



241 - 245 pennant hills road, carlingford
urban design statement

• September 2021



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prepared for triple eight corporation

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1. introduction

1.1 background

This report has been prepared by Kennedy Associates Architects.

Kennedy Associates were engaged by Triple Eight Corporation (hereafter the client) to prepare an indicative scheme and urban design statement in support of the planning proposal for:

Amended Height and FSR
at:
241-245 Pennant Hills Road, Carlingford

This statement summarises Kennedy Associates' assessment and approach to the subject site and its context and provides the rationale supporting the principles of the indicative scheme and proposed the LEP amendments it supports.

This statement should be read in conjunction with the following documents:

- Indicative Scheme Architectural Drawings, prepared by Kennedy Associates Architects
- Planning Proposal Report, prepared by Planning Direction Pty Ltd

1.2 kaa project team

Kennedy Associates urban design team is led by Steve Kennedy with the assistance of Ashlee Burbidge, an Associate at KAA.

Steve is a partner of Kennedy Associates Architects, has 35 years experience as an architect and urban designer and formed Kennedy Associates in 1994.

Steve is an architectural and urban design consultant to both local and state government and has been a member of numerous working groups, advisory boards, design excellence panels, design review panels and independent hearing and assessment panels, for over 15 years.

Steve is the author of numerous articles and papers, has presented at conferences across Australia and has been a guest critic and taught architecture and urban design at several universities.

In 2014 Steve was awarded the Australian Institute of Architects NSW Presidents Prize for outstanding contribution to the architecture profession

Ashlee is an Associate at Kennedy Associates.

Ashlee has qualifications in both architecture and planning and has been the author of most of Kennedy Associates recent studies and reports.

Ashlee has a thorough understanding of planning and regulatory frameworks - including SEPP 65, SEPP Seniors, Affordable Rental Housing SEPP, NSW Housing Code, Apartment Design Guide, Low Rise Housing Diversity Code & Design Guide.

1.3 history

The planning proposal for the subject site was initially submitted to The Hills Shire Council in December 2015.

In May 2016, part of the Hills Shire LGA was transferred to the City of Parramatta, including the subject site.

After transferral to the City of Parramatta, the proposal – and the indicative scheme that accompanies it – underwent several rounds of revisions and refinements in consultation with representatives of the City of Parramatta Council's Urban Design and Planning teams both prior to and after Kennedy Associates engagement on the project, which began in January 2018.

In May 2019 the planning proposal was considered by the Parramatta Local Planning Panel (LPP). The LPP was presented with two options:

Council Preferred Option	Height: 3 – 14 Storeys	FSR: 2.1:1
Client Preferred Option	Height: 3 – 14 Storeys	FSR: 2.4:1

The LPP recommended that the planning proposal be submitted to the Department of Planning, Industry and the Environment (DPIE) for Gateway determination and that consideration be given to allowing an FSR of 2.4:1 subject to:

- a maximum dwelling provision of 108 dwellings
- a minimum commercial GFA provision of 1970m²
- careful analysis of the urban design and traffic issues

In July 2019 Council resolved not to endorse the planning proposal to proceed to Gateway determination.

After correspondence between the applicant, Council and DPIE, the Sydney Central Planning Panel appointed itself as the Principal Planning Authority in June 2020.

In September 2020 an amended planning proposal – which reflected the recommendations of the LPP including the 2.4:1 FSR – was submitted to the Sydney Central Planning Panel.

In May 2021 the Sydney Central Planning Panel considered the proposal and determined that the planning proposal should be submitted for a Gateway Determination subject to amendments which included (among other items):

- a reduced FSR of 2.1:1
- removal of the maximum dwelling density
- inclusion additional overshadowing analysis
- submission of an updated indicative scheme and other reporting

Subsequently, an amended Planning Proposal has been prepared, including a revised indicative scheme prepared by Kennedy Associates.

This statement outlines the urban design approach and rationale of the indicative scheme and the proposed LEP amendments it supports, in their current form.

1.4 subject site

The subject site is located at:

241-245 Pennant Hills Road, Carlingford

The site is legally described as Lots 1,2,5 & 6 DP 805059.

The site has an area of 6330m² and is approximately triangular in shape, with frontages to both Pennant Hills Road to the south east and Felton Road to the north of approximately 140m and 100m respectively. The remaining boundary to the west is approximately 135m.

A portion of the site adjacent to Pennant Hills Road is to be acquired by RMS for future widening of Pennant Hills Road. The residual site area, excluding that to be acquired, is 5765m².

The site falls approximately 4m along the western boundary, from Felton Road to the South West corner of Pennant Hills Road. Additionally, the site falls approximately 3m along the Pennant Hills Road boundary (North East to South West) and approximately 1.5m along the Felton Road Boundary, east to west.

The site is currently occupied by a two-storey brick commercial building comprising several tenancies, including a number of small businesses and a 24-hour gym.

The site is afforded district and city views to the east and south, capturing Parramatta CBD, Sydney Olympic Park and the Sydney CBD. Whilst these views are highly desirable, their orientation is sub-optimal for solar access.

Additionally, the site's location on Pennant Hills Road – a four lane arterial road – presents a potential source of noise for future development.



Figure 1: Aerial Photo – Site Source: maps.au.nearmap.com Accessed 25/08/2021

1.5 context

m

The context of the subject site is complex.

