

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

15. 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 3 - Current and Proposed Planning Controls

Site: 258 and 262 Pennant Hills Road, and 17 & 20 Azile Court (SPD site)			
	Current	Proposed	Recommended
Zoning	<ul style="list-style-type: none"> Part R2 Low Density Residential Part SP2 Infrastructure (Classified) 	<ul style="list-style-type: none"> Part R4 High Density Residential Part SP2 Infrastructure (Classified Road) 	<ul style="list-style-type: none"> Part R4 High Density Residential Part SP2 Infrastructure (Classified Road)

Site: 258 and 262 Pennant Hills Road, and 17 & 20 Azile Court (SPD site)			
	Current	Proposed	Recommended
	Road)		
Floor Space Ratio	<ul style="list-style-type: none"> 0.5:1* 	<ul style="list-style-type: none"> Part 1.6:1, and Part 1.4:1 	<ul style="list-style-type: none"> Part 1.6:1, and Part 1.2:1
Height of Buildings	<ul style="list-style-type: none"> 9 metres* 	<ul style="list-style-type: none"> Part 21m, and Part 15m 	<ul style="list-style-type: none"> Part 21m, and Part 14m
Natural Resources Biodiversity	<ul style="list-style-type: none"> N/A 	<ul style="list-style-type: none"> N/A 	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

Assessment of the planning proposals

16. An assessment of the planning proposals has been undertaken and they are considered to have strategic merit. A full assessment of all the relevant technical issues and legislative requirements is provided in the IHAP Report (**Attachment A**). 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.
17. As part of the next phase of the consultation process the applicants should continue to liaise with NSW Roads and Maritime Services (RMS) in relation to the proposed traffic management improvements. The funding of the proposed traffic management improvements and cost-splitting arrangements will also need to be detailed post-Gateway but prior to exhibition.
18. Whilst it is recommended that the planning proposals proceed to Gateway and to public 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 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.

VOLUNTARY PLANNING AGREEMENTS

19. The planning proposal applicants have indicated their willingness to enter into a Voluntary Planning Agreement (VPA) in relation to the submitted planning proposals, and have submitted letters of offer (see **Attachment 7** and **Attachment 8** of **Attachment A**). The letters suggest that the VPAs for the sites might be in the form of: delivery of the signalisation of the proposed new intersection at Baker Street and Pennant Hills Road, delivery of the proposed 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.
20. Council officers do not yet have delegation from Council to negotiate VPAs in relation to these planning proposals. Therefore, it is recommended that delegated authority be given to the CEO to negotiate VPAs with the landowners in relation to the planning proposals on behalf of Council, that the outcome of negotiations be reported back to Council prior to public exhibition of the VPAs.

IHAP RECOMMENDATION

21. IHAP considered this matter on 20 June 2017, and the report considered by the IHAP is included at **Attachment A** of this report.
22. The IHAP accepted the recommendation of the report (minute also attached at **Attachment B**).

NEXT STEPS

23. This report recommends that Council endorse the Draft Carlingford Block Study (**Attachment 1 of Attachment A**) and place it on public exhibition.
24. Should Council endorse the planning proposals provided at **Attachment 2 and Attachment 3 of Attachment A** of this report 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.
25. 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.
26. 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.
27. 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.
28. 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.

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ATTACHMENTS:

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| 1 Attachment A - IHAP Report - Draft Carlingford Block Study and associated planning proposals for 264-268 Pennant Hills Rd, | 193
Pages |
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Carlingford; and 258-262 Pennant Hills Rd and 17 & 20 Azile Court,
Carlingford

2 Attachment B - IHAP Minutes - 20 June 2017

3
Pages