



# PLANNING PROPOSAL

## **SPD Site**

**258-262 PENNANT HILLS ROAD AND 17 & 20 AZILE  
COURT, CARLINGFORD**

**Planning Proposal drafts**

Proponent versions:

No.	Author	Version
1.	Think Planners Pty Ltd	December 2016

Council versions:

No.	Author	Version
1.	City of Parramatta	Reported to 20 June IHAP Meeting

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## INTRODUCTION

This Planning Proposal explains the intended effect of, and justification for, the proposed amendment to *Parramatta Local Environmental Plan 2011* (PLEP 2011). It has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* and the Department of Planning and Environment (DP&E) guides, 'A Guide to Preparing Local Environment Plans' (April 2013), 'A Guide to Preparing Planning Proposals' (August 2016) and 'Guidance for merged councils on planning functions' (May 2016).

### Background and context

On 3 January 2017, Council received an application from Sydney Property Development (SPD) relating to land at 258-262 Pennant Hills Road and 17 & 20 Azile Court, Carlingford. This site comprises four allotments – Lot 1 DP 221491, Lot 1 DP 213263, Lot 3 DP 213263 and Lot 19 DP 221491 and has a total area of 9,274m<sup>2</sup>. The site currently accommodates low density residential housing and is split by a Council lane way of 292m<sup>2</sup>. The site is shown in **Figure 1**, below.



**Figure 1** – Site at 258-262 Pennant Hills Rd and 17&20 Azile Court, Carlingford subject to the planning proposal

The land is subject to planning controls provided under PLEP 2011. The existing and proposed LEP controls are summarised in Table 1.

**Table 1** - Summary of current and proposed controls under Parramatta LEP 2011

Control	Current*	Planning Proposal*
Zoning	Part R2 Low Density Residential Part SP2 Infrastructure (Classified Road)	Part R4 High Density Residential Part SP2 Infrastructure (Classified Road)
Height	9 metres	Part 21m, 14m
FSR	0.5:1	Part 1.6:1, 1.2:1
Natural Resources Biodiversity	N/A	To map part of site as Natural Resources-Biodiversity to reflect moderate value vegetation on the site.

\* See Maps in Section 4 'Mapping'

## PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The objective of this Planning Proposal is to allow for the redevelopment of the site for higher density residential development in a manner that does not result in adverse impacts on the natural and built environment. The Planning Proposal also seeks to achieve biodiversity protection.

In order to achieve this outcome, the provisions of PLEP 2011 as they currently apply will need to be amended. This Planning Proposal seeks to amend the land use zoning, building height and floor space controls in order to achieve the intended outcome.

In addition, and as a separate but concurrent process, an amendment to the Parramatta Development Control Plan 2011 (DCP) is also proposed. This amendment will provide more detailed development controls for the site.

## PART 2 – EXPLANATION OF PROVISIONS

This Planning Proposal seeks to amend PLEP 2011 in relation to the zoning, height and floor space ratio controls as detailed below

**Table 2 – Summary required amendments to Parramatta LEP 2011**

Control	Current*	Planning Proposal*	Required LEP Amendment
<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>	Amend Map Sheet LZN_013
<b>Height</b>	9 metres	<ul style="list-style-type: none"> <li>Part 21m, and</li> <li>Part 14m.</li> </ul>	Amend Map Sheet HOB_013
<b>FSR</b>	0.5:1	<ul style="list-style-type: none"> <li>Part 1.6:1, and</li> <li>Part 1.2:1.</li> </ul>	Amend Map Sheet FSR_013
<b>Natural Resources Biodiversity</b>	N/A	To map part of site as Natural Resources-Biodiversity to reflect existing moderate value vegetation on the site.	Natural Resources - Biodiversity Map

\* See Maps in Section 4 'Mapping'

### 2.1 Other relevant matters

#### 2.1.1 Voluntary Planning Agreement

The site and proposed development potential uplift being sought lends itself to the provision of public benefits, consistent with Council's Voluntary Planning Agreements policy. The proponent has expressed an interest in entering into a Voluntary Planning Agreement (VPA). A formal letter of offer was received from the proponent on 7 June 2017 confirming that they are willing to enter into discussions with Council regarding a VPA under Section 93F of the *Environmental Planning and Assessment Act 1979*.

The VPA letter of offer notes the proposed works included as part of the Draft Carlingford Block Study that could be included in the VPA, such as the signalisation of the new north-south access road off Pennant Hills Road and the widening of Martins Lane.

Any future VPA would need to be commensurate with the uplift being sought by the application. Consideration would also need to be given to the traffic upgrade requirements suggested by the RMS and outlined in the Draft Carlingford Block Study 2017. These matters could be considered further following Gateway determination.

### 2.1.2 Draft Development Control Plan (DCP)

The subject site is located within the Carlingford Block Study area (discussed further below). A DCP will be prepared for the Study area in the form of an amendment to the Parramatta DCP 2011.

It is intended that the DCP will guide any future development in the Carlingford Block Study area and on the site as a result of the Planning Proposal to control the built form and urban design outcomes. This will be reported to Council prior to its exhibition and it intended to be exhibited at the same time as the Planning Proposal.

## PART 3 – JUSTIFICATION

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This part describes the reasons for the proposed outcomes and development standards in the Planning Proposal.

### 3.1 Section A - Need for the planning proposal

This section establishes the need for a planning proposal in achieving the key outcome and objectives. The set questions address the strategic origins of the Proposal and whether amending the LEP is the best mechanism to achieve the aims on the Proposal.

#### 3.1.1 Is the Planning Proposal a result of any study or report?

The Planning Proposal was informed by the Carlingford Block Study investigation which was undertaken by Urbis in 2017 and commissioned by SPD and BaptistCare. The Study presents an urban design and planning analysis of the subject site and its context as well as potential design options for future redevelopment. A copy of the Carlingford Block Study is provided at **Appendix 1**.

#### 3.1.2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal is the best and most appropriate means of achieving the desired future redevelopment of this land. The land use zoning of the site needs to be changed in order to achieve redevelopment of the land for higher density residential development as this form of development is currently not permissible on the site. A planning proposal is the only means available to achieve a rezoning of the site.

### 3.2 Section B – Relationship to strategic planning framework

This section assesses the relevance of the Planning Proposal to the directions outlined in key strategic planning policy documents. Questions in this section consider state and local government plans including the NSW Government's A Plan for Growing Sydney, Draft Towards a Greater Sydney 2056, Draft West Central District Plan, Greater Parramatta and

Olympic Peninsula (GPOP), State Environmental Planning Policies, local strategic and community plans and applicable Ministerial Directions.

### **3.2.1 Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?**

#### **A Plan for Growing Sydney**

On 14 December 2014, the NSW Government released 'A Plan for Growing Sydney' which outlines actions to achieve the Government's vision for Sydney which is a 'strong global city and a great place to live'.

One of the key components of *A Plan for a Growing Sydney* is accelerate the delivery of new housing in Sydney to meet the needs of a bigger population and to satisfy a growing demand for different types of housing. *Over the next 20 years, the population in Sydney will grow much faster than in the last 20 years. Projections indicate that Sydney will need around 664,000 additional homes over the next 20 years. New housing will be needed in greenfield locations and the established urban area. Providing housing in a variety of sizes, types and locations will be essential to meeting Sydney's future housing need. Increasing housing supply will boost economic activity and generate viable infrastructure and business investment opportunities.*

The Planning Proposal will allow for increased density on a site which is currently underdeveloped based on its assessed development potential. The site has the capacity to be developed to provide approximately 95 dwellings in a location which is well serviced by public transport, close to facilities and amenities. Therefore, this Planning Proposal will assist in meeting the objectives of *A Plan for a Growing Sydney*.

#### **Draft Towards Our Greater Sydney 2056**

In November 2016, the Greater Sydney Commission released 'Towards Our Greater Sydney 2056' - a draft amendment to A Plan for Growing Sydney. The document aligns with the district plans and introduces the concept of three cities – Eastern City, Central City and Western City. The City of Parramatta LGA is located within the Central City.

*Towards our Greater Sydney 2056* identifies the following directions, actions and priorities for the Central City and Greater Parramatta that are relevant to the site and Planning Proposal:

#### **A Productive Greater Sydney**

##### ***Metropolitan priority: A growing city***

- accommodate 1.74 million additional people and more than 725,000 new homes

##### ***Metropolitan priority: A 30-minute city***

- Improve accessibility to jobs across all districts
- Improve the ability to walk to local services and amenities

##### ***Accelerate housing opportunities***

- The feasibility of development, including financial viability across a range of housing configurations (one, two and three+ bedrooms) and consistency with market demand. Proximity to services including schools and health facilities.
- Consideration of heritage and cultural elements, visual impacts, natural elements such as flooding, special land uses and other environmental constraints.