The site is located approximately 250m to the south west of Carlingford Train Station, 800m south west of Carlingford Court Shopping Centre and is in close proximity to a number of public and private secondary and primary schools, regional and local scale open spaces, other commercial areas and community services including a library.

That is, the subject site is well located with regard to transport, shopping, recreation and other services. As such, it is in an excellent location to provide increased housing and business opportunities.

To the north of the subject site across Felton Road is the Carlingford Transmission Substation. The substation is approximately 2 storeys in height and contains a significant portion of unbuilt land. It is not considered a significant noise source. The substation is unlikely to be redeveloped in the short to medium term.

The area to the immediate west of the subject site is zoned for medium density residential development and is currently characterised by a mix of 1 – 2 storey single dwellings and 2 storey multi dwelling developments. Although this area may be redeveloped for higher density housing in the long term – particularly if the Parramatta Light Rail project continues – there is no current strategic plan to suggest this.

A number of 4 – 5 storey apartment building are located directly across Pennant Hills Road from the subject site, in an area zoned for high density residential development. These developments are approximately 5-6 years old and unlikely to be redeveloped in the short to medium term future. A small reserve (K13 Submarine Memorial Park) is located to the north of these developments, opposite the north-east corner of the subject site.

The area to the north east of the site, between the train station and the shopping centre is undergoing significant transformation.

The area, known as the “Carlingford Precinct” was rezoned under the former Hills Shire Council to provide increased residential accommodation and business uses in a high density, mixed use, transport oriented precinct.

Allowable development in the precinct ranges from an FSR of 2:1 and height of 21-24m up to an FSR of 5:1 and a height of 57m closest to the station. There is considerable variation in between. As such, the emerging and future character of this area is significantly different, and considerably more dense than the surrounding areas or current traditional suburban character of Carlingford.

To date, a number of new developments have been constructed including:

- 2-6 James Street – 18 storeys – 55m
- 10 James Street – 15 storeys – 44m
- 12 James Street – 16 storeys – 49m
- 1-7 Thallon Street – 17 storeys – 55m

These developments are a similar distance from Carlingford Train Station to the subject site. Several other developments - further from the station along Pennant Hills Road than the subject site - have been approved and / or are under construction with heights between 7 and 15 storeys.

In addition to these approved or constructed developments, significant additional development / transformation capacity exists within the precinct with many potential sites (under existing controls) yet to be developed.

In particular, the 7-Eleven service station site – directly to the north east of the subject site – is yet to be developed. This site has an allowable height of 57m (approximately 18 storeys) and FSR of 3:1.

As such, the context of the subject site is both transitional and established. Much of the surrounding area is unlikely to be redeveloped in the short to medium future, with areas to the west remaining low – medium density (1 – 2 storeys) and areas to the south remaining medium – high density (4 – 5 storeys). However, the magnitude of the transformation being undertaken in the Carlingford Precinct – both in terms of the increased density and the size of area covered – will have a significant bearing on the character of the whole locality.

The subject site is particularly important in this context, as it provides the ‘pivot point’ between the established suburban character and the emerging high density precinct. It mitigates between allowable heights of 9m (to the west), 21m (to the south east) and 57m (to the north east).

Appropriate management of this transition should be the key objective of any amendment to the planning controls of the subject site.



Figure 2: Aerial Photo – Context

Source: nearmaps.com.au Accessed 25/08/2021

1.6 existing planning controls

The subject site is located within the City of Parramatta Local Government Area, however, as the site was part of the Hills Shire Council prior to the local government area amalgamations in May 2016, the provisions of the Parramatta (former The Hills) Local Environment Plan 2012 apply.

Under Parramatta (former The Hills) Local Environmental Plan 2012 the site is subject to the following development standards:

Zoning	B2 – Local Centre
Permissible Height	9m
Permissible FSR	1:1

Development permitted with consent in the B2 zone includes; commercial premises, multi-dwelling housing, residential flat buildings and shop top housing.

The subject site is part of a cluster of B1 and B2 zoned sites located around the Carlingford Train Station forming a small “Local / Neighbourhood Centre” providing a mix of uses – including commercial and residential – for users of the station and the wider community.

Permissible heights and floor space ratios for these sites vary greatly - between 9m and 1:1 (for the subject site) and 57m & 3:1 (for the 7/Eleven Petrol Station Site)

The remaining Local Centre sites have allowable heights of between 21m and 27m and permissible FSRs of 1.99:1 and 2:1.

That is, all other sites that form the Local / Neighbourhood Centre around Carlingford Station have substantially higher (2 – 3 times) allowable development densities than the subject site.

Further, as previously discussed, the area to the north east of the subject site – including sites the same distance and further from the train station, includes substantially greater allowable development densities – up to 5 times – that currently permissible on the subject site.

As such, the height and FSR controls currently applicable to the subject site could be considered an anomaly. The controls do not reflect the site’s zoning and objectives, its significance as part of a local centre, its proximity to Carlingford station or the allowable development density of similarly zoned neighbouring sites.

