



IRF22/41

Gateway determination report – PP-2020-3335

Increases to height and floor space ratio at 241 – 245
Pennant Hills Road, Carlingford to enable a mix of
commercial and residential development

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Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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1 Planning proposal

1.1 Overview

Table 1 Planning proposal details

LGA	City of Parramatta
PPA	Sydney Central City Planning Panel
NAME	241 – 245 Pennant Hills Road, Carlingford (51 additional dwellings and 150 jobs)
NUMBER	PP-2020-3335
LEP TO BE AMENDED	Parramatta (former The Hills) LEP 2012
ADDRESS	241 – 245 Pennant Hills Road, Carlingford
DESCRIPTION	Lot 1, 2, 5 and 6 DP 805059
RECEIVED	31/01/2022
FILE NO.	IRF22/41
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal (**Attachment A**) contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to amend the provisions of *Parramatta (former The Hills) Local Environmental Plan 2012*, as follows:

- permit a maximum building height of 14m (3 storeys) on the western side of the site and 49m (15 storeys) on the remainder of the site,
- permit a maximum floor space ratio (FSR) of 2.1:1,
- allow enclosed private balconies (having a combined total area of not greater than 465m²) to be excluded from the calculation of gross floor area (GFA) and FSR,
- require the provision of a minimum of 1,970m² of non-residential floor space in the future development of the land,
- require the preparation of a site specific DCP to address built form and urban design matters prior to any development consent being granted, and
- require the design excellence provisions from the Parramatta LEP 2011 to apply to the site under the Parramatta (former The Hills) Local Environmental Plan 2012.

1.3 Explanation of provisions

The planning proposal is supported by a mixed-use indicative development scheme (**Attachment L**) which proposes to deliver the following:

- 97 residential units, comprising:
 - 5 x 1-bedroom units,
 - 60 x 2-bedroom units, and
 - 32 x 3-bedroom units.
- A 90-place childcare centre with a floor area of approximately 850m².
- A gymnasium with a floor area of approximately 520m².
- Commercial floor space of approximately 1120m².

The planning proposal seeks to amend the Parramatta (former The Hills) LEP 2012 to achieve the proposed development as per the amendments below:

Table 2 Current and proposed controls

Control	Current	Proposed
Zone	Part B2 Local Centre (5,765m ²) Part SP2 Infrastructure (Classified Road) (565m ²)	No change to zoning proposed.
Maximum height of the building	9m	Part 14m (western side) Part 49m (remainder of site)
Floor space ratio	1:1	2.1:1
Design Excellence	N/A	Introduce the design excellence clause under the Parramatta LEP 2011 to the Parramatta (former The Hills) LEP 2012 and an accompanying Design Excellence Map Note: if the Harmonisation LEP (PP-2020-3106) has been finalised, the subject site will need to be identified on the Design Excellence Map under the new LEP.
Additional local provisions	N/A	Introduce site specific provisions for the development of the site, as follows: <ul style="list-style-type: none"> • Permit an allowance for enclosed private balconies to be excluded from the calculation of GFA and FSR, up to a maximum combined floor area of 465m², • require the provision of a minimum of 1,970m² of non-residential floor space in the future development of the land, and • require the preparation of a site specific DCP, to address built form and

		urban design matters, prior to development consent being issued.
Number of dwellings	46 dwellings	97 dwellings (additional 51 dwellings)
Number of jobs	N/A	150

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

1.4 Background

Attachment E provides a comprehensive summary on the history of the planning proposal.

The planning proposal is the result of a Pre-Gateway Review, a process now replaced by rezoning reviews. The Pre-Gateway Review was sought as the former Hills Council resolved not to support the proposal and following Council amalgamations the new City of Parramatta Council failed to consider the proposal within 90 days. The former Sydney West Central Planning Panel considered the proposal and recommend it proceed and noted an alternative for additional density subject to conditions.

Following lengthy negotiations between the proponent and City of Parramatta Council, Council considered a report recommending the proposal proceed to Gateway determination. Council resolved not to endorse the planning proposal to proceed to Gateway determination but noted it was agreeable to a planning proposal seeking lower heights, FSR and maintaining the existing commercial floorspace on the site.

The applicant advised Council it did not intend to revise the planning proposal and Council advised the Department it considers the proposal refused. Consequently, The Sydney Central Planning Panel appointed itself the plan making authority (PPA) on the 11 June 2020 (**Attachment B**) as the Panel had previously recommend the matter proceed.

1.5 Harmonisation LEP

City of Parramatta Council has adopted the Harmonisation LEP (PP-2020-3106) which will consolidate the existing numerous LEPs (including the Parramatta (former The Hills) LEP 2011) that apply across the City of Parramatta local government area into a single instrument. The Harmonisation LEP adopts the format and clauses of the current Parramatta LEP 2011 and is with the Department for finalisation.

1.5.1 B2 Local Centre Zone

The planning proposal does not seek to amend the site's B2 Local Centre land zoning.

The B2 Local Centre zone under the Parramatta (former The Hills) LEP 2012, permits residential accommodation, including multi-dwelling housing and residential flat buildings (RFB), with consent.

However, under the Parramatta LEP 2011, the B2 Local Centre zone does not allow residential accommodation. The zone objectives under PLEP 2011 seek to encourage the construction of mixed-use buildings that integrate suitable commercial, residential, and other developments that provide active (non-residential) ground uses. The only permissible land use with a residential component, is shop top housing.

The planning proposal seeks to ensure a minimum of 1,970m² non-residential floor will be provided in any future development on the site and the proposal advises that all building footprints and envelopes seek to ensure ground floor levels can be used for non-residential purposes, in a manner consistent with the Harmonisation LEP. Further, the proposal notes the non-residential floor space could potentially be greater than the prescribed 1,970m², pending market analysis at any future development application (DA) stage.

The Department is assessing the Parramatta Harmonisation planning proposal for finalisation (PP-2020-3106). The Department is satisfied that if the Harmonisation LEP comes into effect before this proposal is finalised, any future development of the site can give effect to the B2 zone objectives under Parramatta LEP 2011.

If the Harmonisation LEP comes into effect prior to the public exhibition of this proposal the Urban Design Statement (**Attachment K**) will need to be updated to reflect the provision of active ground uses on the ground floor levels, particularly for the housing proposed on the western portion of the subject site.

1.5.2 Design Excellence

To ensure the proposal achieves satisfactory design outcomes, the Panel's 7 May 2021 determination (**Attachment G**) required the design excellence provisions under Parramatta LEP 2011 to apply to the site.

This requires the introduction of a design excellence clause to the Parramatta (former The Hills) LEP 2012. However, should the Harmonisation LEP come into effect prior to the finalisation of this proposal, the site will be required to be identified on the Design Excellence Map under Parramatta LEP 2011, to ensure these provisions apply.