- Consideration of local features such as topography, lot sizes, strata ownership and the transition between the different built forms.

### **A Liveable Greater Sydney**

#### ***Metropolitan priority: An equitable, polycentric city***

- provide equitable access to health, open space and community and cultural infrastructure

#### ***Metropolitan priority: A city of housing choice and diversity***

- support a range of housing choices at different price points to suit people through all stages of life
- increase housing supply that broadens choice and diversity
- in existing areas, prioritise new housing in places where daily needs can be met within walking distance or by public transport.

#### ***Metropolitan priority: A collaborative city***

- achieve pathways for collaborative and shared use of social infrastructure, community resources and underutilised public assets such as schools, open spaces and residual government owned land to promote liveability, quality of life and resource efficiency
- lead the collaboration in the development of major city-shaping areas, such as the Western Sydney Airport and GPOP.

### **A Sustainable Greater Sydney**

#### ***Metropolitan priority: A city in its landscape***

- protect, extend and enhance biodiversity, regional and local open space systems, as well as scenic and cultural heritage together with productive landscapes
- increase access to open space, conserve the natural environment and enable healthy lifestyles and local food.

#### *Comment:*

In general, the Planning Proposal is consistent with the *Draft Towards Our Greater Sydney 2056*. Specifically, the Planning Proposal does the following:

- Provides additional housing (approximately 95 additional dwellings) within 30 minutes of the Parramatta CBD where there are a growing number of employment opportunities for future residents.
- The subject site is close to Carlingford train station and future light rail corridor and bus services along Pennant Hills Road. All are within walking distance to these services.

### **Draft West Central District Plan**

The Draft West Central District Plan (DWCDP) was released in November 2016 and outlines the Greater Sydney Commission's 20-year vision for the West Central District which comprises Blacktown, Cumberland, The Hills and the City of Parramatta Local Government Areas (LGAs).

The DWCDP identifies the NSW Government's key actions and priorities for the next 20 years with housing targets to deliver over 200,000 new homes.

Relevant objectives identified in the planning priorities for the West Central District include:

- Improving access to a greater number of jobs and centres within 30 minutes
- Improve housing choice
- Improve housing diversity and affordability



- Coordinate and monitor housing outcomes and demographic trends
- Create great places
- Foster cohesive communities
- Enhancing the West Central District in its landscape
- Protecting and enhancing biodiversity

An increase in density on the subject site will contribute to the delivery of housing targets within this district by providing approximately 95 dwellings in a location which is well serviced by public transport, close to facilities and amenities.

### Greater Parramatta and the Olympic Peninsula (GPOP)

In October 2016, the NSW Government through the Greater Sydney Commission released the *Greater Parramatta and the Olympic Peninsula (GPOP) Vision*. GPOP has been identified as a new priority growth area in *A Plan for Growing Sydney*. GPOP is an urban renewal area spanning from Strathfield to Westmead and from Carlingford to Lidcombe and Granville, along the planned Parramatta Light Rail corridor. The subject site has been identified in the GPOP Vision as being within the 'Next Generation Living Camellia to Carlingford' (see Figure 2 below).

The following directions in the GPOP Vision are relevant to the proposal:

- Design Parramatta as our central '30-minute city', with good connectivity within GPOP and beyond to the north, south, east and west;
- Deliver a rich mix of housing to create inclusive and diverse 'inner-city' liveability across GPOP, to attract and retain talent; and
- Shape attractive and effective built environments and public spaces that reflect a focus on great urban design and environmental excellence.

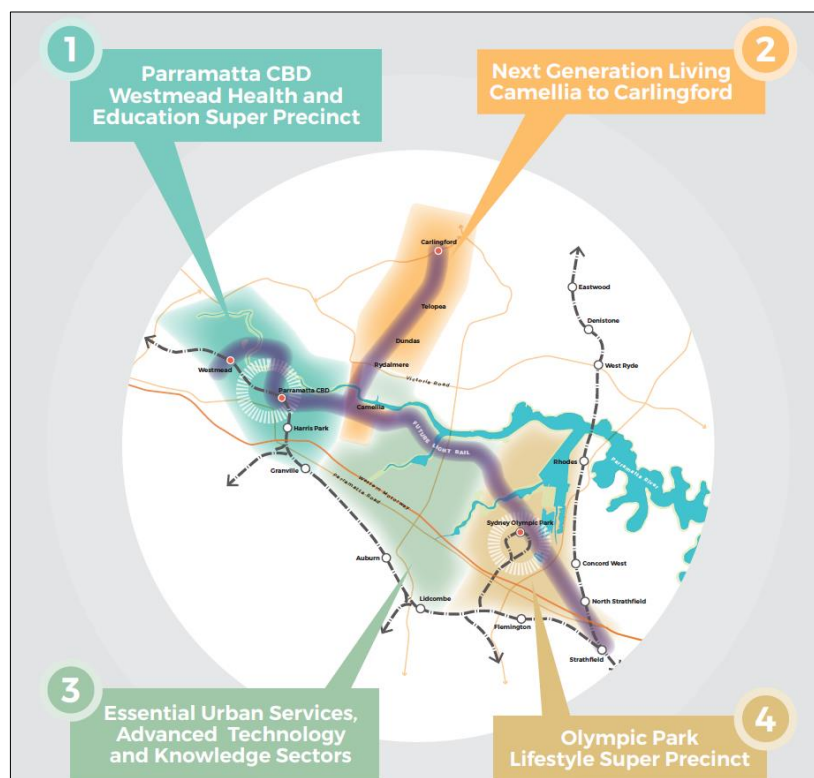


Figure 2 - Subject site identified within the Parramatta CBD  
Source: GPOP Vision

**Comment:**

The Planning Proposal is generally consistent with the GOP Vision. It provides new higher density housing in Carlingford within close proximity to public transport, local schools, amenities and services. The future light rail stop at Carlingford is approximately 800m from the site (walking distance) and will provide direct regular services to the Parramatta CBD and Westmead.

**Parramatta Light Rail**

In order to accommodate the rapid growth of the GOP region, a vision to deliver an integrated light rail service has been proposed within walking distance of the Block Study area (see Figure 3 below). The proposed Parramatta Light Rail Corridor will improve the connectivity between Parramatta and Carlingford and create a greater connection between Carlingford to other key precincts, such as Telopea, Camellia, Newington, Burwood and Macquarie Park.

**Comment:**

The subject site is situated within ten minutes walking distance to two future light rail stops at Telopea and Carlingford Station. An increase in density on the site and in the wider Block Study area will provide more housing close to transport and services.



**Figure 3 - Subject site and Block Study area identified near Parramatta Light Rail**  
 Source: GOP Vision

**3.2.2 Is the planning proposal consistent with the local council’s Community Strategic Plan or other local strategic plan?**

The following strategic planning documents are relevant to the Planning Proposal:

**Parramatta 2038 Community Strategic Plan**

Parramatta 2038 is a long term Community Strategic Plan for the City of Parramatta and it links to the long-term future of Sydney. The Plan formalises several big and transformational ideas for the City and the region.

The Planning Proposal is considered to meet the strategies and key objectives identified in the plan by facilitating the redevelopment of this site for the purposes of higher density residential development.

### Draft Carlingford Block Study

The Draft Carlingford Block Study 2017 (Draft Block Study) can be found at **Appendix 1**. The 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, Carlingford (shown in Figure 4 below). The area measures approximately 7 hectares and includes several large land holdings.



**Figure 4 - Reference plan as per Draft Carlingford Block Study 2017**  
 Source: Draft Carlingford Block Study, Urbis

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 (subject site - 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 Study.

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

dwelling within the Block 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

Source: Draft Carlingford Block Study, Urbis

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 below.

This Planning Proposal is consistent with the recommendations of the Draft Block Study. More detail is provided below in **Section 3.1.2**.

### 3.2.3 Is the planning proposal consistent with the applicable State Environmental Planning Policies?

The following State Environmental Planning Policies (SEPPs) are of relevance to the site (refer to Table 3 below).

**Table 3** – Comparison of planning proposals with relevant SEPPs

State Environmental Planning Policies (SEPPs)	Consistent: Yes - ✓ No - ✗ or N/A	Comment
SEPP No 1 Development Standards	N/A	SEPP 1 does not apply to Parramatta LEP 2011
SEPP No 55 Remediation of Land	Yes	The site is currently used for residential purposes so the use of the site is fundamentally unchanged. The site is not likely to be contaminated.
SEPP 64 – Advertising and Signage	N/A	Not relevant to proposed amendments.