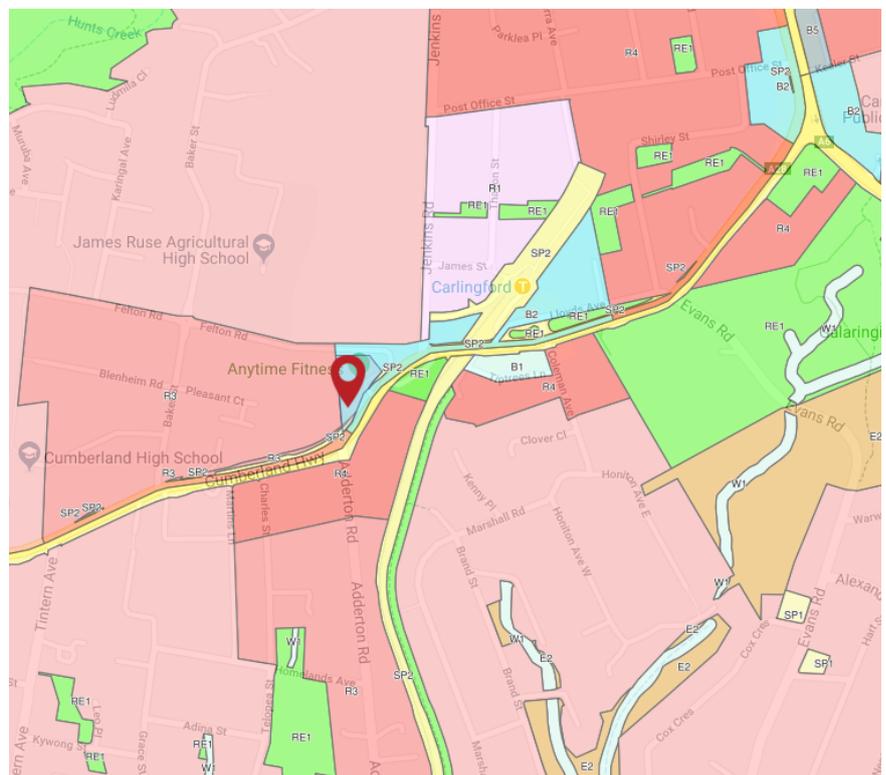


Figure 3: Existing Zoning Source: planningportal.nsw.gov.au Accessed 11/09/2018

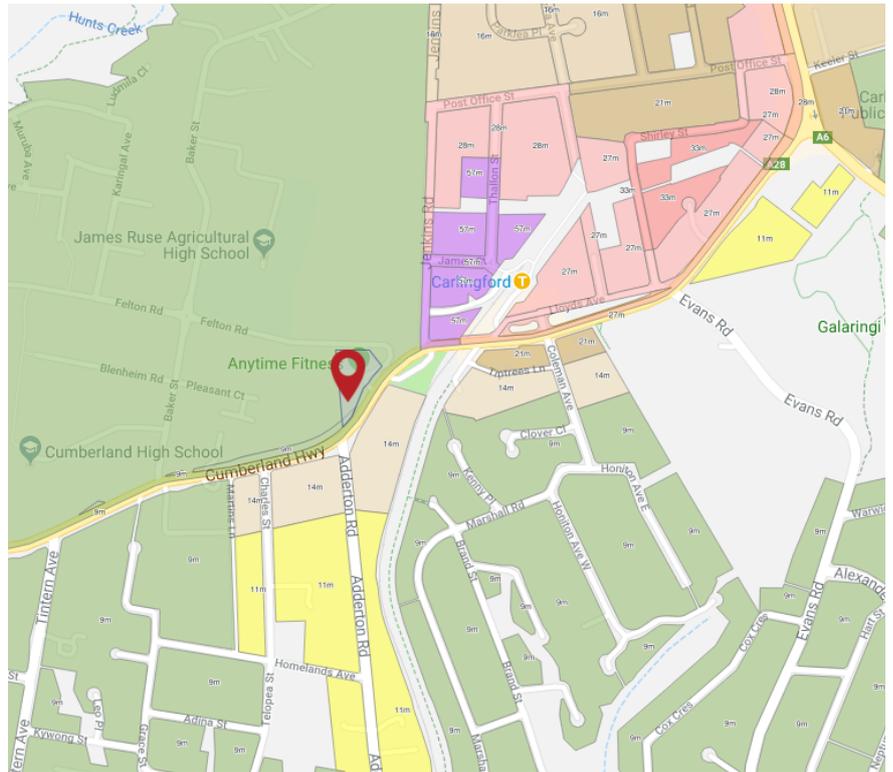


Figure 4: Existing Permissible Height Source: planningportal.nsw.gov.au
Accessed 11/09/2018

