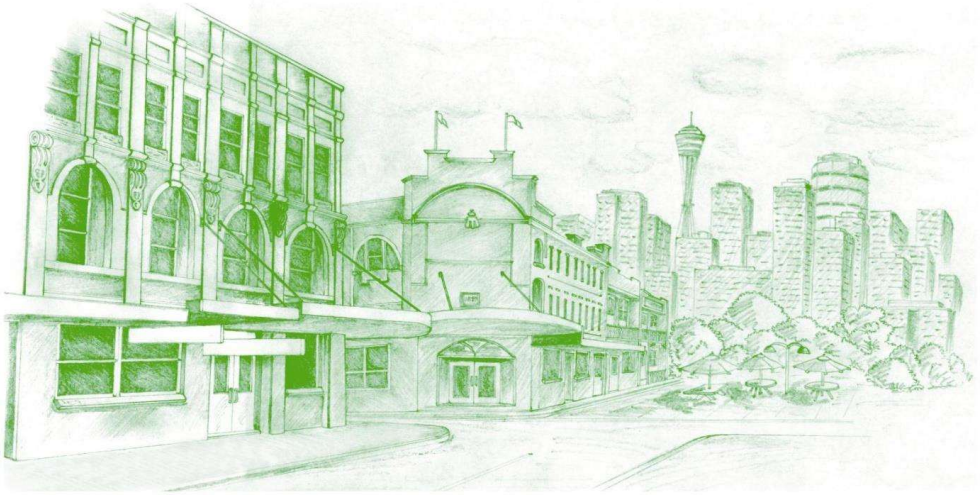

Planning Direction Pty. Ltd.

Town Planning & Development Services

PLANNING PROPOSAL

No 241-245 Pennant Hills Road (Lots 1, 2, 5 and 6 in DP 805059) Carlingford

Proposed Increase in the building height & floor space ratio applying to the Site

23rd March 2022

ACN 60 074 291 615
Office Address: Suite 10,
241 – 245 Pennant Hills Road, Carlingford NSW 2118
Telephone: 9871 4988
Email: admin@planningdirection.com.au

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1.0 INTRODUCTION AND BACKGROUND

The planning proposal relates to property No 241-245 Pennant Hills Road, Carlingford (Lots 1, 2, 5 and 6 in DP 805059).

The purpose of the planning proposal is to facilitate the redevelopment of the subject land for commercial and residential land uses at a scale and density that is compatible with other recently developed sites within the Carlingford town centre and in a manner that positively responds to the 'transitional' context of the site.

Currently a 9m height control and a maximum FSR of 1:1 apply to the subject land pursuant to the provisions of *Parramatta (former The Hills) Local Environmental Plan 2012.* The planning proposal seeks to enable the development on the site at a height of up to 49m (15 storeys) and a maximum FSR of 2.1:1. There is no change to the current *B2-local centre* land use zoning under the proposal.

The Planning proposal was considered by the *Sydney Central City Planning Panel* on 7 May 2021. The Panel Decision was as follows:

PANEL DECISION – FORWARDING OF PLANNING PROPOSAL FOR GATEWAY DETERMINATION
As the planning proposal authority, the Panel determined that the planning proposal should be submitted for a Gateway Determination under section 3.34 of the *Environmental Planning and Assessment Act 1979*, subject to the following amendments:

- The 'Floor Space Ratio Map' to indicate a maximum floor space ratio of 2.1:1.
- The use of an additional local provision clause in lieu of Schedule 1.
- The additional local provision clause is to:
    - exclude the requirement for a maximum number of dwellings (whilst maintaining the non-residential floor space requirement);
    - refer to '*enclosed private balconies*' rather than wintergardens;
    - make provision for the preparation of a site-specific DCP to address built form and urban design matters prior to any development consent being granted;

- The design excellence provisions of the PLEP are to apply to the site.
- The planning proposal is to address:
  - the Parramatta LSPS;
  - *Ministerial Direction 2.3 Heritage Conservation*, having regard to potential overshadowing impacts on 'K13 Memorial Submarine Park';
  - *Ministerial Direction 2.6 Remediation of Contaminated Land*, clearly justifying any inconsistencies; supported by a preliminary investigation of the land in accordance with the contaminated land planning guidelines;
  - *Ministerial Direction 6.3 Site Specific Provisions;* clearly justifying any inconsistencies with the direction's requirements;
  - overshadowing within the urban design analysis, which must be refined to clearly demonstrate resulting shadows;
  - social infrastructure via the preparation of a supporting social infrastructure assessment;
- 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. The report must clearly show the history of consultation with Council and the former Roads and Maritime Services (TfNSW);
- The planning proposal and supporting documentation must clearly demonstrate that the site is capable of being developed without reliance upon the SP2 Infrastructure zoned portions of the site; and
- The planning proposal is to be updated to address community consultation and provide a timeline for the project.