State Environmental Planning Policies (SEPPs)	Consistent: Yes - ✓ No - ✗ or N/A	Comment
SEPP No 65 Design Quality of Residential Flat Development	Yes	Compliance with SEPP 65 and the Apartment Design Guide is considered on page 21 of this Planning Proposal. More detailed compliance with SEPP 65 will be undertaken at DA stage.
SEPP No.70 Affordable Housing (Revised Schemes)	N/A	Not relevant to proposed amendments.
SEPP (Affordable Rental Housing) 2009	N/A	Not relevant to proposed amendments.
SEPP (BASIX) 2004	Yes	Any future development will need to comply with the provisions of the SEPP.
SEPP (Exempt and Complying Development Codes) 2008	Yes	Not relevant to proposed amendments.
SEPP (Housing for Seniors or People with a Disability) 2004	Yes	Not relevant to proposed amendments.
SEPP (Infrastructure) 2007	Yes	The provisions of the SEPP will apply to any redevelopment of the site.
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (new a Deemed SEPP)	Yes	The provisions of the SEPP will apply to any redevelopment of the site.

### 3.2.4 Is the planning proposal consistent with applicable Ministerial Directions (s.117 Directions)?

In accordance with Clause 117(2) of the *EP&A Act 1979* the Minister issues directions for the relevant planning authorities to follow when preparing planning proposals for new LEPs. The directions are listed under the following categories:

- Employment and resources
- Environment and heritage
- Housing, infrastructure and urban development
- Hazard and risk
- Regional planning
- Local plan making

The following directions are considered relevant to the subject Planning Proposal.

**Table 4 – Comparison of planning proposals with relevant Section 117 Directions**

Section	Comment	Compliance
<b>2. Environment and Heritage</b>		
Direction 2.1 – Environmental Protection Zones	The site is not within an environmental protection zone however some existing vegetation on site is considered to be of moderate value as per the report by Cumberland Ecology ( <b>Appendix 4</b> ).  The concept scheme for the Block Study area and subject site ( <b>Figure 4</b> and <b>Figure 8</b> ) has been designed to avoid impacts on existing high and moderate value vegetation.	Yes

Section	Comment	Compliance
	The potential impacts of any redevelopment on existing vegetation, including an assessment of whether that vegetation is part of an EEC will be required to be assessed upon receipt of an application for redevelopment. Further discussion regarding vegetation is provided in Section 3.3.1 of this report.	
Direction 2.3 - Heritage Conservation	Neither the site nor any buildings or landscape items on the site are items of environmental heritage. The site is not within a heritage conservation area.	N/A
<b>3. Housing, Infrastructure and Urban Development</b>		
Direction 3.1 - Residential Zones	<p>This Direction applies as the planning proposal will affect land within an existing residential zone.</p> <p>The objectives of the Direction are:</p> <ul style="list-style-type: none"> <li>• <i>to encourage a variety and choice of housing types to provide for existing and future housing needs,</i></li> <li>• <i>to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</i></li> <li>• <i>to minimise the impact of residential development on the environment and resource lands.</i></li> </ul> <p>The planning proposal is considered to be consistent with the objectives because:</p> <ul style="list-style-type: none"> <li>• It will allow for the development of a range of housing types on the site including residential flat buildings, thus providing more housing choice in a location which has good access to public transport</li> <li>• The site is adequately serviced by essential infrastructure.</li> </ul>	Yes
Direction 3.4 - Integrating Land Use and Transport	<p>The objectives of this Direction are as follows:</p> <ul style="list-style-type: none"> <li>• <i>improving access to housing, jobs and services by walking, cycling and public transport, and</i></li> <li>• <i>increasing the choice of available transport and reducing dependence on cars, and</i></li> <li>• <i>reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</i></li> <li>• <i>supporting the efficient and viable operation of public transport services, and</i></li> <li>• <i>providing for the efficient movement of freight.</i></li> </ul> <p>This site is well located in terms of access to public transport and other services and therefore there will be opportunities for future residents to use alternative forms of transport and reduce dependence on private cars. The location of the subject site approximately 800m from Carlingford Train Station and future Parramatta Light Rail provides opportunities for future residents to take public transport.</p> <p>The transport reports at <b>Appendix 2</b> and <b>3</b> discusses the opportunities to utilise alternative forms of transport.</p>	Likely
<b>4. Hazard and Risk</b>		
Direction 4.1 - Acid Sulfate Soils	<p>The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p> <p>Council has no Acid Sulfate Soil information relating to the subject site. Nonetheless, clause 6.1 (Acid Sulfate Soil) of</p>	Yes

Section	Comment	Compliance
	Parramatta LEP 2011 will be required to be addressed as part of any future development application for the site, including the potential requirement for the preparation of Acid Sulfate Soils Management Plan where relevant.	
Direction 4.3 – Flood Prone Land	The subject site is not identified as flood prone land.	Yes
<b>6. Local Plan Making</b>		
Direction 6.2 – Reserving Land for a Public Purpose	The site is affected by an SP2 zone which provides for road widening along part of the Pennant Hills Road frontage.  This planning proposal does not seek to remove or alter the SP2 zone as it affects the site.  The concept scheme provides sufficient flexibility to allow for this road widening to be provided in the future, if required.	Yes

### 3.2 Section C – Environmental, social and economic impact

This section considers the potential environmental, social and economic impacts which may result from the Planning Proposal.

#### 3.1.1. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

As part of the Draft Block Study, Cumberland Ecology prepared an Ecological Constraints Analysis (**Appendix 4**). The Analysis documents the findings of an ecological investigation completed across the study area and identifies the potential ecological constraints to any increase in residential density on land within the block study area, including the subject site.

The Analysis by Cumberland Ecology has identified areas of high and moderate value vegetation. The moderate value vegetation that is found on part of the subject site (20 Azile Court and 258 Pennant Hills Road) can be seen below in Figure 6.



**Figure 6 - Ecological constraints on subject site as shown in Ecological Report**  
Source: Cumberland Ecology

The following is an extract from the Ecological Constraints Assessment prepared by Cumberland Ecology:

*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. The constraints placed on land identified as 'Moderate' would likely require offsetting in the form of replanting and/or the installation of nest boxes to ensure suitable habitat features (i.e. hollows) remain within the area. Both of these options are less costly than offsetting 'High' constraint areas.*

*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 in reduced impacts on biodiversity, and costs, as a SIS and offsetting would unlikely be required. The removal of such areas may be possible; however it will likely warrant additional costs in the form of ecological assessments, such as a SIS, and offsetting measures, depending on what areas are to be impacted and the quantum of impact.*

Council's Open Space and Natural Area Officer has reviewed the Planning Proposal and report by Cumberland Ecology and provided the following comment:

*"The study confirms the presence of eight trees containing eleven hollows are also present within the site (seven being *Eucalyptus saligna*) and a 0.22 hectare patch of potential habitat trees as indicated Figure 3.1. These are considered to constitute the only significant ecological constraints within the site and have been categorised as per the following:*

- *Medium Constraint = Hollow bearing trees / habitat trees*

*I concur with the ecologist that replanting would not be considered as an adequate offset and therefore strongly support 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 comprise only 0.68 hectares (9% of the total site), it is therefore considered reasonable to implement this recommendation. This could be achieved through incorporating these areas into the required minimum 30% deep soil zone / 40% landscaped area (Parramatta DCP 2011)."*

Council's Open Space and Natural Area Officer has also provided the following comments regarding the western part of the subject site:

*"I note that adjoining properties to the west of the subject 'moderate' habitat vegetation are currently being developed as 2-storey dual-occupancies (DA/222/2014). The Arborist report submitted with DA/222/2014 confirms that this 'medium value' vegetation predominantly comprises 17 x *Ficus macrocarpa hillii* (Hills Weeping Fig) referred to as Trees 45 to 61 (refer attached report). These trees provide habitat for frugivorous species such as threatened Grey-headed Flying Fox and well as hollows for microbats etc., as identified in the Ecological Constraints Analysis prepared by Cumberland Ecology. The Arborist report also identifies that the **canopy spread of these trees ranges 14 – 17m**. In consideration of this, and that the adjoining built form is to be 4 storeys, I agree that a deeper setback of a minimum 10m is required to minimise likely direct impacts (i.e. canopy pruning) and indirect impacts (i.e. conflict between residents and fauna) on these significant trees".*



### *Recommendations*

- It is recommended that the moderate value vegetation as identified in the report by Cumberland Ecology and present on part of the subject site (258 Pennant Hills Rd and 20 Azile Court) be mapped and included in the 'Natural Resources - Biodiversity' Map in the Parramatta LEP 2011.
- It is also recommended that a minimum setback of 10m be provided from the western boundary near the moderate value vegetation to minimise likely direct impacts (i.e. canopy pruning) and indirect impacts (i.e. conflict between residents and fauna) on these significant trees”.
- It is further recommended that any associated DCP for the Carlingford Block Study area could also include controls relating to the specific retention of areas of high and moderate ecological value.