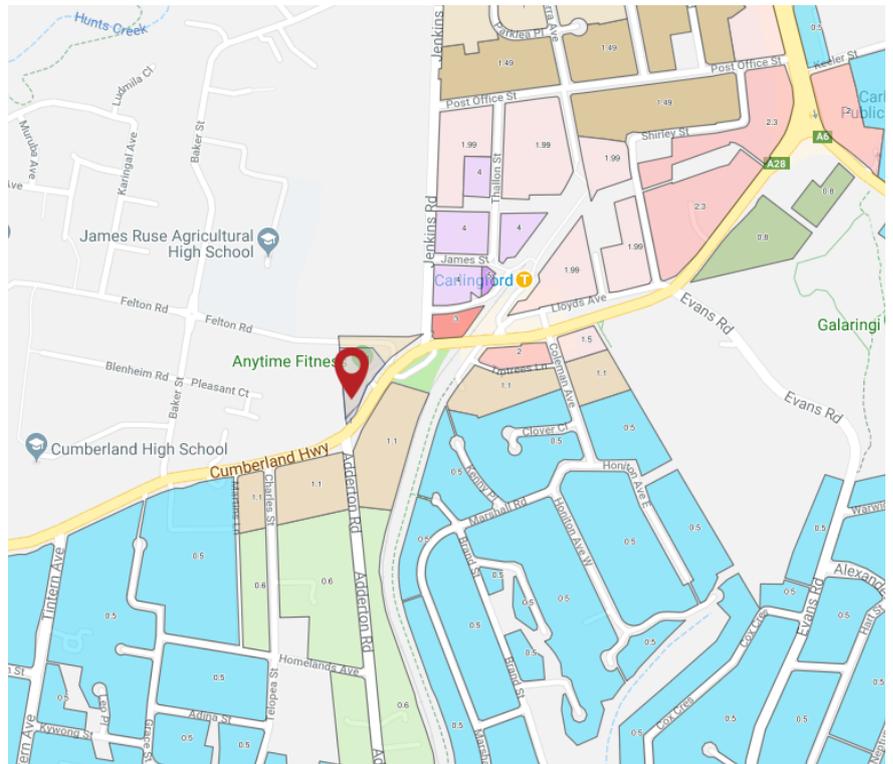


Figure 5: Existing Permissible FSR Source: planningportal.nsw.gov.au
Accessed 11/09/2018

2. planning proposal

2.1 lep amendments

The planning proposal, for which this statement provides support, seeks the following amendments to Parramatta (former The Hills) Local Environmental Plan 2012, for the subject site:

Amended FSR	2.1 : 1
Amended HOB	49m (14 storeys)

No amendment is sought to the zoning of the site.

The proposed planning controls have been developed through an iterative process, including testing and evaluating a number of height, density and layout options.

The amendments sought to the LEP are considered to provide an optimal outcome for the site and a high level of urban amenity whilst facilitating a feasible development yield.

As will be discussed further below, the proposed amendments enable:

- increased dwelling density and housing choice in a well serviced location
- increased commercial space within the 'Local Centre'
- appropriate transitions between higher and lower density development
- appropriate transitions between current and future character
- sufficient building envelope and gross floor area to facilitate a high amenity, high quality architecturally expressive development
- provision of quality open spaces, including publicly accessible space

Kennedy Associates understand that a site specific DCP will be prepared prior to the approval of any development application.

2.2 indicative scheme

In support of the planning proposal, Kennedy Associates have prepared an indicative scheme, outlining how the proposed planning amendments may enable future development on the site to achieve:

- good urban design outcomes
- a high level of residential amenity
- minimal impacts on neighbouring properties
- successful public spaces
- well-articulated streetscapes
- compliance with statutory planning controls

Whilst demonstrative in nature, and subject to considerable further refinement and design development during the Development Application process, the scheme presents a 'blueprint' for providing a visually engaging, attractive and appropriate development on the subject site with regard to site conditions, urban context and planning framework – in particular the requirements of SEPP 65 and the Apartment Design Guide

The indicative scheme includes:

**Approx. 300 car spaces in 2 or more levels of basement car park
(final number to be determined by use of commercial tenancies)**

1,970m² of commercial floor space, over 3 levels and 4 tenancies

97 residential units including;

**5 x 1 bedroom
60 x 2 bedroom
32 x 3 bedroom**

The indicative scheme is comprised of three separate buildings – a two part strip of lower scale 'row' housing and a taller 'tower' building separated by a 12m wide publicly accessible through site link and recreation area, connecting Felton Road in the north to Pennant Hills Road in the south.

The row buildings, oriented parallel to the subject site's western boundary, are three storeys in height and are setback 6m from the western boundary shared with two medium density multi dwelling housing developments. The buildings contain 20 'cross over' style units and a small, multi-level commercial tenancy in the south west corner, facing Pennant Hills Road.

The tower building is located in the north-east portion of the subject site, towards the train station and other high density developments. The building is comprised of a two-storey commercial podium with residential tower above.

The residential tower varies in height, between 9 and 14 storeys with the higher building portion located in the north-east corner of the site and along the Pennant Hills Road frontage, whilst the lower portion is located adjacent to the through site link and low scale 'row' building and neighbouring residential areas. The tower is composed of a series of discreet sub towers.

The massing of the tower component has been designed to reflect recent and future development around the station and to balance desirable district and city views to the south and east (across Pennant Hills Road) with the optimal solar orientation to the north.

The indicative scheme has a 6m setback to the west and Pennant Hills Road boundaries, and a 4m setback to the Felton Road Boundary. Vehicular access is via Felton Road with pedestrian access available from both street frontages and via the through site link.

Communal open space for the tower building is provided in three distinct areas on the 2nd, 9th and 10th levels of the tower building while communal open space for the 'row' buildings is provided on the ground floor, in the 'break' between volumes. These spaces are augmented by the provision of publicly accessible space, in the form of a pedestrian through site link – which is of sufficient width to enable its use as a recreation area.

The through site link forms a key element of the scheme providing a transition between the lower row buildings and the higher tower building and a pedestrian link between Pennant Hills Road and Felton Road, as well as significant communal space.



Figure 6: Indicative Scheme Pennant Hills Road Massing

Source: KAA

3. urban design analysis

3.1 key considerations

As outlined in section 1.3 above, the planning proposal and indicative scheme have undergone a rigorous process of revision in refinement incorporating feedback from and correspondence with; Parramatta Council + Officers, Parramatta Local Planning Panel, Sydney Central Planning Panel and the Department of Planning, Industry and the Environment.