It is anticipated the Harmonisation LEP will come into effect in the second half of 2022, and most likely before the finalisation of this proposal. The amending plan does not seek to contradict any provisions under the Harmonisation LEP, however, should the Harmonisation LEP come into effect prior to the exhibition of this proposal, the following items will need to be amended:

- References to Parramatta (former The Hills) LEP 2012 will need to be removed and replaced with Parramatta LEP 2011.
- The Urban Design Statement (**Attachment K**) will need to be updated to reflect the use of active ground uses on ground floor levels, particularly for the housing proposed on the western portion of the subject site.
- Design excellence provisions will need to be amended to require the subject site to be identified on the Design Excellence Map under Parramatta LEP 2011.

The Gateway determination (**Attachment B**) has been conditioned to require the proposal be updated, prior to public exhibition, to ensure any changes associated with the Harmonisation amendment are addressed.

1.6 Site description and surrounding area

The site is located at 241 – 245 Pennant Hills Road, Carlingford and is legally described as Lots 1, 2, 5 and 6 in Deposited Plan (DP) 805059. The site has a total area of 6,330m². A portion of the site adjacent to Pennant Hills Road is zoned SP2 Infrastructure and is to be acquired by TfNSW for future widening of Pennant Hills Road. The SP2 Infrastructure zoned portion of the site is 565m² and the remaining portion of the site, zoned B2 Local Centre, is 5893m².

The site has an irregular shape and is located on the corner of Pennant Hills Road and Felton Road. The site is occupied by a 1-2 storey commercial building, comprising several tenancies including a small number of businesses, a 24-hour gym, and associated car parking.

Figure 1 shows an aerial image of the site and its allotment configuration.



Figure 1 Subject site (source: Nearmap 26.01.2021)

Pennant Hills Road bounds the site to the south-east, Felton Road to the north and a low-density residential precinct adjoins the site to the west, comprising low rise multi-dwelling housing developments. The locality to the north-east of the site generally comprises larger scale residential developments and is part of the Carlingford Growth Precinct.

Opposite the site to the north is the Carlingford electricity transmission substation, with James Ruse Agricultural High School located 130 metres to the north-west. An established residential flat building precinct characterised by four storey developments and the 'K13 Submarine Memorial Park' is located opposite the site across Pennant Hills Road to the south-east.

The site is approximately 250 metres south-west of the former Carlingford Railway Station (the future Carlingford Light Rail stop). Public buses operate from Lloyds Avenue (adjacent to the Railway site), which provides services from Carlingford to Parramatta and Epping.

Figure 2 shows the subject site and surrounding land uses.



Figure 2 Subject site and surrounding land uses (source: Nearmap, 26.01.2021)

1.7 Mapping

The planning proposal includes mapping showing the proposed changes to the building height and floor space ratio maps, however, these are not considered suitable for community consultation as they are not in a format that aligns with the standard map format used by the Department of Planning and Environment. Further these maps do not include a key, north star, or scale bar.

Additionally, the proposal is seeking to ensure that the site is subject to design excellence provisions which requires the site to be identified on a Design Excellence Map, however a design excellence map has not been included in the proposal or accompanying documentation.

The Gateway has been conditioned to require Section 6 Mapping of the planning proposal be updated, prior to public exhibition to include existing and proposed maps situated side by side to assist comparison, a legend, scale bar and north point, as follows:

- Building Height Map
 - Existing and proposed Maximum Building Heights map.
- Floor Space Ratio Map
 - Existing and proposed Floor Space Ratio maps.
- Design Excellence Map
 - introduce a Design Excellence Map to the Parramatta (former The Hills) LEP 2012 and identify the site as 'A' on this map, or
 - If the Harmonisation LEP is in effect the Design Excellence Map under Parramatta LEP 2011 will need to be amended to include the subject site, identified as area 'A'.



Figure 3 Extract from current zoning map, subject site highlighted in yellow (source: ePlanning Spatial Viewer 14.01.21)

No changes are proposed to the site's B2 Local Centre zoning.

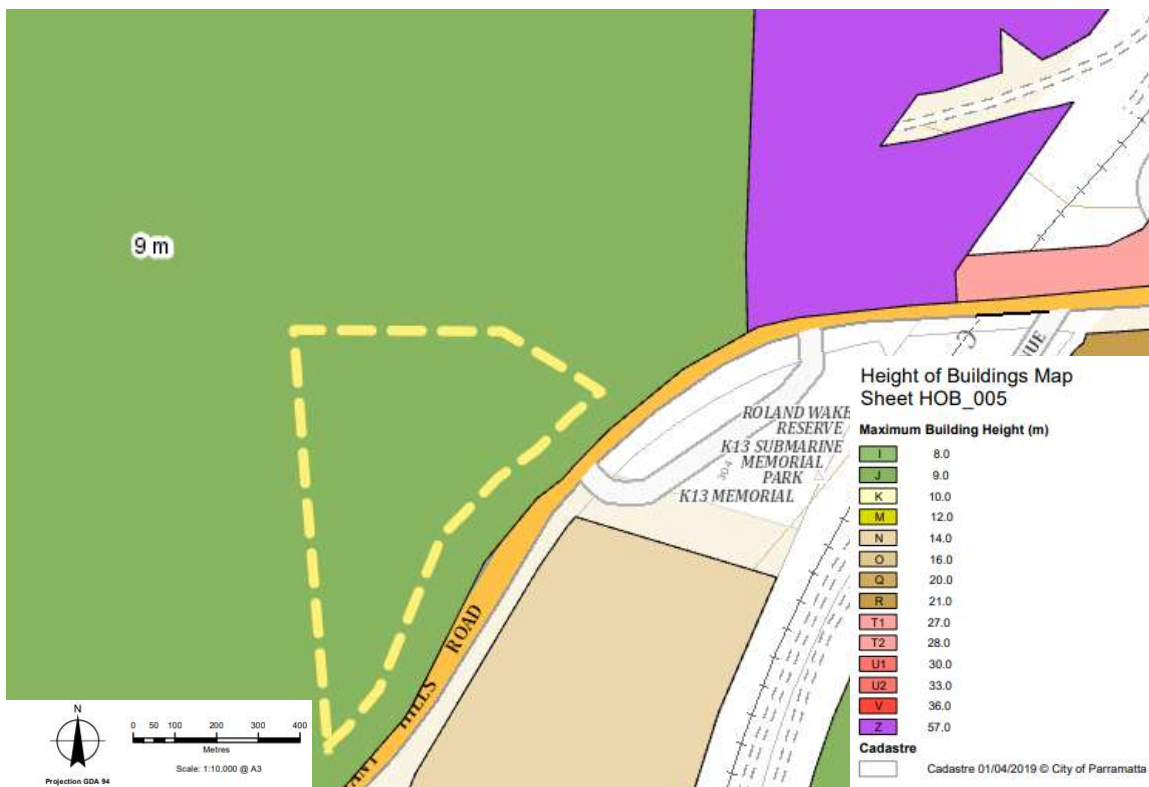


Figure 4 Extract from current height of building map (source: ePlanning Spatial Viewer 14.01.21)