In view of this assessment, it is considered that, subject to the recommendations being implemented, there is no impediment to the Planning Proposal proceeding.

### **3.1.2. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

The main potential environmental impacts to be examined in detail with any future development proposal for the site are:

- Traffic, Access and Transport
- Urban Design
- Overshadowing and Privacy

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

The subject site is 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 site with the Parramatta CBD and Westmead. The site is also serviced by several bus stops along Pennant Hills Road that provide frequent services.

The subject site adjoins Pennant Hills Road and is subject to a road widening reservation, to be acquired by the RMS. Given this affectation, the Planning Proposal has been referred to RMS for comment. The Draft Block Study (**Appendix 1**) considers the road widening reservation on the subject site and other sites in the Study area and the proposed built form is adequately setback from Pennant Hills Road as a result.

The Planning Proposal is supported by a Traffic and Parking Assessment Report by Varga Traffic Planning (**Appendix 2**). It is also supported by an updated traffic report which was undertaken for the wider block study area by Colston Budd Rogers and Kafes (CBRK – **Appendix 3**), which takes into consideration comments raised by Council officers and NSW Roads and Maritime Services (RMS).

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 for the Block Study area:

- New signalised intersection of Baker Street and Pennant Hills Road - this will provide improved access and connection to amenities and schools north of the precinct;

- 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 Precinct – this will improve the overall permeability of the Block Study Precinct;
- 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.

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 7, with the remaining land to be dedicated by the applicant for this Planning Proposal and the applicant for the Planning Proposal at 264-268 Pennant Hills Rd, Carlingford. 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 7 - Draft Public Domain Set-out Plan (left) and concept design for new intersection (right)**

Source: Draft Carlingford Block Study, Urbis

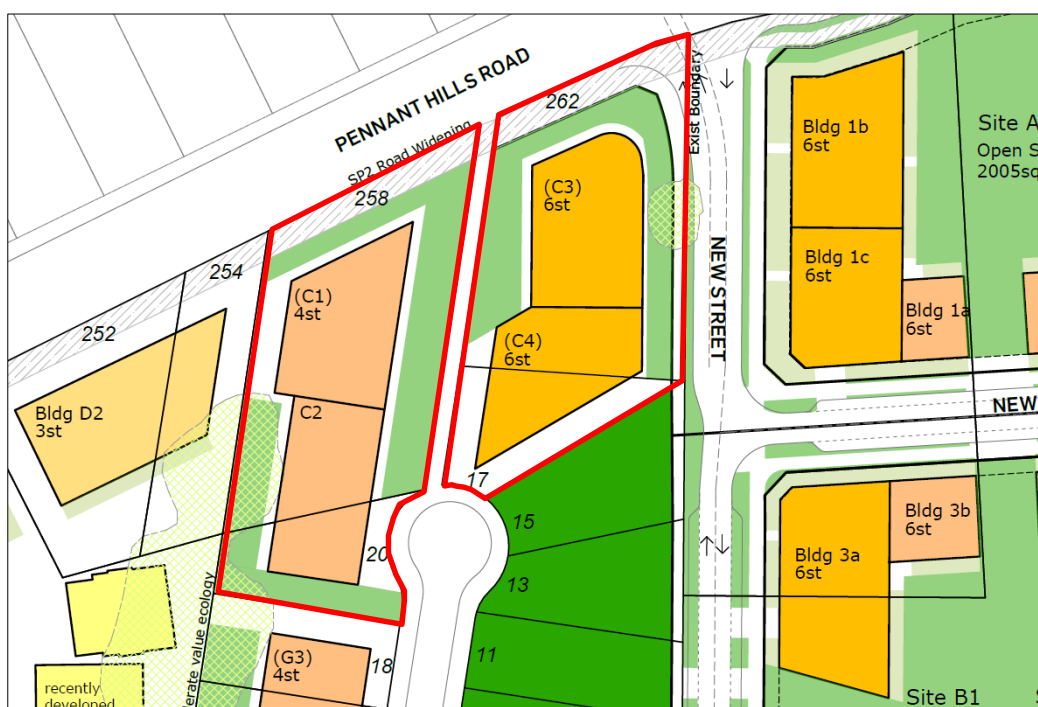
The Draft Block Study and associated traffic report was sent to NSW Roads and Maritime Services (RMS) for comment on 16 March 2017. Comments received from RMS were in relation to specific details of the proposed signalisation of Pennant Hills Road / Baker Street and additional details sought on cost 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 addition 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.

**Recommendations:**

- It is recommended that the applicant continues to liaise with the RMS, Council, and the adjoining landowner at 264-268 Pennant Hills Road 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 the 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.

**Urban Design**

Council officers have worked with the applicant to refine the Concept Plan for the subject site and have considered the Block Study area in its entirety in order to address concerns raised in previous reports to Council regarding the adjoining planning proposal. The concept scheme for the subject site is consistent with the findings and recommendations of the Draft Block Study. This Concept Plan is shown below (outlined in red) in Figure 8.



**Figure 8** – Concept plan for subject site extracted from the Draft Block Study

The Planning Proposal for the subject site will result in a number of residential apartment buildings ranging from 4-6 storeys. 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 5 below.

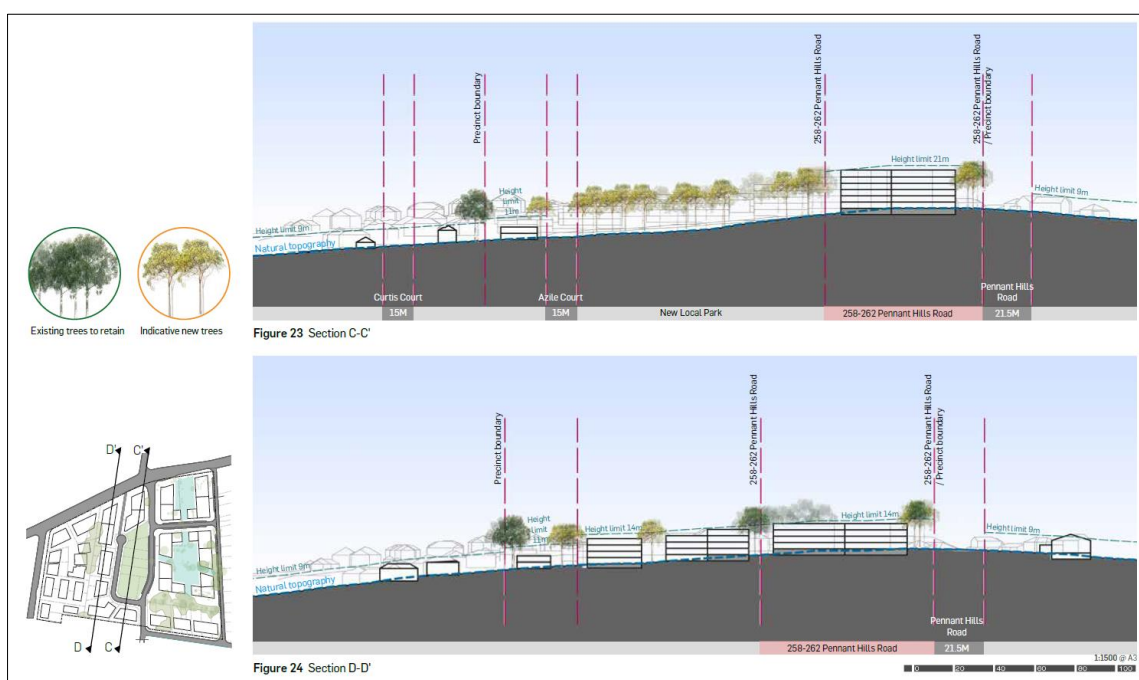
**Table 5** - Development yield under the proposed development concept

<b>Site:</b> 258 and 262 Pennant Hills Road, and 17 & 20 Azile Court (SPD site)	
<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

A long section through the subject site is shown below in Figure 9. These sections from Pennant Hills Road to the south illustrate how future building height and scale changes with the slope of the land.



**Figure 9** – North-South sections for the subject site illustrating building heights and response to slope

The built form outcomes for the subject site has been developed in consultation with Council officers as part of the Block Study. The proposed built form enables the ability to achieve good urban design and design quality outcomes.

As shown in Figure 8 and Figure 9 above, building heights on the eastern part of the site (262 Pennant Hills Rd and 17 Azile Court) are proposed to be 21 metres (6 storeys) which is the same as the heights sought along Pennant Hills Road by the Planning Proposal for the adjoining site at 264-268 Pennant Hills Road, Carlingford. The proposed height control for the western part of the site is 14 metres (4 storeys) to ensure an appropriate transition to medium density dwellings on the west and south of the site. The proposed amendments to the maximum height of buildings controls for the subject site are consistent with the Draft Block Study.