Through this process, a number of key considerations with regards to the proposal's 'fit' within its urban context emerged. These key elements include:

- height – in particular the requirement to transition between heights
- density – in particular the calculation of gross floor area
- through site connection – in particular its design as a publicly accessible 'street'
- building articulation – in particular the presentation to Pennant Hills Road
- impact on neighbours – in particular solar impact to surrounding neighbouring dwellings and the heritage listed K13 Submarine Park

An analysis of how the proposed LEP amendments and indicative scheme address these issues is provided below.

Two additional elements are considered particularly important in analysing the urban design outcome and contextual fit of the proposal. They are:

- SEPP 65 compliance
- design excellence

The ability of the proposed amendments to allow for a development capable of complying with SEPP 65 and the ADG is considered crucial to their appropriateness.

3.2 height

The planning proposal seeks amendment of the height control under Parramatta (former The Hills) Local Environmental Plan 2012 to:

49m

As previously discussed, the proposed height is in keeping with – or lesser than – permissible heights of comparable sites in the immediate context of the subject site. In particular, it is significantly lower than the allowable height on the adjacent site, known as the 7/Eleven Petrol Station site, on which a 57m high development (of approximately 18 storeys) is permitted.

Analysis of new, under construction and approved developments around the Carlingford Train Station and along Pennant Hills Road establishes a relatively uniform height datum, despite varying building heights. This datum is a result of the topography of the area, particularly along Pennant Hill Road.

A height of 49m on the subject site is consistent with this height datum.

Further, the massing of the indicative scheme – in particular the tower element – has been carefully considered to provide appropriate transition between the high-density development to the north east of the site and the low to medium density residential areas to the south west.

A split massing of 9, 10 and 14 storeys for the tower element is proposed, as outlined on page 104 of the indicative scheme set.

This arrangement:

- places the bulk of the development in the north-east corner of the subject site, closest to the high-density developments around the station
- provides an appropriate step down between the tower and the row building (and by extension neighbouring developments) reducing the height of the building in this location by over 50%
- provides a 'break' in the massing along Pennant Hills Road, as will be discussed further below.
- creates a visually lower building when viewed from the west or south

A key measure of the appropriate bulk and scale of a development is its impacts on neighbours, particularly in terms of solar access.

As further detailed in section 3.6 below, the proposed height of building and massing configuration results in acceptable solar access for neighbouring residential developments to the immediate west or across Pennant Hills Road, in line with the requirements of the ADG.

Additionally, as also detailed in section 3.6, the proposed development has a very minor and acceptable impact on the solar amenity provided to the heritage listed K13 Submarine Memorial Park

The row building situated closest to the western boundary is proposed to be a maximum of three storeys (or 14m) in height. The row of units retains the look, feel and scale of townhouses whilst facilitating higher development yield. All units in this building are high amenity, receiving compliant solar access and cross ventilation.

There are numerous successful examples across Sydney of developments where 3 or 4 storey residential flat buildings are located opposite or adjacent to single and two storey development.

Together the stepped tower massing and three storey units are considered to provide appropriate transition between the high-density area to the north east and low – medium density areas to the south and west.

The proposed LEP height amendment and indicative massing are considered appropriate for the subject site and context.

3.3 density

The planning proposal seeks amendment of the floor space ratio control under Parramatta (former The Hills) Local Environmental Plan 2012 to:

2.1:1

As previously discussed, the proposed FSR is in keeping with – or lower than – permissible controls of comparable sites in the immediate vicinity of the subject site. In particular, it is substantially less than the allowable density on the on the adjacent site 7 / Eleven Service Station site, where a development density of up to 3:1 is permitted.

Development densities of up to 5:1, but generally between 2:1 and 4:1 are allowable - and have been taken up – on sites a comparable (and further) distance from the Carlingford Train Station.

Given the subject site's size, mixed use zoning, limited number of immediately adjoining neighbours, place as part of a 'Local Centre' and location on an arterial road, an argument could be made that a density far greater than that sought would be appropriate.

In a sense, the allowable FSR is a secondary issue to the height and massing as already discussed. An amount of floor space, on its own, does not have the ability to shape urban design outcomes, good or bad. It is the arrangement of this floor space – is it tall and narrow, or broad and flat – that has more bearing on both visual outcome and amenity, both urban and residential.

This is reflected in the consistent inability of development to achieve the gross floor area allowed under FSR controls within the building envelopes described by height planes and setbacks. This mismatch is regularly experienced across the entirety of the Greater Sydney Region.

Notwithstanding the above, the quantum of FSR sought is considered appropriate to facilitate a high quality development on the subject site. As outlined in / by the indicative scheme, the proposed FSR has the potential to provide:

- larger than minimum apartments
- commercial floor space in a well serviced, highly visible location
- high quality, communal interstitial spaces such as generous lobbies and foyers
- building articulation and architectural expressions (such as curves and projections)

The indicative scheme, on which the requested LEP amendment is based, includes detailed diagrams of how the gross floor area of the reference development has been measured. This methodology is in line with both the standard instrument definition of gross floor area and recent Land and Environment Court decisions regarding interpretation of the same.

The indicative scheme proposes 97 dwellings on a site area of 5765m², which represents a dwelling density of approximately 1 dwelling per 59m². An additional 1970m² of commercial floor space is proposed. Developments of a comparable, if not greater dwelling density (including some of up to 400 dwellings) have been recently approved in the vicinity of the subject site

That is, whilst the proposed density is significant increase on that currently allowable on the subject site (1:1), it is neither unreasonable or out of keeping with the context, nor current trends in urban planning. Our understanding is that the proposed densities are in accordance with the projections and expectations for the growth of the area.