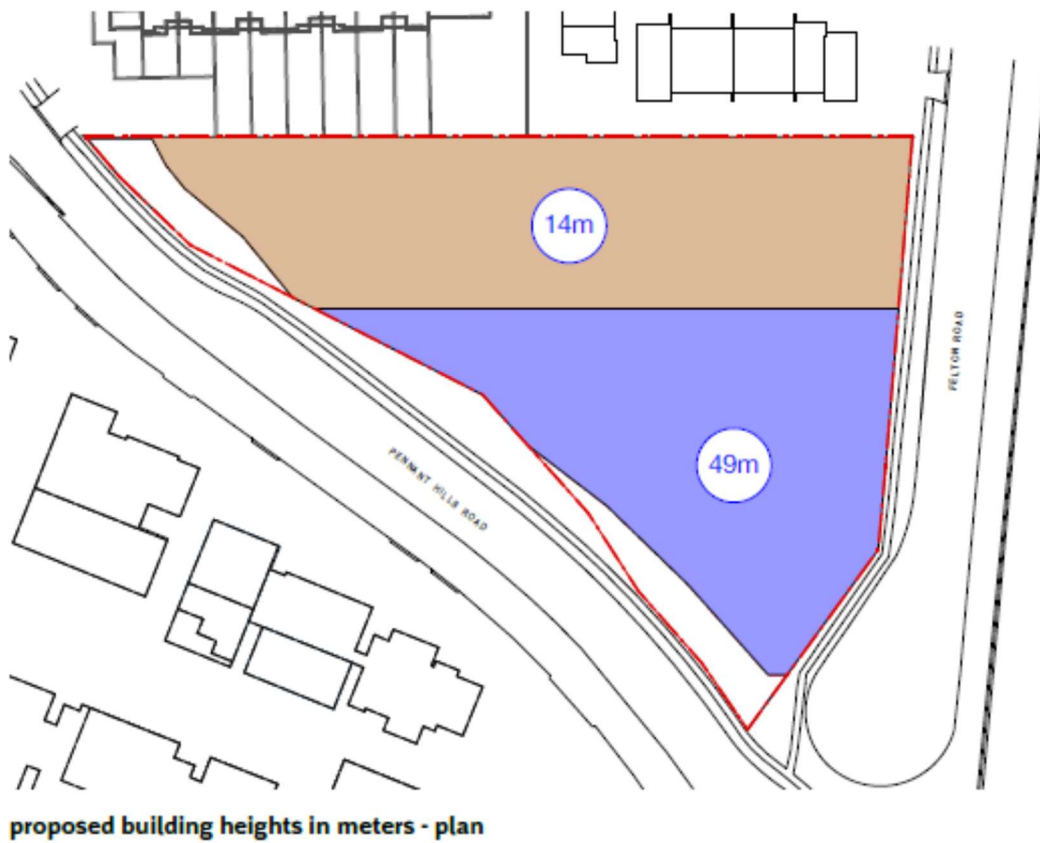


Figure 5 Proposed height of building map (source: planning proposal)

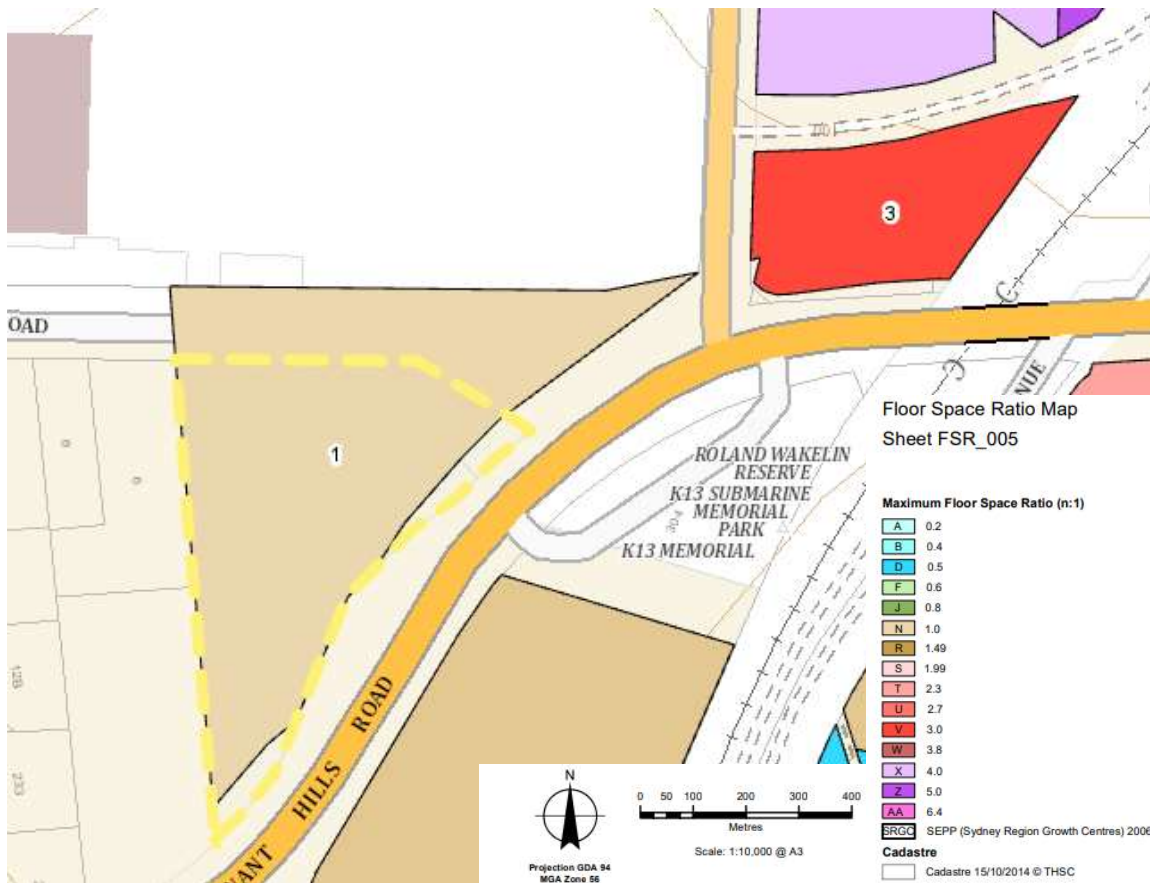


Figure 6 Extract from current floor space ratio map (source: ePlanning Spatial Viewer 14.01.21)