*Floor Space Ratio on western part of subject site*

The applicant was originally seeking an FSR of 1.8:1 for the western part of the subject site. However, analysis and testing by Council’s urban design officers demonstrated that a 4 storey building, consistent with the Draft Block Study could be achieved on the site with an FSR of 1.2:1 or less and that the proposed FSR of 1.8:1 was not supported. 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 Officer.
- Comments from Council's Open Space and Natural Areas Officer 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.

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 planning proposal 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.

#### *Compliance with SEPP 65 and Apartment Design Guide*

The Draft Block Study makes reference to the subject site and the ability of the Planning Proposal to meet the requirements of SEPP 65 and the Apartment Design Guide (ADG). A high-level review of the layout plan in accordance with the ADG is summarised below:

- The layout plan for the SPD site has been designed to achieve at least 60% cross ventilation in all buildings.
- The layout is capable of achieving 70% solar access.
- There are less than 15% apartments not receiving any solar access between 9am and 3pm mid-winter.
- Deep soil is easily achieved at 7% of nett site area as all car parking proposed to be basement parking.
- Communal open space meets the requirements of the ADG – 25% site area minimum.
- There is sufficient separation of buildings in accordance with ADG between the adjoining sites.
- 2 hours of Solar access to a minimum 50% communal open space is achieved as illustrated in the shadow diagrams (discussed below).

#### **Overshadowing and Privacy**

The extent of overshadowing from the buildings shown in the concept plan on adjoining properties on June 21 (winter solstice) are detailed in the Carlingford Block Study at **Appendix 1** to this report. As shown in the Study (Figure 10 below), communal open space areas within the Block Study Precinct maintain solar access between 10 am and 1pm for most sites.



**Figure 10** – Overshadowing on June 21 at 9am (left), 12pm (centre), 3pm (right)  
Source: *Carlingford Block Study, Urbis, 2017*

Access to sunlight within apartments and private open spaces is measured at midwinter (21 June) from 9 am to 3 pm, as this is when the sun is lowest in the sky. This represents the 'worst case' scenario for solar access.

The diagrams above (Figure 10) illustrate that the proposed park located at the centre of the precinct will have at least 3 hours' solar access between 10 and 2pm. Communal open space areas within the Block Study Precinct maintain solar access between 10 am and 1pm for most sites.

The impact of shadows and solar access to residential units will be assessed in detail as the design for residential buildings is further developed at DA stage.

### **3.1.3. How has the planning proposal adequately addressed any social and economic effects?**

The Planning Proposal will allow for the site to be developed for higher density residential development which will add to the supply of housing available in a location accessible to a range of public transport services.

Based on the average size of households living in higher density apartments in the Parramatta LGA (2.3 persons per dwelling), the planning proposal will result in a population of 218 persons on the subject site.

The subject site 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.

The increase in population resulting from the densities envisaged in the Planning Proposal 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.

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.

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.

### 3.3 Section D – State and Commonwealth Interests

#### 3.1.1. Is there adequate public infrastructure for the planning proposal?

In order to consider the capacity of the site to accommodate higher density residential development, the applicant undertook an assessment of the local and regional road network.

The transport reports at **Appendix 2** and **Appendix 3** also acknowledged that the site has access to public transport, which will minimise traffic generation from the site.

The site is currently serviced by essential infrastructure. Should any services require augmentation as a result of redevelopment, this would be the responsibility of future developers.

#### 3.4.2 What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

As per the Gateway determination from the NSW Department of Planning and Environment dated 12 September 2016, consultation is required with the following public authorities under section 56(2)(d) of the Act, as follows:

- Office of Environment and Heritage
- Department of Education and Communities
- Transport for NSW – Sydney Trains
- Transport for NSW - Roads and Maritime Services
- Telstra
- Sydney Water
- Endeavour Energy
- The Hills Shire Council

Each public authority will be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

## PART 4 – MAPPING

This section contains the mapping for this planning proposal in accordance with the DP&E’s guidelines on LEPs and planning proposals.

### 4.1 Existing controls

This section contains map extracts from *PLEP 2011* which illustrate the current controls applying to the site.

#### Existing Zoning

Figure 11 below illustrates the existing part R2 Low Density Residential, and part SP2 Infrastructure zones applying to the site. The subject site is outlined in red and the Block Study area is outlined in black.

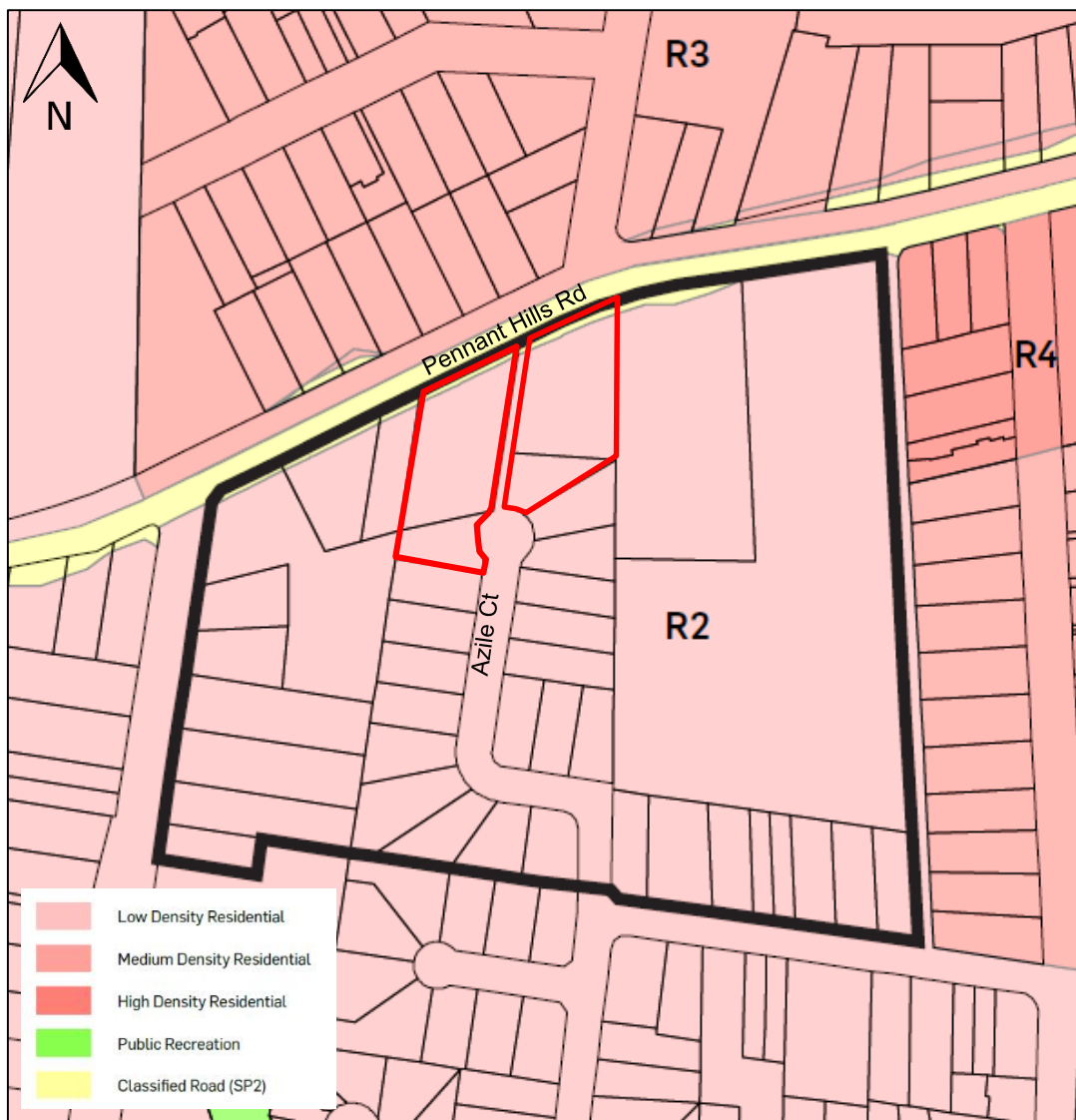


Figure 11 – Existing land zoning extracted from *PELP 2011* Land Zoning Maps



### Existing Maximum Height of Buildings

Figure 12 below illustrates the existing 9m height of building control applying to the site. The subject site is outlined in red and the Block Study area is outlined in black.