The FSR requested is considered to appropriately respond to and reflect the development capacity of the site, with regard to its proximity to the train station and other services, the allowable FSRs on comparable sites and its ability to facilitate high quality development.

The proposed LEP FSR amendment is considered appropriate for the subject site and context.

3.4 through site link

The indicative scheme includes the location and potential treatment of a pedestrian through site link connecting Felton Road to Pennant Hills Road in the western portion of the site.

The inclusion of this link was a direct result of consultation with representatives from Parramatta Council's urban design team and has the ability to be a significant positive asset for the community.

The link has been designed as a 'street' (with a minimum width of 6m) and footpath, utilising materiality, signage and regular plantings to delineate the areas as shown on page 109 of the indicative scheme set. The link will be graded to suit the fall of the site towards Pennant Hills Road, providing a generously proportioned, legible and direct connection.

Entry to both the row and tower buildings are provided off the link, activating it and creating a vibrant entry and sense of place for the development. A small commercial tenancy is directly accessible from the Pennant Hills Road end of the link.

In addition to its function as a pedestrian access way, the link has been designed to allow it to be used as a recreation area for residents and visitors to the future development. The link has been conceived as a series of three discrete spaces, defined by narrowings which signify entry to the buildings. These spaces are of sufficient size to enable both pedestrian and recreation activity. Additionally, a separate area of communal open space is available from and connected to the link, between the two 'row' buildings.

The use of the link as a recreation area is considered desirable, as it will provide activation and purpose to the link, which could otherwise become sparsely used, unattractive and potentially dangerous.

The ADG encourages communal open spaces to be accessible to the public – that is, public open space – where appropriate. As such, the area of the through site link is included in the communal open space provision for the site, providing improved amenity for residents of the future development in terms of both use and visual appeal. In addition to the link, a further 1,110m² (or 19% of the site area) of communal open space (for exclusive use by residents) is provided in the indicative scheme.

Overall, the indicative scheme proposes outdoor recreation space (public and communal) equivalent to approximately 34% (2,180m²) of the total site area.

The proposed pedestrian link is considered appropriate for the subject site and context.

3.5 building articulation

The indicative scheme has been designed to illustrate how a future development may be articulated to provide an attractive and visually engaging streetscape presentation.

In particular, the massing of the tower portion along Pennant Hills Road has been carefully considered to address bulk and scale.

The facade has been composed as a series of discrete elements, separated by recesses, so as to emphasise the building's vertical proportions, rather than horizontal 'bulk'.

Further, a significant step in the massing (4 storeys) occurs in the southern corner of the site minimising the perceived and actual length of the tower whilst placing the majority of the bulk closest to the station and surrounding high density development, as previously discussed.

The northern third of the tower is setback 4m from the building line to reduce its visual prominence and create a sense of depth to the development when viewed from Pennant Hills Road

The maximum unbroken length of the tower is 30m. The overall length of the tower portion (excluding the lowered portion) is 48m.

The proposed tower massing provides principles which will allow future development on the site – subject to further refinement and design development – to present an attractive, visually engaging and appropriately proportioned facade to Pennant Hills Road

The proposed tower massing is considered appropriate for the subject site and context.

3.6 solar impacts

Retaining appropriate solar access to neighbouring dwellings and / or public open space is a key consideration with regards to the appropriateness of any planning proposal or development application. The LEP amendments sought – and the indicative scheme prepared in support of these – have been carefully considered to retain acceptable solar access to:

- K13 Submarine Memorial Park, a Local Heritage Item
- surrounding residential development, in particular:
 - the Residential Flat Buildings at No. 294 – 302 Pennant Hills Road (on the opposite side of the street to the subject site)
 - the townhouses at No 237 – 239 Pennant Hills Road and 6 Felton Street (adjacent to the western boundary of the subject site)

The indicative scheme set includes the following solar analysis:

- plan view shadow diagrams, in hourly intervals, between 9am – 3pm on the winter solstice (pages 118 + 118.1)
- suns eye view diagrams, in half hourly intervals, between 9am – 3pm on the winter solstice (pages 119 + 119.1)

A detailed discussion on the proposal's potential impact on the solar access for each of the above developments / spaces – and the potential acceptability thereof – is outlined below.

Public Open Space

K13 Submarine Memorial Park

As illustrated on pages 118 and 118.1 of the indicative scheme set, the proposed development has **no solar impact on the park, between the hours of 9am – 2pm.**

That is, the park retains full solar access for at least 5 hours on the winter solstice.

Some overshadowing of the park does occur, as a result of the proposal, between the hours of 2pm and 3pm. However, in our opinion, this is minor and acceptable as:

- it occurs for one hour only
- it effects only a small portion of the park, in the south-western corner
- this part of the park is relatively narrow and occupied by a stand of large trees
- the affected area is unlikely to be used heavily for recreation

As such, in our opinion, the proposed LEP amendments (and the future development they facilitate) are capable of achieving acceptable solar access to K13 park.

Residential Flat Building(s): 294 – 302 Pennant Hills Road

This development is comprised of 4 individual buildings, identified in the DA documentation (available online via Council's DA tracker) as A, B, C + D.