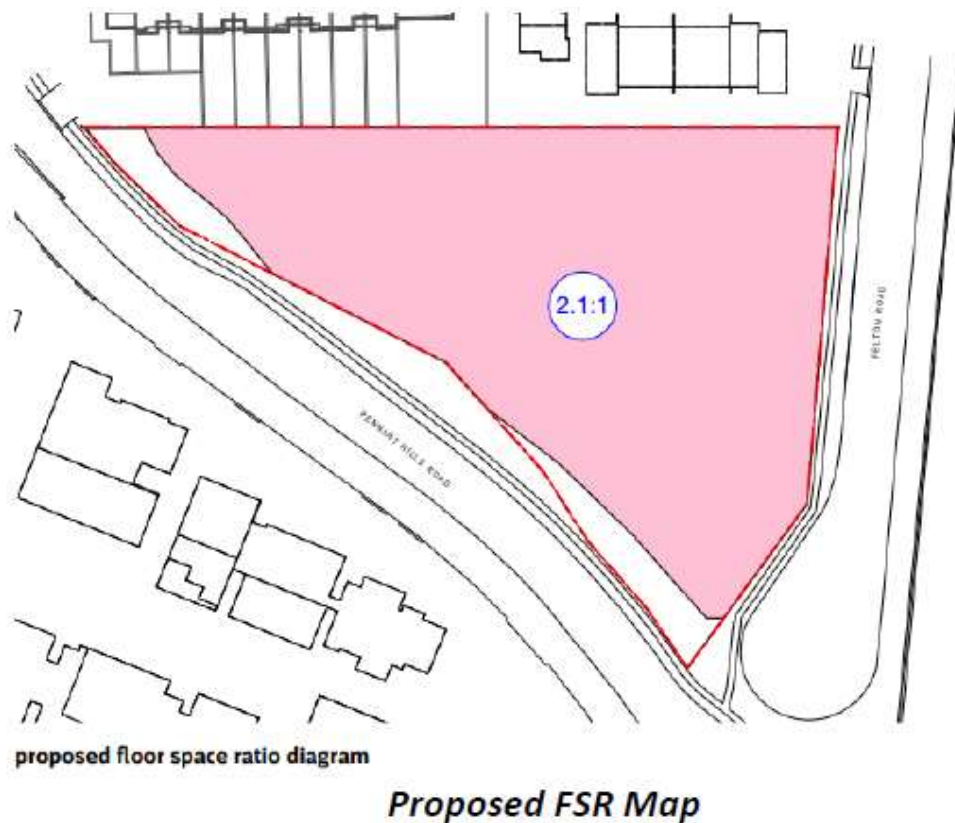


Figure 7 Proposed floor space ratio map (source: planning proposal)

1.8 Sydney Central City Planning Panel determination

Attachment E provides a comprehensive summary on the history of the planning proposal.

The proposal was considered by the Sydney Central City Planning Panel on 7 May 2021. The Panel determined the planning proposal should be submitted for Gateway determination, subject to a number of amendments, including the preparation of a site specific DCP to address built form, the application of the design excellence provisions under the PLEP and requiring the proposal to address the Parramatta Local Strategic Planning Statement (LSPS), Ministerial Directions 2.3, 2.6 and 6.3 and overshadowing (**Attachment G**). A detailed summary of the Panel's requirements and the proposal's compliance is at Attachment I.

The proposal has complied with the required amendments, except for following:

Table 3 Consideration of compliance with Panel requirements

Panel requirement	Discussion on compliance
Local Strategic Planning Statement The planning proposal is to address the Parramatta Local Strategic Planning Statement	The proposal has been updated to include a brief description of the LSPS but has not addressed the proposal's consistency with the LSPS. The Gateway determination (Attachment B) includes a condition requiring the proposal be updated to demonstrate how the proposal gives effect to the Plan's priorities and actions, prior to community exhibition.
Traffic and transport The planning proposal is to address all supporting traffic/studies and supplementary information are to be consolidated and updated to reflect the current proposal and current available traffic data for the locality. The report must clearly show the history or consultation with Council and TfNSW,	Traffic reports/studies and supplementary information has been consolidated under the revised Traffic Impact Assessment (TIA) (Attachment H). The TIA was also updated to reflect the current proposal and available data. The TIA and the proposal have been updated to include a satisfactory history of consultation with TfNSW. However, the proposal does not include the following: <ul style="list-style-type: none"> ○ A satisfactory history of consultation between the proponent and Council. The Gateway has been conditioned to require the proposal be updated, prior to public exhibition, to provide a history of consultation with City and Parramatta Council in relation to traffic and transport issues associated with the proposal.

These issues are considered minor and the proposal can be updated prior to public exhibition to demonstrate compliance with these requirements.

2 Need for the planning proposal

The planning proposal has not directly resulted from an endorsed local strategic planning statement, strategic study, or report. A planning proposal is the best means of achieving the proposal objectives.

3 Strategic assessment

3.1 District Plan

The Central City District Plan (the District Plan) contains the planning priorities and actions for implementing the Greater Sydney Region Plan at a district level and is a bridge between regional and local planning.

The site is within the Central City District Plan District and the Greater Cities Commission (formerly the Greater Sydney Commission) released the Central City District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following table includes an assessment of the planning proposal against relevant directions and actions.

Table 4 District Plan assessment

District Plan Priorities	Justification
Planning Priority C1. Planning for a city supported by infrastructure	The site is well serviced by existing infrastructure and proposed infrastructure. The site has direct access to Pennant Hills Road and public transport options (buses and future light rail) are within a 350m walk to the north-east of the site. These public transport services provide direct access to employment and education opportunities in the Parramatta CBD and the Westmead Health and Education Precinct. Additionally, the site is within close proximity to public open spaces, including the K13 Submarine Memorial Park opposite the site and Cox Park located 650m to the east (adjacent to the Carlingford Bowling, Sport and Recreation Club).
Planning Priority C5. Providing housing supply, choice and affordability, with access to jobs, services and public transport	The proposed development will provide 97 dwellings comprising 1, 2 and 3-bedroom units (an increase of 51 dwellings on the site) and will assist in contributing to housing supply within the Parramatta LGA. As discussed above under the Planning Priority C1, the site is well serviced and public transport options available provide connectivity to employment areas (e.g. Parramatta CBD). In terms of affordable housing, Council has adopted an Affordable Rental Housing Policy. The policy provides an action that 'in the short term, continue to utilise Voluntary Planning Agreements to secure future affordable rental housing stock.' Accordingly, this can be a matter for Council to negotiate with the proponent.
Planning Priority C6. Creating and renewing great places, local centres and respecting the District's heritage	The proposed increase in residential dwellings will support the existing businesses in the local centre of Carlingford and the Parramatta CBD. The proposed non-residential floor space will assist create new business opportunities, include a long day care centre, providing local employment and service opportunities for the growing community. The proposal also seeks to provide a pedestrian zone with an active frontage through the site, improving pedestrian circulation and promoting a walkable friendly neighbourhood.
Planning Priority C8. Delivering a more connected and competitive GPOP Economic Corridor Planning Priority C9. Delivering integrated land use and transport planning and a 30-minute city	The wider GPOP Economic corridor includes urban renewal along the rail line to Carlingford. The planning proposal provides urban renewal via new homes and employment generating floor space (jobs) in the GPOP economic corridor along the rail line to Carlingford. The proposed development will enhance access along the corridor, between centres, and to the Parramatta CBD, assisting to deliver the 30-minute city objective.

District Plan Priorities	Justification
Planning Priority C10. Growing investment, business opportunities and jobs in strategic centres	The proposal seeks to retain 1970m ² of commercial floor space generating employment opportunities, contributing to achieving an economically competitive GPOP corridor. Further the proposal seeks to provide up to 97 dwellings, an increase of 51 dwellings on the site, to support the commercial uses on the site and in the nearby Carlingford local centre. The proposal also supports an economically competitive GPOP corridor with good connectivity back to the Parramatta CBD.
Planning Priority C17. Delivering high quality open space	The concept scheme for the site also includes a landscaped public open space area providing a pedestrian link from Pennant Hills Road to Felton Road. The link will provide for site permeability, public open space and connectivity to commercial uses on the site.