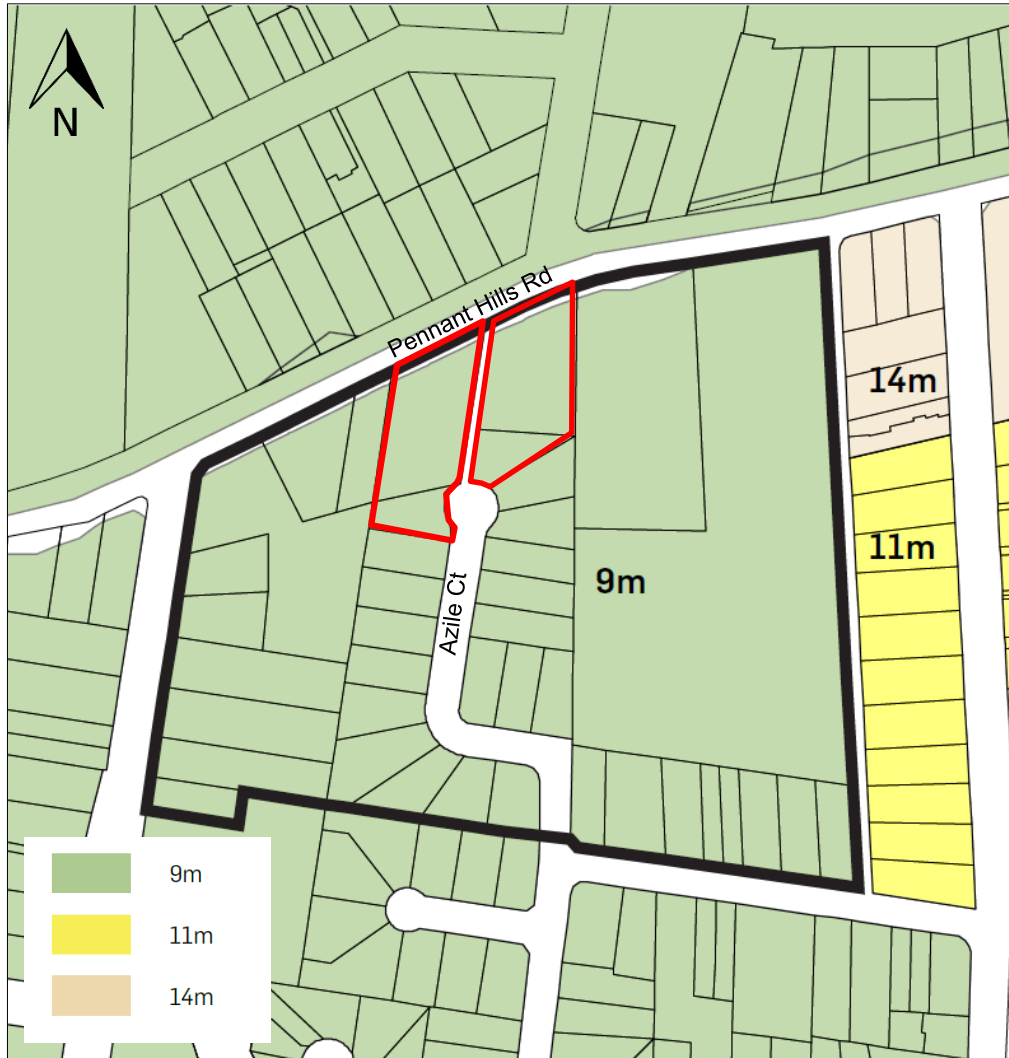


Figure 12 – Existing height of building extracted from *PELP 2011* Height of Building Maps

### Existing Maximum Floor Space Ratio

Figure 13 below illustrates the existing 0.5:1 FSR applying to the site. The subject site is outlined in red and the Block Study area is outlined in black.

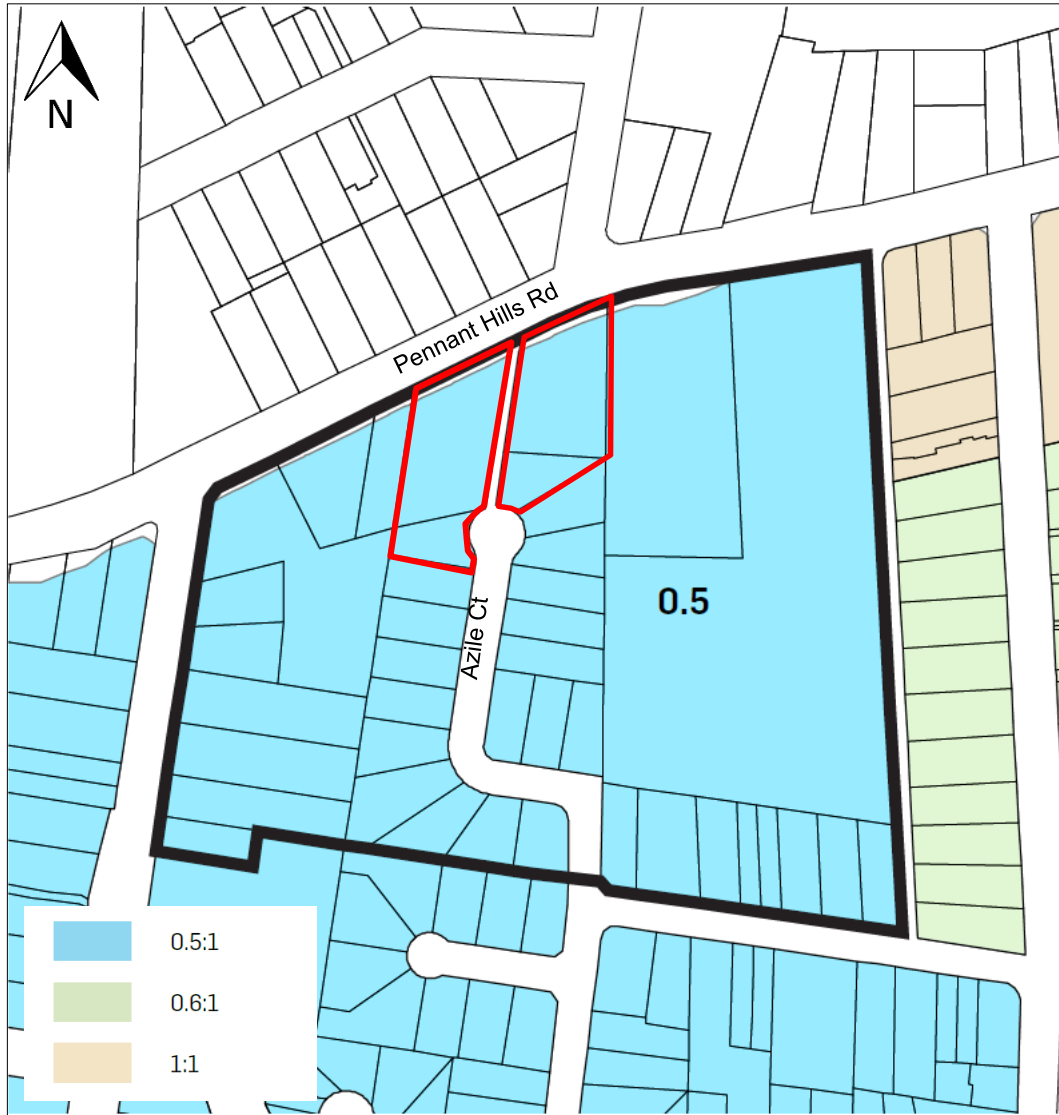


Figure 13 – Existing floor space ratio extracted from PELP 2011 Floor Space Ratio Maps

## 4.2 Proposed controls

The figures in this section illustrate the proposed zoning, maximum building height and maximum floor space ratio controls sought by this Planning Proposal.

### Proposed Zoning

Figure 14 below illustrates the proposed part R4 High Density Residential and part SP2 Infrastructure (Classified Road) across the site. The subject site is outlined in red and the Block Study area is outlined in black.