Building A, located in the north-west portion of the subject site has a frontage to Pennant Hills Road and is situated opposite the portion of the subject site for which an amended LEP height of 49m is sought and the location of the 'tower' building proposed in the indicative scheme.

As a result of the orientation of the lots, the proposed development (as illustrated in the indicative scheme) does result in some solar impact to the Pennant Hills Road façade of Building A.

Specifically, as illustrated in the view from sun diagrams (119 + 119.1) in the indicative scheme set, the proposed development 'blocks' sun, to the majority of this frontage, after 12:30pm, on the winter solstice.

To establish the implications and significance of this impact, Kennedy Associates undertook research to determine (as accurately as possible, from publicly available information):

- the layout of building A, in particular which units rely solely on the Pennant Hills Road frontage for solar access
- the internal layout of these units, in particular the location of living rooms and windows
- the current level of solar access achieved by:
 - the units fronting Pennant Hills Road
 - building A
 - the whole development

Sources for this information included:

- redacted architectural plans, obtained from Council's DA tracker which identified:
 - unit locations and numbers / identifiers (A1, A2 etc)
 - openings on the facade
- real estate plans, which identified:
 - private open space locations
 - living room and living room window locations
- the architectural calculations table for the development, obtained from Council's DA tracker which identified:
 - how many hours of solar access each unit in the development was considered / assessed as receiving at DA stage
 - the overall solar compliance for the development, as approved

These documents are included in the appendix to this statement.

This analysis revealed that:

- 6 (A2, A6, A8, A12, A15, A19) out of the 21 units in Building A rely solely on the Pennant Hills Road frontage for solar access
- at DA stage, these units were assessed as receiving 4 - 5 hours of solar access to both their living rooms and private open spaces

As illustrated in the view from sun analysis included in the indicative scheme set (119 + 119.1) – and further detailed in the appendix to this statement – as a result of the proposed development, these units will no longer receive 2 hours solar access to both their living rooms and private open spaces.

However, as also illustrated in the view from sun diagrams, all 6 units will continue to receive:

- approximately 1.5 hours of direct solar access to their private open spaces, between 11am – 12:30pm
- approximately half an hour of direct solar access to their living rooms, between 12pm and 12:30pm

Some units will also receive an additional half hour of direct sun in the late afternoon, between 2:30 – 3pm.

That is, all effected units continue to receive some direct solar access between 9am – 3pm on the winter solstice – the worst-case scenario.

As outlined in the appendix to this statement, whilst these 6 units will no longer receive over 2 hours solar access on the winter solstice this does not impact on the building's / development's compliance with the solar access provisions of the ADG. Specifically:

- 70 out of the 83 units in the whole development (Buildings A, B, C + D) continue to receive 2 hours solar access on the winter solstice – **84%**
- 15 out of the 21 units in Building A continue to receive 2 hours solar access on the winter solstice – **71%**

That is, both the development as a whole – and Building A in isolation – continue to receive solar access in accordance with Objective 4A of the ADG.

As such, in our opinion, the proposed LEP amendments (and the future development they facilitate) are capable of achieving acceptable – ADG compliant – solar access to this development.

NB: the proposed development may result in some overshadowing to the Pennant Hills Road facing façade of other units in this development, such as the units in the north-east corner of Building A and the north-west corner of Building B. However, as demonstrated in the view from sun diagrams:

- the impact is limited, in terms of extent and time, and / or
- the units receive solar access from other orientations (i.e. the north-east corner units of Building A face K13 memorial park)

As such, the solar impact of the proposed development does not impact the ability of these units to meet the solar requirements of the ADG

Townhouse Developments: 237 – 239 Pennant Hills Road
6 Felton Street

These two developments are located directly adjacent to the subject site, at the western boundary. The dwellings on these sites take the form of attached multi dwelling housing and (based on site observations and real estate photos) are provided with 'cross through' living spaces, with openings on both the western and eastern façades.

As illustrated in the view from sun diagrams included in the indicative scheme set (119 + 119.1), the proposal does result in some overshadowing of the adjacent townhouses, between 9am and 10am only.

That is, the proposed development has no impact on these dwellings, for the majority of the day, on the winter solstice.

As also illustrated in the view from sun diagrams, these dwellings will receive direct sun:

- between 10am – 11am, to the western façade
- between 1pm – 3pm, to the eastern façade

That is, the dwellings will retain 3 hours – DCP complaint – solar access on the winter solstice.

A series of photos illustrating the 'cross through' nature of the dwellings is included in the appendix to this statement.

As such, in our opinion, the proposed LEP amendments (and the future development they facilitate) are capable of achieving acceptable solar access to this development.

The proposed LEP amendments allow for a development that is capable of achieving acceptable solar access to neighbouring residential developments and public open spaces.

3.7 sepp 65 compliance

The provisions of State Environmental Planning Policy 65 and the Apartment Design Guide have become de-facto development standards for residential apartment developments across NSW.

The ADG requirements for solar access, unit size and layout and communal and private open space have a greater influence on the form and design of buildings than other statutory provisions or DCP controls.

As such, in considering the appropriateness of a planning proposal and its fit in the urban context, it is important to demonstrate that it is capable of delivering a development that complies with these statutory provisions. Although subject to further refinement and design development during future stages of the project, the indicative scheme demonstrates that it is capable of fully complying with SEPP 65 and the ADG.

Further, the indicative scheme outlines a development providing a greater than required level of residential amenity including; oversized apartments and balconies, generous foyers and circulation spaces as well as district and city views.