3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 5 Local strategic planning assessment

Local Strategies	Justification
City of Parramatta Local Strategic Planning Statement (LSPS)	<p>The Panel's determination required the proposal be updated to address the proposals consistency with the Parramatta Local Strategic Planning Statement.</p> <p>The proposal has been updated to include a brief description of the LSPS but has not addressed the proposal's consistency with the LSPS. A Gateway determination has been conditioned to require the proposal be updated to address the proposals consistency with the LSPS, prior to public exhibition.</p> <p>The LSPS indicates the majority of the LGA's residential growth will be in the form of high-density apartments, in the growth areas identified along the GPOP corridor. The LSPS identified an area including and surrounding the 'Carlingford Growth Precinct' as an area for additional housing.</p> <p>The Department is satisfied the proposal gives effect to the LSPS by delivering deliver housing and employment in the GPOP area that maximises accessibility to public transport services, Parramatta CBD and the Carlingford local centre.</p>
City of Parramatta Local Housing Strategy (LHS) 2020	<p>The planning proposal does not address the Local Housing Strategy 2020.</p> <p>The Parramatta LHS sets out a number of priorities to guide when and where future housing growth will occur. The LHS seeks to provide housing supply, choice and affordability, with access to jobs, services and public transport, to facilitate residents access to facilities, services, social connections and jobs.</p> <p>The proposal is generally consistent with the priorities of the LHS as is seeks to provide housing in an identified growth area, with good access to transport, jobs, infrastructure, facilities and services located in the Parramatta CBD and Carlingford local centre.</p>

3.3 Local planning panel (LPP) recommendation

At the City of Parramatta Local Planning Meeting (LPP) held on 21 May 2019, the LPP recommended (**Attachment J**) Council endorse the planning proposal by:

- amending the maximum building heights from 9m to part 14 metres and part 49 metres,
- amending the maximum FSR from 1:1 to 2.1:1 across the site, with consideration being given to the ability to increase the FSR up to 2.4:1 subject to:
 - the maximum number of dwellings is 108, and
 - the minimum commercial floor space is 1970m².
- Include provisions for wintergardens along Pennant Hills Road to be excluded from GFA and FSR calculations up to a maximum of 465m².
- Investigate the opportunity at the Gateway determination stage to provide:
 - a greater amount of commercial floor space at the site as per the principles of the Central City District Plan and objectives for the B2 Local Centre zone, and
 - multi-dwelling housing (terraces) on the western boundary.
- Forwarded to the Department of Planning and Environment for a Gateway determination.

A proposal consistent with the LPP recommendations was not endorsed by Council. Council noted it would be agreeable to a proposal with lower heights and FSR. The proponent advised Council they did not intend to revise their proposal as per Council's recommendation. Consequently (**Attachment E**), Council considered the proposal refused, the Panel was appointed the Planning Proposal Authority. The Department prepared a report in April 2021 to the Panel, and the Sydney Central City Planning Panel recommended the proposal proceed to Gateway subject to amendments (**Attachment G**).

3.4 Section 9.1 Ministerial Directions.

The planning proposal's consistency with relevant section 9.1 Directions is discussed in **Table 6**, as follows:

Table 6 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Business and Industrial Zones	No	<p>This Direction applies as the proposal will affect land within an existing business zone.</p> <p>The proposal does not seek to rezone the site however, it will reduce the amount of available commercial space from 2940m² to 1970m².</p> <p>The amending plan includes a site-specific control requiring the provision of a minimum of 1970m² of commercial space in any future built outcome. This ensures the development will include a mix of residential and commercial uses, consistent with the current B2 zone objectives, and will contribute to the retention of employment uses on the site and will support the existing Carlingford Centre. Despite the reduction in commercial floor space, the redevelopment of the site will result in renewed commercial uses with active street frontages and through site link, as well as the provision of a child care centre.</p> <p>Consequently, any inconsistency with this Direction is considered minor.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
2.3 Heritage Conservation	Yes	<p>The objective of this Direction is to conserve items, areas, objects and places of environmental and indigenous heritage significance.</p> <p>The subject site is not identified as being of environmental or indigenous heritage significance and is not located in a Heritage Conservation Area, however, local heritage 'K13 Submarine Memorial Park' is situated opposite the site, to the south-east.</p> <p>The proposal is supported by an Urban Design Statement (Attachment K) and a Revised Indicative Scheme (Attachment L), which have considered potential impacts the proposal may have on the park. The shadow diagrams demonstrate the proposed development will not significantly overshadow the park, with the park retaining full solar access between 9am and 2pm, a period of 5 hours, on 21 June.</p> <p>As the proposal does not create adverse impacts on the heritage park, this proposal is considered consistent with this Direction.</p>
2.6 Remediation of Contaminated Land	Yes	<p>This Direction applies as the proposal seeks to redevelop the site for residential and childcare purposes. To satisfy this Direction the planning proposal authority must consider whether the land is contaminated and be satisfied the land is suitable or will be after remediation for the proposed uses. The Panel (Attachment G) required the planning proposal to be updated to address this Direction and for a supporting study to be prepared in accordance with the Direction.</p> <p>The proposal is accompanied by a Detailed Site Investigation Report, prepared by Geotechnical Consultants Australia (GCA) (Sept 2021) (Attachment M), which has assessed the current and/or historically potentially contaminating activities on the site and concludes the site is suitable for the proposed development and land uses. The report also recommends a number of actions to be taken at the construction certificate stage, including:</p> <ul style="list-style-type: none"> • all structures on the site should have a Hazardous Materials Survey conducted by a suitably qualified person prior to the demolition or renovation works, • an asbestos clearance certificate is required once all existing buildings and structures have been removed. <p>The report concludes the site is suitable for the proposed land uses and development, consequently the proposal is considered consistent with this Direction.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
3.1 Housing, Infrastructure and Urban Development	Yes	<p>This Direction applies as significant residential development is proposed to be permitted.</p> <p>To be consistent with this Direction the proposal must include provisions to broaden the choice of building types and locations, make efficient use of existing infrastructure and services, reduce the consumption of land for housing and be of good design.</p> <p>The proposal is considered consistent with this Direction as the proposal seeks to increase the amount of housing permitted on the site from 46 units to a maximum of 97 units (an additional 51 units on the site).</p> <p>The proposed development is infill development, reducing the consumption of land for housing and will make efficient use of existing and proposed transport infrastructure and services in the Parramatta CBD and Carlingford local centre.</p>
3.4 Integrating Land Use and Transport	Yes	<p>This Direction applies as the proposal will alter provisions relating to urban land for residential and business purposes.</p> <p>The proposal is consistent with this Direction as the proposal will improve access to housing, jobs and services, support the operation of public transport and decrease car dependence through its co-location with the proposed Parramatta light rail line and its proximity to the Carlingford local centre.</p>
6.3 Site Specific Provisions	No	<p>The objective of this Direction is to discourage unnecessarily restrictive site-specific planning controls and the imposition of development standards in addition to those contained in the principle environmental planning instrument being amended.</p> <p>The proposal seeks to introduce site-specific provisions to Part 7 Additional local provisions under the PLEP (former The Hills) 2012, or to Part 6 Additional local provisions under the PLEP 2011.</p> <p>Part 6 and 7 of the PLEP 2011 include a number of site-specific provisions, including provisions that exclude enclosed private balconies from GFA and FSR calculations and specific floor space requirements for various uses.</p> <p>While this Direction discourages unnecessary restrictive site-specific provisions, in this instance the proposal's provisions are consistent with the intent of existing clauses under PLEP 2011 and provide for the orderly, efficient and economic use of the site.</p> <p>As such, the inconsistency with this Direction is considered minor and justified.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Yes	<p>The objective of this Direction is to ensure development within the Greater Parramatta Priority Growth Area is consistent with the Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan dated July 2017 (the interim Plan).</p> <p>The site is located the vicinity of the 'Carlingford Corridor', which is identified as being subject to 'future review' within the interim Plan. The Plan also states that any local planning proposals prepared will need to be generally consistent with the interim Plan.</p> <p>The proposal seeks to provide high density residential infill development along the proposed Parramatta Light Rail corridor, supporting the viability of the line. Additionally, the site is also located approximately 6km from Parramatta CBD and will assist in supporting the CBD as the commercial core.</p> <p>The proposal is consistent with the Plan and this Direction.</p>