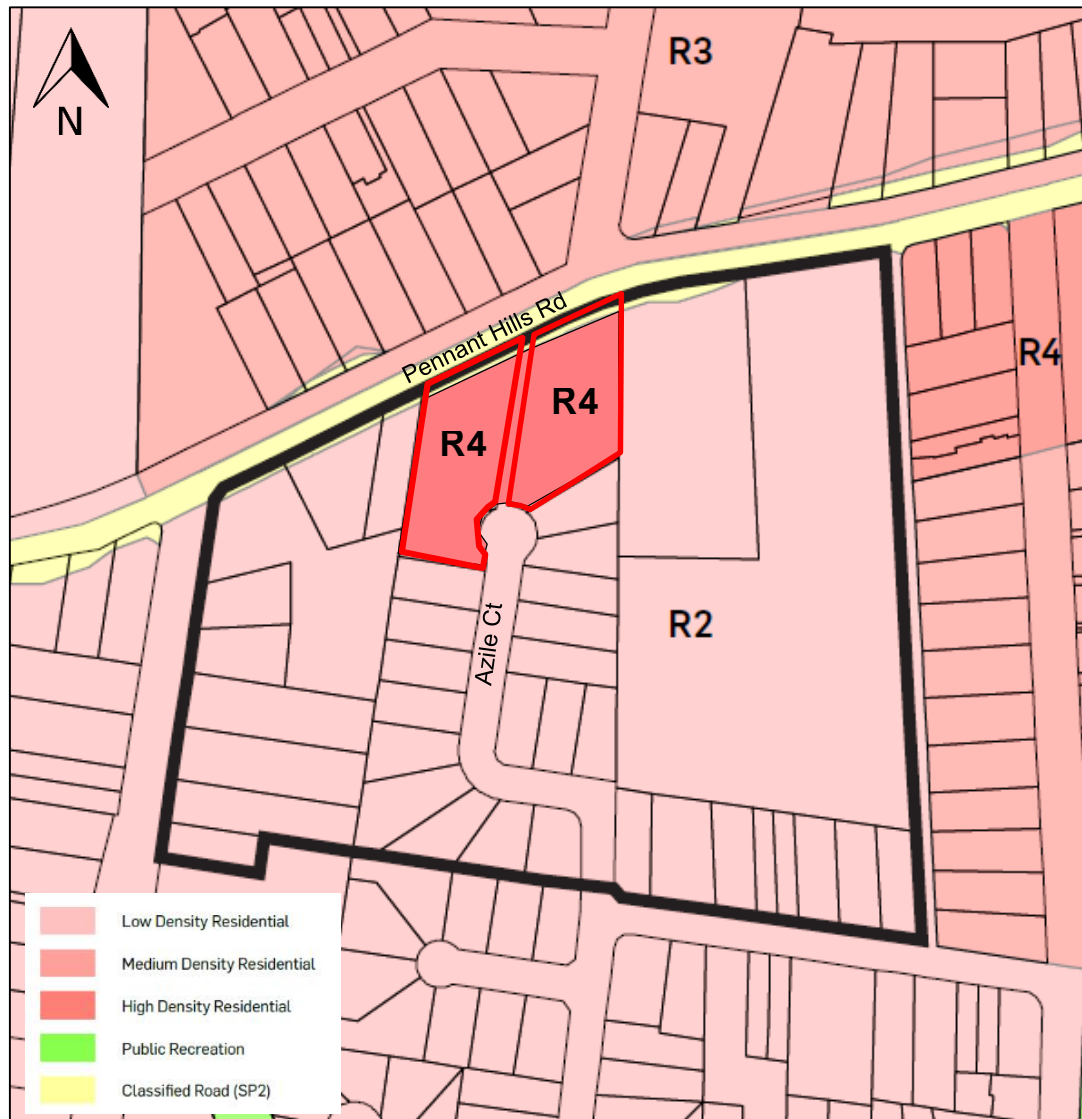


Figure 14 – Proposed amendment to PLEP 2011 Land Zoning Map

### Proposed Height of Buildings

Figure 15 below illustrates the proposed maximum height of building controls across the site. As can be seen, the proposed maximum building height on the western part of the site is 14 metres and the proposed maximum building height on the eastern part of the site is 21 metres with the SP2 land along Pennant Hills Road and the Council laneway without a maximum building height control. The subject site is outlined in red and the Block Study area is outlined in black.

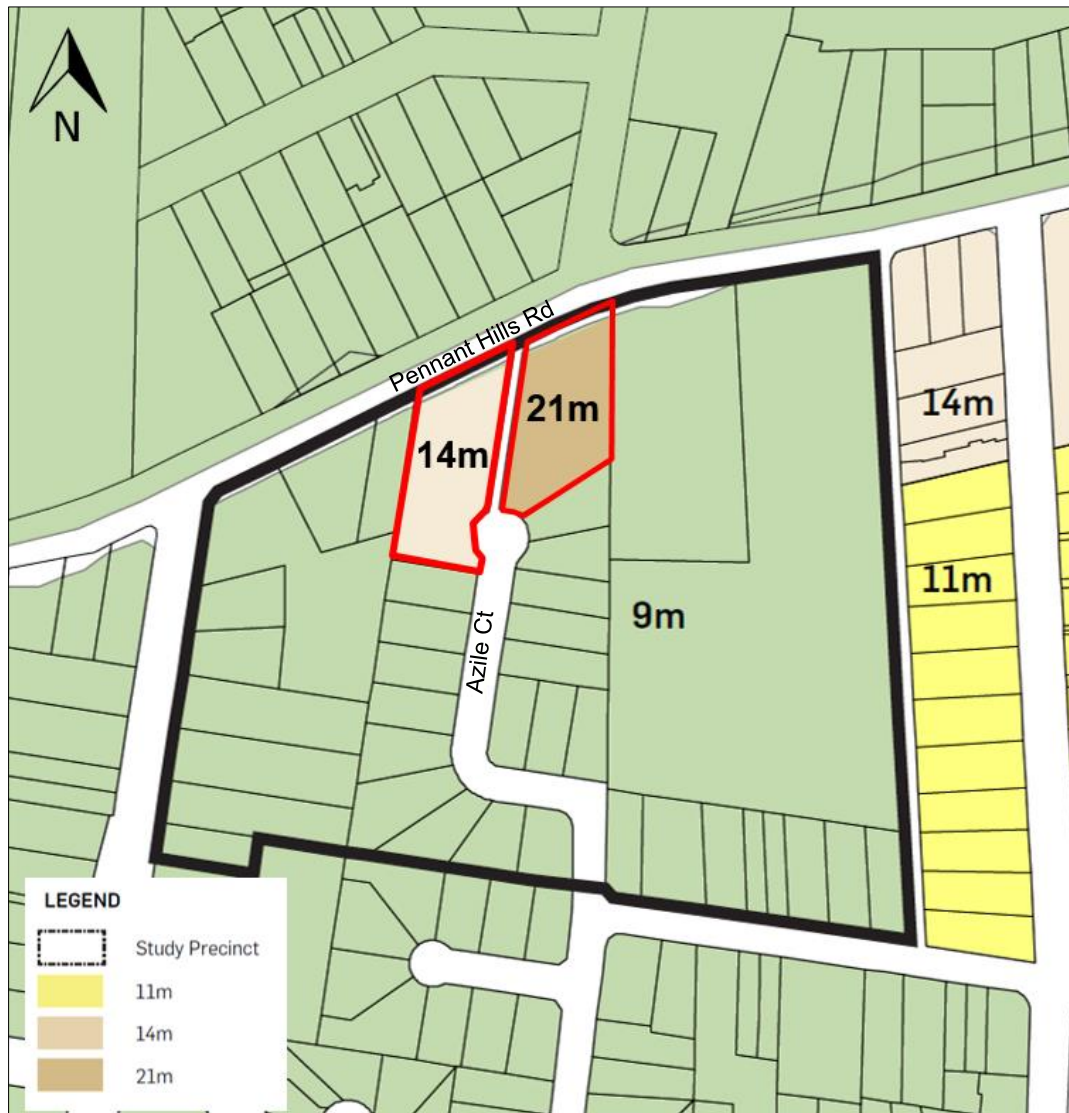


Figure 15 – Proposed amendment to PLEP 2011 Height of Building

### Proposed Floor Space Ratio

Figure 16 below illustrates the proposed maximum floor space ratio (FSR) controls across the site. As can be seen, the proposed maximum FSR on the western part of the subject site is 1.2:1 and the proposed maximum FSR on the eastern part of the site is 1.6:1. The land zoned SP2 (Classified Road) along Pennant Hills Road will continue to be without an FSR control as will the Council laneway in between the two parts of the site.