These elements, in particular the high proportion of generous 'family' sized apartments contribute to proposal's fit within its urban context in Sydney's North West suburbs.

The proposed LEP amendments allow for a development that not only meets but exceeds its statutory obligations for residential amenity.

3.8 design

As previously discussed, the LEP amendments sought are based not only on development feasibility but also with the aim of providing a high quality, architecturally expressive development which adds to the quality of its context and streetscapes.

The indicative scheme illustrates the principles for creating a vibrant and attractive place to live, work, and visit in Carlingford.

Although the architectural expression of these ideas will be explored more fully in future stages of the project (DA), the indicative scheme suggests their direction - including shape, form, massing, generous foyers, high quality open & public spaces, large apartments, a high level of facade articulation, and a flowing integrated ground plane.

As per the recommendations of the Sydney Central Planning Panel, the Design Excellence provisions of Parramatta LEP will apply to the subject site.

As such, in our opinion, the proposed LEP amendments (and development they facilitate) are capable of facilitating a high quality development that contributes positively to its context.

4. conclusion

Since being engaged on the project, Kennedy Associates have worked extensively with the Client, Parramatta Council officers, and representatives from DPIE to refine the indicative scheme and proposed LEP amendments to ensure optimal urban design outcomes and an appropriate fit within the urban context of the subject site.

The process has been collaborative, iterative and rigorous.

The proposed LEP amendments requested for the subject site – an overall height of 49m and floor space ratio of 2.1:1 – are considered appropriate for the subject site and context.

In our opinion – and as outlined in this report – this appropriateness is based on a number of key considerations, with regards to the proposals 'fit' within its urban context. Specifically:

The appropriateness of the proposed HOB within the context of the subject site.

- the proposed 49m height limit is commensurate with, or lesser than, permissible heights on comparable sites within context of the subject site
- additionally, the massing of the indicative scheme has been carefully considered to provide an appropriate physical and visual transition between the high density precinct around Carlingford Station and the surrounding lower scale context

The appropriateness of the proposed FSR within the context of the subject site.

- the proposed 2.1 : 1 FSR is commensurate with, or lesser than, permissible ratios on comparable sites within the context of the subject site
- additionally, the amount of floor space sought is considered appropriate to enable a high quality development on the subject site including; larger apartment sizes / typologies, generous interstitial spaces and appropriate building articulation

The useability and amenity of the proposed through site link

- the inclusion of a thru site link was a direct result of consultation with Parramatta Council's urban design team
- the link, which connects Felton Road and Pennant Hills Road, has the potential to be a positive asset for the community, increasing pedestrian connectivity around Carlingford Station
- the link is generous in size (12m wide) and has been designed to be both a functional pedestrian 'street' and an engaging, high amenity public / communal open space for both residents and the general public

The ability of future development to achieve an appropriate appearance and design quality, particularly to Pennant Hills Road.

- as illustrated in the indicative scheme set, the proposed LEP amendments have the potential to facilitate a development that is architecturally expressive and adds to the quality of its streetscapes
- in particular, the Pennant Hills Road façade has been carefully considered to provide appropriate visual transition in heights (through stepped massing) and modulation of the facade length (through recesses)
- further development of the architectural expression, detailing and appearance of the proposed development will be undertaken at DA stage

The reasonableness of any impacts on neighbouring residential developments or public open spaces.

- due to lot orientation, a development of the proposed height may result in some overshadowing of neighbouring townhouse and residential flat building developments and / or the nearby K13 Submarine Memorial Park

- however, as outlined in the solar analysis prepared for the indicative scheme:
 - the neighbouring residential flat building(s) retain ADG compliant solar access (2 hours to 70% of apartments on the winter solstice)
 - the neighbouring townhouses retain DCP compliant solar access (3 hours to all dwellings on the winter solstice)
 - the impact on K13 Submarine memorial park is minor, occurring for one hourly only and effecting a small portion of the site
- that is, development facilitated by the proposed LEP amendments – as composed in the indicative scheme – achieves acceptable / compliant solar access to neighbours

The ability of future development to achieve compliance with the provisions of SEPP 65 and the ADG.

- as illustrated in the indicative scheme, the proposed LEP amendments are capable of supporting a scheme that achieves a high level of amenity for future residents, including full compliance with the provisions of the ADG
- additionally, the indicative scheme outlines a development which provides increased residential amenity including; oversized apartments, district and city views, on site commercial services (such as child care) and generous recreation spaces

As such, in our opinion the proposed LEP amendments – and the future development they facilitate – are appropriate and acceptable in urban design terms.

In particular, the proposed amendments allow for:

- appropriate transition between new, high density development to the north east and established low to medium density residential areas to the south and west
- increased dwelling density and housing choice in a location well serviced by public transport, open space, commercial precincts and community services
- new, high quality commercial space within a 'Local Centre', providing an increased level of service to the local community
- a high amenity, high quality development that is architecturally expressive and contributes positively to its streetscapes
- new public open space, improving the pedestrian connectivity of the locality and facilitating recreational opportunities and social interaction between future residents and / or the wider resident population of Carlingford

The proposed amendments are capable of, and intended to, facilitate good quality urban design outcomes, not only in terms of the future development and its immediate interface but the wider context of the Carlingford precinct and suburb.

As such, in our opinion, the planning proposal is well founded and capable of support and approval.

end of document