3.5 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs, as discussed in the table below.

Table 7 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP (Vegetation in Non-Rural Areas) 2017	This policy aims to protect the biodiversity values of trees and other vegetation in non-rural areas of the state and Parramatta is identified as land to which this policy applies.	Yes	<p>The site comprises a part single and part two storey masonry commercial building. Vegetation on the site is generally located on the site boundary and comprises shrubs, pine trees, palm trees and several mature trees.</p> <p>The revised Indicative Scheme submitted with the proposal (Attachment L) demonstrates that the concept scheme for the site can achieve a reasonably high-level of deep soil planting with up to 26.7% of the site area able to be provided with 6m wide deep soil areas. This includes along the Pennant Hills Road frontage of the site and the length of the western boundary.</p> <p>The proposal is consistent with this SEPP. This is discussed further in section 4.1 of this report.</p>

4 Site-specific assessment

4.1 Environmental

The proposal states that the site does not contain critical habitat, threatened species, populations or ecological communities or their habitats, is not flood prone, not located within a bushfire hazard area, is not constrained by acid sulfate soils, is not identified as being of heritage significance and is not located within an heritage conservation area. As such, there unlikely to be adverse environmental impacts resulting from the planning proposal.

4.1.1 Tree canopy and green cover

The majority of the site comprises built form and hard stand, vegetation is limited and located mostly along the site boundaries. The concept scheme for the site shown under the revised Indicative Scheme (**Attachment L**) shows a reasonably high-level of deep soil planting will be able to be provided with 6m wide deep soil areas. To align with the Premier's Priority to increase the tree canopy and green cover in NSW, the proposed site-specific DCP should include objectives and controls that seek to:

- provide for mature vegetation,
- encourage the planting of indigenous, native, low water consumption plants and trees,
- make an equitable contribution to the landscape setting of the locality.

The Gateway determination has been conditioned to require the additional local provision clause include the requirements for the preparation of a site specific DCP to address built form, urban design and ‘tree canopy and green cover’, prior to any development consent being granted.

4.1.2 Traffic and transport

Council and TfNSW (formerly Roads and Maritime Services) previously raised concerns about access to the site being via Pennant Hills Road and the impacts the proposal may have on Felton Road/Baker Street/Pennant Hills Road intersection (**Attachment N**).

The Panel determined the proposal should be submitted for Gateway determination subject to a number of conditions relating to traffic (**Attachment G**), as follows:

1. All supporting traffic reports/studies and supplementary information are to be consolidated and updated to reflect the current proposal and current available traffic data for the locality.
2. The report must clearly show the history of consultation with Council and the former Roads and Maritime Services (TfNSW).
3. The planning proposal and supporting documentation must clearly demonstrate that the site is capable of being developed without reliance on the SP2 Infrastructure zoned portions of the site.

The proposal is supported by Traffic Impact Assessment (TIA) (**Attachment H**), prepared by Traffic Solutions Pty Ltd, which was updated in October 2021, and updated again in December 2021. The revised TIA confirms that road network has the capacity to accommodate the redevelopment, as follows:

- No vehicle access is proposed to Pennant Hills Road. Access to the site will be via Felton Road only, including service vehicles and the access point will provide satisfactory sight distance along Felton Road.
- The ‘very good level’ of service at the intersection of Felton Road and Baker Street will not change with the estimated additional traffic generation and will only alter the ‘degree of saturation’ and ‘total average delay’ minutely at each intersection.
- The indicative proposal traffic generation can easily be accommodated within the current road network and the road network has ample capacity for the proposal.
- The indicative scheme is considered acceptable.

The Panel conditions have been addressed as follows:

1. Traffic reports/studies and supplementary information

The traffic reports/studies and supplementary information has been consolidated and the TIA and has been updated to reflect the current proposal and available traffic data for the locality.

2. Consultation with TfNSW and City of Parramatta Council

In December 2021 and January 2022, the TIA and the planning proposal were adequately updated to include the history of consultation between TfNSW and the proponent, however no information regarding consultation with Council has been provided.

3. SP2 Infrastructure

The site is affected by an SP2 Infrastructure zone which provides for road widening along two sections of the site fronting Pennant Hills Road. The applicant contacted TfNSW to determine if the land is required or is surplus to needs.

TfNSW advised that the portion of the site zoned SP2 Infrastructure Classified Road, with a Land Acquisition Reservation (LRA), is required for future transport infrastructure and the existing controls (zoning and LRA) are not to be amended by the planning proposal (**Attachment N**).

The SP2 Infrastructure zoned land has been clearly identified within the proposal documentation and this quantum of land has been removed from the developable portion of the site.

The Department is generally satisfied that the proposed development will not have adverse impacts on the local road network. However, to ensure compliance with the Panel's conditions and that traffic and transport impacts have been adequately addressed, the Gateway (**Attachment B**) has been conditioned as follows:

- consultation with TfNSW is required,
- the proposal be updated, prior to public exhibition, to provide:
 - a concise history of consultation undertaken with City of Parramatta Council/The Hills Council and in relation to traffic and transport issues associated with the proposed development.

4.1.3 Overshadowing

The Panel determination (**Attachment G**) required the proposal to address overshadowing within the Urban Design Analysis, which must be refined to clearly demonstrate resulting shadows.

The Solar Analysis – shadow diagrams under the revised Indicative Scheme (pg. 118 and 118.1, **Attachment L**), has been refined to clearly demonstrate the resulting shadow impacts to the proposed and adjoining development.

The solar diagrams indicate the proposed development does not impact on the adjoining residential development to the west. These dwellings are not overshadowed from 11am onwards and maintain the minimum of three hours solar access on the winter solstice.