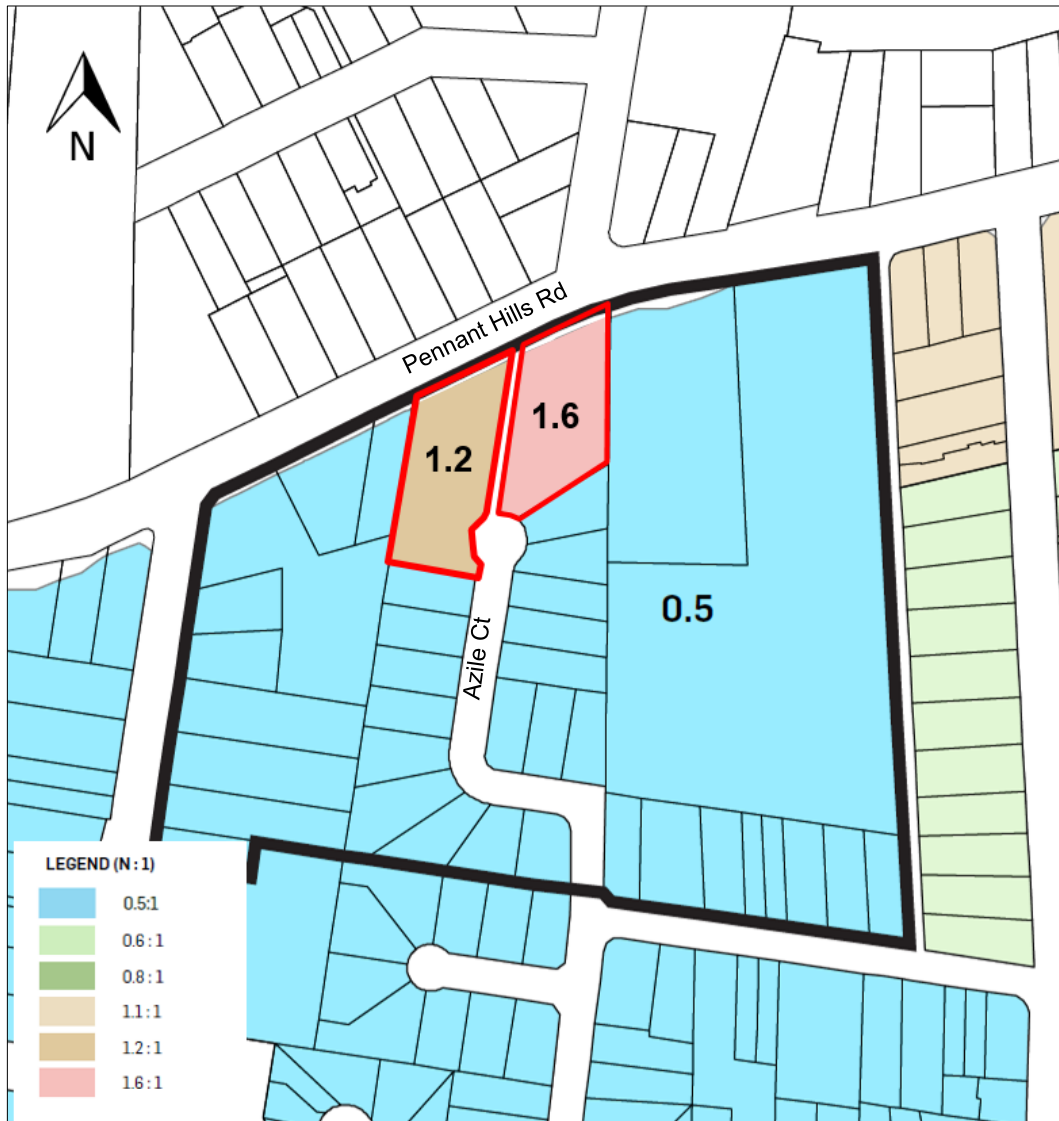
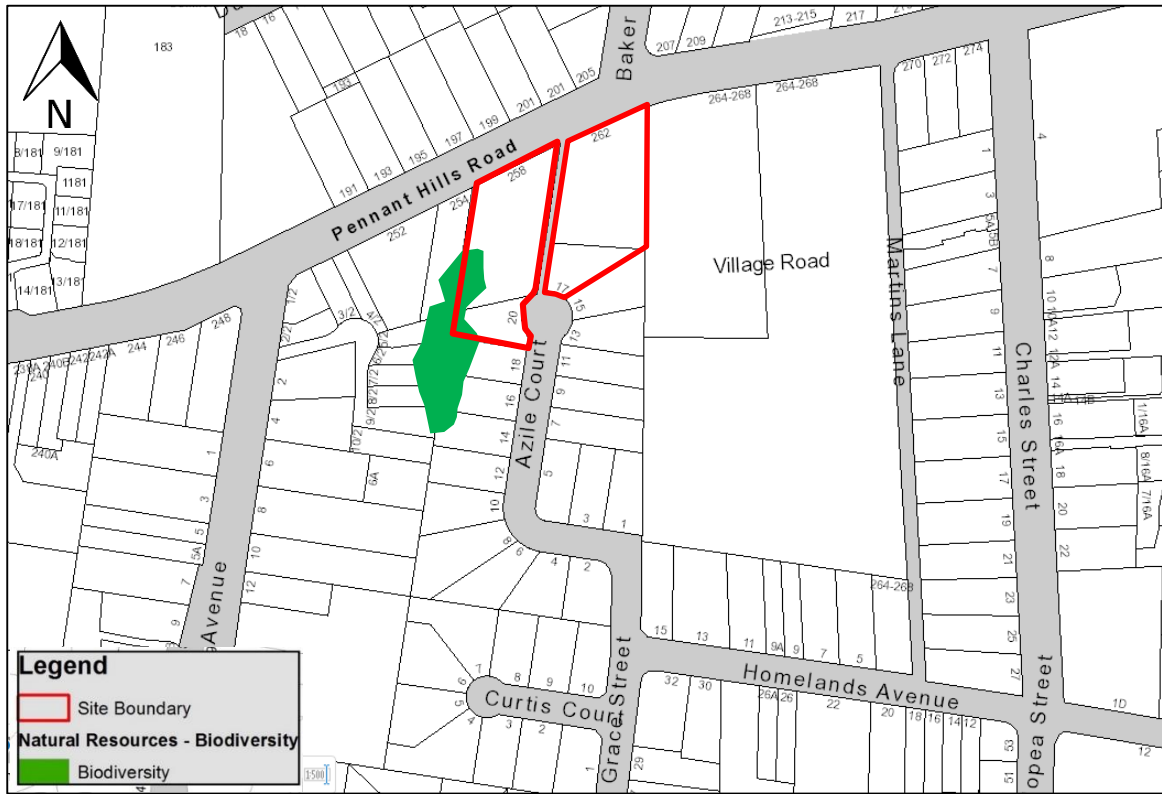


Figure 16 – Proposed amendment to PLEP 2011 Floor Space Ratio Map

### Proposed Natural Resources Biodiversity

**Figure 17** below illustrates the proposed Natural Resources – Biodiversity on the site. As can be seen below, the western part of the subject site contains moderate value vegetation to be mapped on the ‘Natural Resources – Biodiversity’ map. The subject site is outlined in red and the moderate value vegetation is shown in green.



**Figure 17 – Proposed amendment to PLEP 2011 Natural Resources Biodiversity Map**

## PART 5 – COMMUNITY CONSULTATION

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In accordance with Section 57(2) of the *EP&A Act 1979*, the Director-General of Planning must approve the form of the planning proposal, as revised to comply with the gateway determination, before community consultation is undertaken.

Public exhibition is likely to include:

- newspaper advertisement;
- display on the Council's website; and
- written notification to surrounding landowners.

The gateway determination will specify the level of public consultation that must be undertaken in relation to the planning proposal including those with government agencies.

Pursuant to Section 57(8) of the *EP&A Act 1979* the Responsible Planning Authority must consider any submissions made concerning the proposed instrument and the report of any public hearing.

## PART 6 – PROJECT TIMELINE

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The detail around the project timeline is expected to be prepared following the referral to the Minister for a Gateway Determination.

The following steps are anticipated:

- Referral to Minister for a Gateway determination
- Commencement and completion dates for public exhibition period and government agency notification
- Consideration of submissions
- Consideration of proposal post exhibition and reporting to Council
- Submission to the Department to finalise the LEP
- Notification of instrument

## **Attachment 1 - List of Planning Proposal Attachments**

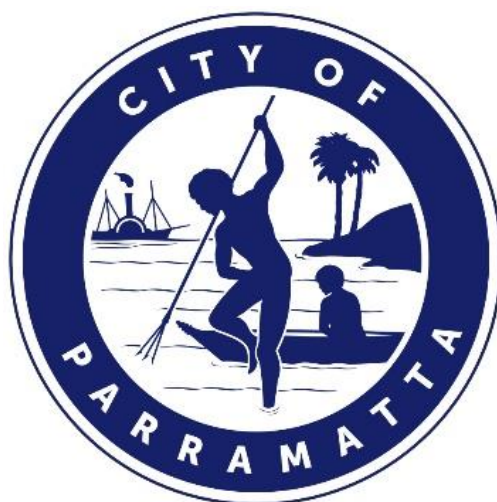
Appendix 1 – Draft Carlingford Block Study 2017

Appendix 2 – Traffic and Parking Assessment Report (May 2016)

Appendix 3 – Transport Report for Block Study (February 2017)

Appendix 4 – Ecological Assessment for Carlingford Block Study Precinct (November 2016)





Prepared by City of Parramatta Council

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