The decision was unanimous.

Planning Direction provided a previous assessment report of the planning proposal (dated September 2020). This report supersedes the September 2020 report and has been prepared in response to the Panel Decision and to address all matters identified therein. The planning proposal has been modified to reflect the 2.1:1 FSR as recommended in the Panel decision and to adopt the recommended 'additional local provision clauses'. This report addresses the Parramatta LSPS and Ministerial Directions cited in the Panel decision.

An amended indicative concept scheme that has been prepared by the project architect together with further detailed urban design and solar analysis based on the 2:1 FSR. The scheme (and planning proposal) relates to the future development of the land without reliance on the *SP2 infrastructure* zoned portions of the site.

This report should be considered in conjunction with the following documents:

- The revised indicative concept scheme prepared by 'Kennedy Associates Architects' dated September 2021.
- The solar analysis undertaken by 'Kennedy Associates Architects'.
- The urban design statement prepared by 'Kennedy Associates Architects' dated September 2021.

- The social impact comment prepared by 'EMM Consulting Pty Ltd (EMM Consulting)' dated 15th October 2021.
- The traffic and parking impact assessment report prepared by 'Traffic Solutions' dated 14th October 2021.
- The detailed site investigation (contamination) report prepared by 'Geotechnical Consultants Australia Pty Ltd' dated September 2021.

2.0 OBJECTIVES, INTENDED OUTCOME AND EXPLANATION OF PROVISIONS

PART 1- OBJECTIVE

The objective of the planning proposal is to amend the provisions of governing LEP to facilitate the redevelopment of No 241-245 (Lots 1, 2, 5 and 6 in DP 805059) Pennant Hills Road, Carlingford at a scale and density that is compatible with other recently developed sites within the Carlingford town centre and in a manner that positively responds to the 'transitional' context of the site. There is no change to the land use zoning (permissible uses) under the planning proposal.

The objective is to amend the relevant LEP provisions to permit:

- a maximum 'height of building' height range of 14m to 49m; and
- a maximum FSR of 2.1:1; and
- allowance for enclosed private balconies (having a combined total area of not greater than 465sqm) to be excluded from the calculation of GFA and FSR.
- Require a minimum of 1,970sqm of non-residential floor space in the future development on the land; and
- 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 of the PLEP 2011 (pending Harmonisation LEP) to apply to the site.

Parramatta Council has adopted the Harmonisation LEP that will consolidate the existing numerous LEPs (including the *Parramatta (former The Hills) Local Environmental Plan 2012*) that apply in the local government area into a single instrument. It is anticipated that the Harmonisation LEP will come into effect in the near future, and certainly before the finalisation of this planning proposal. The Harmonisation LEP adopts the format (and clauses) of the current PLEP 2011.

PART 2- EXPLANATION OF PROVISIONS

There is no change to the zoning of the subject land under the planning proposal. The existing *B2- local centre* and *SP2 Infrastructure* zonings remain.

The objective of the planning proposal will be achieved by:

1. Amending the LEP 'Floor Space Ratio Map' to provide for a maximum permitted floor space ratio of 2.1:1 on the site.

2. Amending the LEP 'Building Height Map' to provide for a building height range of 14m to 49m.

3. Amending the existing Part 6 provisions of the PLEP 2011 (that are continued in the Harmonisation LEP) to insert a new clause (similar to clauses 6.20 and 6.21 of the PLEP 2011) that identifies the following specific requirements for the development of the site:

- allowance for enclosed private balconies to be excluded from the calculation of GFA and FSR (not exceeding a total area of 465sqm).
- require a minimum of 1,970sqm of non-residential floor space in the future development.
- require the preparation of a DCP prior to a development consent being issued.

4. Amending the map referenced in clause 6.13 ('design excellence generally') to include the subject site.

3.0 PART 3: JUSTIFICATION

3. 1 DESCRIPTION OF THE SUBJECT SITE

Street Address: No 241-245 Pennant Hills Road Carlingford
Local Government Area: Parramatta Council
Real Property Description: Lots 1, 2, 5 and 6 in DP 805059

The subject site is located on the western fringe of the Carlingford town centre at the intersection of Pennant Hills Road and Jenkins Road.



Site Location

The site has an area of **6330m2** and is approximately triangular, with frontages to both Pennant Hills Road to the south-east and Felton Road to the north of approximately 140m and 80m respectively. Felton Road terminates as a large cul-de-sac before meeting Pennant Hills Road/Jenkins Road. The 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 **5893m2**.