The proposed built form will result in some overshadowing to the units directly across Pennant Hills Road, however the solar diagrams indicate the impact is limited in terms of extent and time and the units received the minimum solar access requirements under the Apartment Design Guide.

The local heritage item K13 Submarine Memorial Park retains full solar access between 9am and 2pm on the winter solstice.

The diagrams in the revised Indicative Scheme (pages 118 and 118.1, **Attachment L**) and the Urban Design Statement (pg. 17, **Attachment K**) demonstrate the proposed built form complies with the Apartment Design Guide requirements and at least 70% of the proposed apartments receive a minimum of 2 hours direct sunlight between 9am and 3pm at mid-winter.

The Department is satisfied that the proposal has clearly demonstrated that the required solar access can be accommodated by the proposed built form.

4.1.4 Built form

The indicative scheme (**Attachment L**) for the proposed redevelopment seeks to deliver three towers of 9, 10 and 14-storeys located above a two-storey podium, on the north eastern part of the site. Along the western edge of the development a residential flat building with a maximum of three storeys is proposed. The western row is separated from the podium/tower by a 12m wide corridor of open space that will also serve as a publicly accessible pedestrian link between Pennant Hills Road and Felton Road, and provides a break in the massing along Pennant Hills Road. **Figure 8** shows the proposed development scheme.

The proposal indicates the subject site will provide a transition from the high rise commercially zoned land to the east, where heights of up to 57m are permissible and the 2 – 3 storey, medium density zoned land to the west of the site. The tallest tower (14-storeys) will be situated on the north east corner, a continuation of the group of high-rise buildings centred around the railway station and will assist to strengthen/identify the street corner.

The built form on the western side is limited to 14m (three storeys) and will provide a transition to the lower density development to the west. The solar diagrams indicate the proposed development

does not impact on these dwellings from 11am onwards and they will retain the minimum of three hours solar access on the winter solstice.

Land directly to the north is the Carlingford Transmission Substation which is approximately two stores in height and contains a significant portion of unbuilt land. This is unlikely to be redeveloped in the short to medium term. The proposed development will not create any negative impacts on the substation.

Land to the south, directly across Pennant Hills Road, is zoned high density residential and comprises a number of 4 – 5 storey apartment buildings. The proposed developments will result in some overshadowing to the units directly across Pennant Hills Road, however the solar diagrams indicate the impact is limited in terms of extent and time and the units received the minimum solar access requirements under the Apartment Design Guide.

The Carlingford Growth Precinct located to the north east of the site is zoned B2 Local Centre and R1 General Residential, has a maximum building height of 57m and 28m and maximum FSRs ranging from 1.99:1, 3:1, 4:1 and 5:1. This area is undergoing significant transformation and a number of developments have been constructed.

Further, the site is within 250m of the proposed Carlingford Light Rail Station, 800m from the Carlingford Court Shopping Centre, is in proximity to James Ruse Agricultural High School, Carlingford West Public School and Cumberland High School and is within 30 minutes of Parramatta City Centre. The GPOP vision identifies Parramatta as the centre of the central city and recognises a mix of medium to high density residential infill growth will occur within 1km of the new light rails stop such as Carlingford.

Any future development on site resulting from the proposed controls is unlikely to have adverse impacts on surrounding development. Further, the area is identified for medium to high density infill growth and the proposal is consistent with the GPOP vision for infill development located development within 1km the light rail and existing infrastructure such as schools and retail facilities.

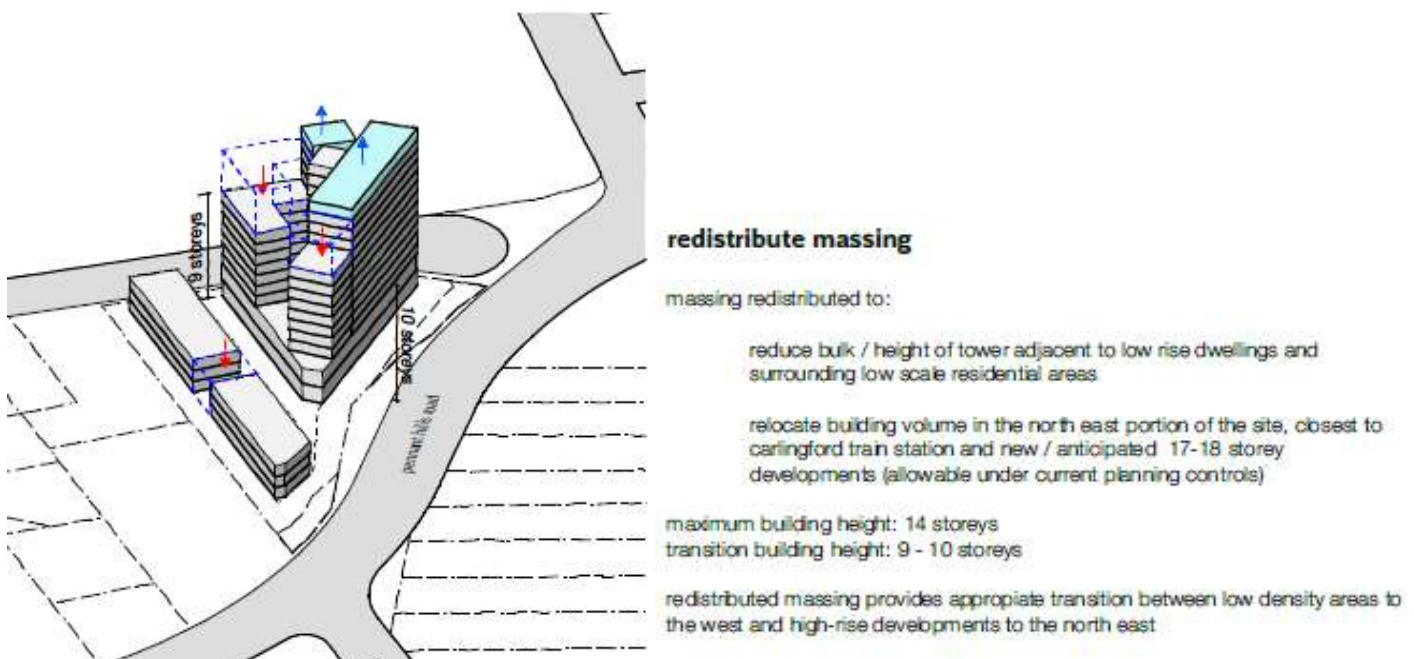


Figure 8 Proposed development scheme (source: revised indicative scheme)

4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

Table 8 Social and economic impact assessment

Social and Economic Impact	Assessment
Provision of floor space	The proposal seeks to retain 1,970m ² of commercial floor space. Retention of commercial premises floor area on the site will contribute to providing an economically competitive GPOP corridor in close proximity to the Carlingford centre and with good connectivity to the Parramatta CBD.
Social Infrastructure Assessment	<p>The Panel determination (Attachment G) included a condition requiring the proposal to address social infrastructure via the preparation of a supporting social infrastructure assessment. The proposal was accompanied by a Social Impact Comment (SIC) prepared by EMM Consulting in October 2021 (Attachment O).</p> <p>The Social Impact Comment found the scale of the development activity, the social impacts and probable impacts relating to the proposal are a minor and the potential for significant impacts arising from the proposal is minimal.</p> <p>The report found a broad range of moderate positive impacts associated with the proposal including improved public safety, provision of appropriate housing options and employment opportunities. The report also found the proposal supports the local economy and aligns with local and State government plans and strategies.</p>
Provision of a childcare centre	<p>The Social Impact Comment found a total of ten centre based childcare services located in the area, offering 468 places.</p> <p>According to the 2016 Census data there are 1,501 children aged between 0 – 4 in the local area and City of Parramatta Council Local Housing Strategy identifies the need for an additional 9,700 long day care places within the LGA.</p> <p>The proposal includes the provision of a 90-place long day care centre which would contribute to the provision of additional childcare places and employment within the local area, providing a positive social outcome.</p>

The proponent's proposal has addressed social and economic effects. There are no significant adverse social or economic impacts which would arise as a result of the planning proposal being implemented.

4.3 Infrastructure

Transport, infrastructure and essential services (i.e. water, sewer, electricity and telecommunications) are all readily available and/or provided to the site. Further investigations would need to be undertaken to determine whether any upgrade of existing facilities is necessary in consultation with Council and service providers. The Gateway determination (**Attachment B**) includes a condition requiring consultation with City of Parramatta City Council, Sydney Water, TfNSW, Schools Infrastructure NSW and Endeavour Energy to ensure the proposal is adequately serviced.

4.3.1 State Infrastructure Contributions

The GPOP area is not covered by a Special Infrastructure Contributions (SIC) program. The Department is currently considering the introduction of a new Regional Infrastructure Contribution (RIC) framework to help collect contributions from development to help fund state and regional infrastructure, however, the RIC framework has not been finalised. State contributions may be required under this program in the future.

4.3.2 Local Voluntary Planning Agreement

The proposal indicates the proponent is willing to enter into a local voluntary planning agreement (VPA). This is a matter for Council and will be considered during the plan making process.

5 Consultation

5.1 Community

The proposal does not specifically address a timeline for community consultation.

A community consultation period of 28 days is proposed.

The exhibition period proposed is considered appropriate, and forms the conditions of the Gateway determination.

5.2 Agencies

The proposal does not specifically raise which agencies will be consulted.

It is recommended the following agencies be consulted on the planning proposal and given 21 days to comment:

- City of Parramatta Council
- TfNSW
- Sydney Water
- Endeavour Energy
- Schools Infrastructure NSW

6 Timeframe

The Department recommends a time frame of 12 months to ensure it is completed in line with its commitment to reduce processing times. It is recommended that if the gateway is supported it also includes conditions requiring the Sydney Central City Planning Panel to exhibit and report on the proposal by specified milestone dates.

A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

The Sydney Central City Planning Panel is the planning proposal authority for this planning proposal as the City of Parramatta Council advised it did not wish to continue the proposal. The Panel does not have delegation to be the planning making authority and as such the Department will retain the plan making function of the Minister.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- The planning proposal is consistent with the strategic direction set out in the Central City District Plan, Vision for the Greater Parramatta and Olympic Park 2018 and City of Parramatta's Local Strategic Planning Statement and Local Housing Strategy.
- The proposal is consistent with the relevant Ministerial Directions and State Environmental Planning Policies and any inconsistencies are minor.
- The proposal is generally consistent with the Local Planning Panel and the Sydney Central City Planning Panel recommendations and requirements. The inconsistencies with the Sydney Central City Planning Panel recommendations are minor in nature and can be addressed prior to public exhibition.
- The proposal is unlikely to have any significant adverse environmental impacts, traffic or transport issues.
- The proposal is consistent with the strategic vision for medium to high density infill development located within 1km from the light rail and existing infrastructure such as schools and retail facilities. The development will assist in supporting the Parramatta City, the Carlingford Centre, the light rail and the 30-minute city aspiration.

The proposal must be updated prior to community consultation to:

1. Align with the Parramatta Harmonisation amendment (PP-2020-3106). If the Harmonisation proposal has been finalised, prior to the public exhibition period for this proposal, the proposal will need to be amended, as follows:
 - i. references to Parramatta (former The Hills) LEP 2012 will need to be removed and replaced with reference to the new LEP,
 - ii. the Urban Design Statement will need to be updated to reflect the use of active ground uses on ground floor levels, particularly for the 'row' housing proposed on the western portion of the subject site, and
 - iii. design excellence provisions will need to be amended to require the subject site to be identified on the Design Excellence Map under Parramatta LEP 2011.
2. Update the planning proposal to include a discussion on how the proposal gives effect to the City of Parramatta Council's Local Strategic Planning Statement.
3. Update the proposal, prior to public exhibition, to provide a concise history of consultation undertaken with City of Parramatta Council/The Hills Council in relation to traffic and transport issues associated with the proposed development.
4. Amend the additional local provision clause to require the DCP to address tree canopy and green cover in addition to built form and urban design matters.
5. Provide a concise history of consultation undertaken with City of Parramatta Council/The Hills Council in relation to traffic and transport issues associated with the proposed development.
6. Update/introduce the building height, floor space ratio and design excellence maps to include existing and proposed maps, situated side by side to assist the public in comparing existing and proposed controls. The maps must include a legend, scale bar and north point.
7. Include an updated project timeline for the progression of the planning proposal.

9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Directions 1.1 Business and Industrial Zones and 6.3 Site Specific Provisions are minor or justified.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal is to be updated, prior to community consultation to:
 - (a) Address the Parramatta Harmonisation amendment, if it is finalised prior to the public exhibition of this proposal, as follows:
 - i. references to Parramatta (former The Hills) LEP 2012 will need to be removed and replaced with reference to the new LEP,
 - ii. the Urban Design Statement will need to be updated to reflect the use of active ground uses on ground floor levels, particularly for the 'row' housing proposed on the western portion of the subject site.
 - iii. design excellence provisions will need to be amended to require the subject site to be identified on the Design Excellence Map under Parramatta LEP 2011.
 - (b) Update the planning proposal to include a discussion on how the proposal gives effect to the City of Parramatta Council's Local Strategic Planning Statement.
 - (c) Amend the additional local provision clause to require the DCP to address tree canopy and green cover, in addition to built form and urban design matters.
 - (d) provide a concise history of consultation undertaken with City of Parramatta Council/The Hills Council in relation to traffic and transport issues associated with the proposed development.
 - (e) Update the mapping in the proposal to include existing and proposed building height, floor space ratio and design excellence maps situated side by side to assist the public in comparing existing.
 - (f) Include an updated project timeline for the progression of the planning proposal.
2. Consultation is required with the following public authorities:
 - City of Parramatta Council
 - TfNSW
 - Endeavour Energy
 - Sydney Water
 - Schools Infrastructure NSW
3. The planning proposal should be made available for community consultation for a minimum of 28 days.
4. The planning proposal must be exhibited 3 months from the date of the Gateway determination.
5. The results of the public exhibition must be considered by Sydney Central City Planning Panel for a final recommendation 10 months from the date of the Gateway determination.
6. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.



2.02.2022

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