Subject Site (source Six Maps)

The site falls approximately 4m along the western boundary, from Felton Road to the south-western 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 part single and part two-storey masonry commercial building comprising several tenancies, including a number of small businesses and a 24-hour gym. The building is in deteriorating condition. The building is in deteriorating condition. The building was purposely designed and built as an infrastructure and management hub being formerly owned and occupied by *Transgrid*. The building was adapted for commercial use by means of a site compatibility certificate. As a consequence of previous infrastructure use much of the existing floor space within the building comprises former plant areas and corridors, rather than leasable floor space.

The existing building on the subject site has variable setbacks to street and neighbouring property boundaries due to the irregular configuration of the subject land and the building itself (refer to the survey plan).

The site benefits from outstanding district and city views to the east and south, capturing Parramatta CBD, Sydney Olympic Park and the Sydney CBD.

The site is influenced by the Pennant Hills Road noise source.

There are no significant physical constrains to the redevelopment of the subject property. In this respect:

- The subject site is NOT identified as being of heritage significance.
- The site is NOT located within a heritage conservation area.
- The subject site DOES NOT contain significant vegetation or critical habitat.
- The subject site is NOT flood prone.
- The site is NOT within a bushfire hazard area.
- The subject site is NOT constrained by acid sulphate soils.
- The subject site is not affected by land slip.



Subject Site viewed from Felton Road



Subject Site viewed from Pennant Hills Road



Subject Site viewed from the Pennant Hills Road/Jenkins Road intersection with the Felton Road cul-de-sac in the foreground

3.2 THE SITE CONTEXT

The site context is described in detail in the urban design analysis report that has been prepared by *Kennedy Associates*.



Site Location

"The context of the subject site is complex.

The site is located approximately 250m to the south west of Carlingford Train Station,800m southwest 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 5-6years old and unlikely to be redeveloped in the short to medium term future. A small reserve (K13Submarine 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 15storeys.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."

3.2.1 Public Transport Access

The subject site is approximately 220m from bus stops (both directions) located on Pennant Hills Road. The current bus services provide frequent connection between the Carlingford town centre and major employment and education destinations including the Parramatta CBD, University of Western Sydney-Rydalmere Campus, Carlingford Court, the Epping town centre, Macquarie University and Macquarie Park.

The bus services also provide excellent connection to major retail and service centres including the Parramatta CBD, North Rocks shopping centre, Carlingford Court, Epping, and Macquarie Park. There are three major routes that run along Pennant Hills Road being:

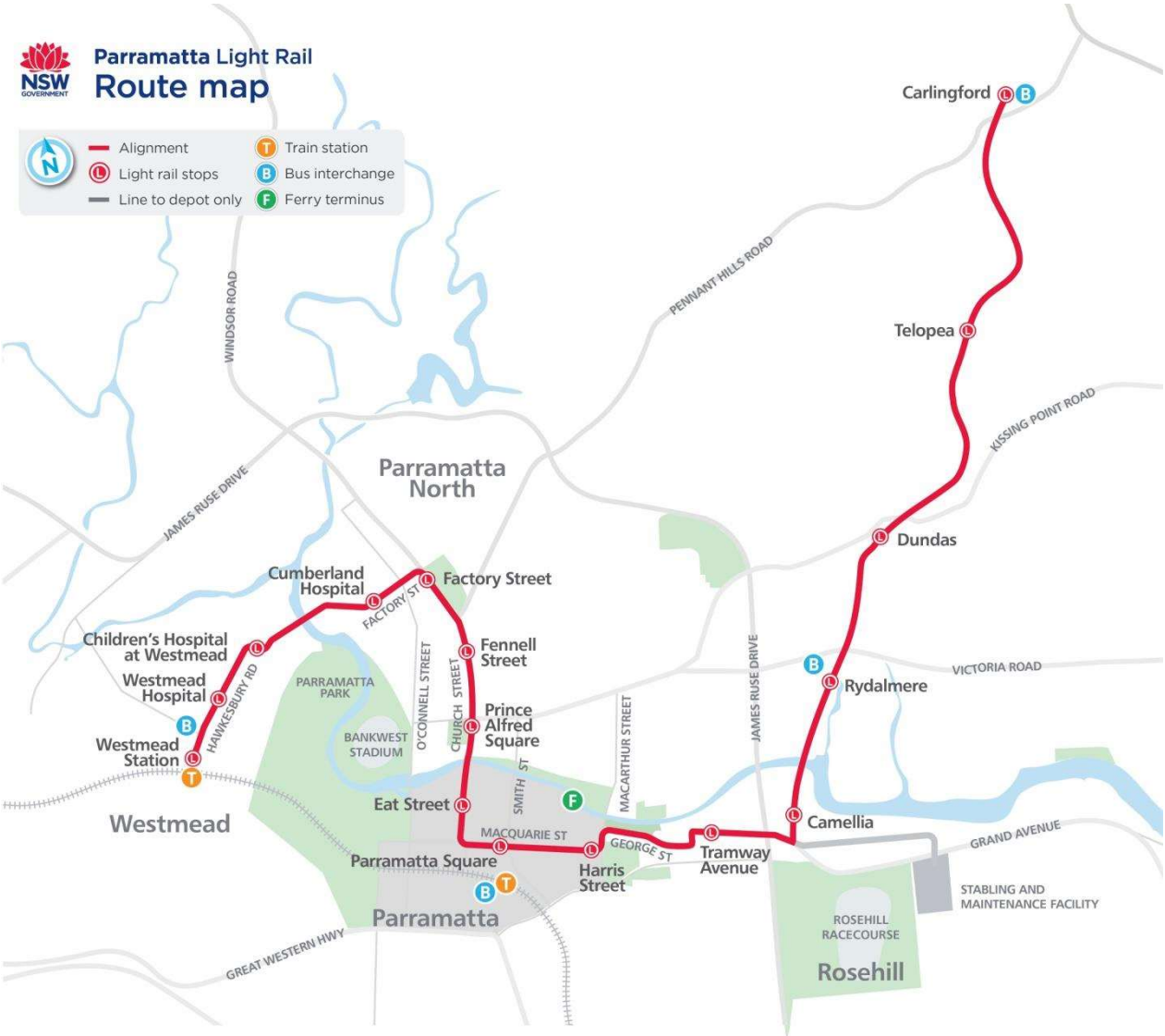
Route M54 - this service provides connection to and from the Parramatta CBD to Macquarie Park via Carlingford and Epping. Buses operate approximately every 10 minutes during the peak period, 15 minutes throughout the weekdays and approximately every 20 minutes on weekends and other times.

Route 546- this service provides connection to and from the Parramatta CBD to Epping via Oatlands, North Rocks and Carlingford. Buses operate approximately every 25-30 minutes during the peak period, hourly throughout the weekdays and Saturday, and two hourly on Sundays.

Route 625- this service provides connection to and from the Parramatta CBD to Pennant Hills via Carlingford and Thompsons Corner. Buses operate

approximately every 25-30 minutes during the peak period, hourly throughout the weekdays and Saturday and two hourly on Sundays.

The subject site is within convenient walking distance of Carlingford Railway Station located approximately 250m to the north-east of the site. Carlingford Station is undergoing an upgrade as part of the new light rail system. The light rail will provide direct connect between Carlingford and the Rydalmere University of western Sydney precinct and employment zone; the Camellia employment zone; Rosehill racecourse; Harris Park; the Parramatta CBD and Parramatta Railway station; North Parramatta employment zone; and the Westmead hospital and university precinct.



Parramatta Light Rail Route

3.2.2 Retail services

Local convenience retail and services are clustered around the Carlingford Railway Station. Major retail including supermarkets is located at Carlingford Court approximately 800m to the north-east of the site.

3.2.3 Open space and recreation

Existing 'local' open space is located:

- Directly opposite site on Pennant Hills Road (K13 memorial park)
- Various 'pocket parks' in the high-density 'Carlingford Precinct' located to the north-east of the site.

Cox Park district playing fields are located approximately 650m to the east of the site on Evans Road. A major bushland public reserve is located opposite the playing fields.

Restaurants are located within the railway station retail cluster and within the Carlingford Court retail/service precinct that is located approximately 1km to the north-east of the site.

Carlingford Bowling Club is located approximately 450m to the east of the site providing additional entertainment and recreational services.

Carlingford library is located approximately 400m to the north-east of the site along pennant Hills Road.

The *'City of Parramatta (Outside CBD) Contributions Plan 2021'* requires new development to make a monetary contribution towards facility and service provision in the Carlingford area. The contributions plan includes library space and community space and upgrades to open space, including substantial works to Cox Park.

Item no	Description	Estimated cost to Council	Apportioned cost	Priority	Timing
C03a	**New hub, Carlingford - acquisition** of 680m² of land at Boundary Road, Carlingford for new 3,200m² hub including 1,800m² of library space, and 800m² of community space.	$3,112,360	**$1,238,719**	A	0-5 years
C03b	**New hub, Carlingford - construction and fit-out -** redevelopment of existing library at Boundary Road, Carlingford for new 3,200m² hub (increase of 1,450m²) including 1,800m² of library space, 800m² of community space.	$19,200,000	**$7,641,600**	A	0-5 years

O06	**Pocket park upgrade, Carlingford -** upgrade one existing pocket park in Carlingford to a local park, ideally at Shirley Street Reserve.	$14,979,450	**$14,979,450**	A	0-5 years
O18	**Local park upgrade, Carlingford -** upgrade 1 existing local park in Carlingford to a district park, ideally at Cox Park.	$28,229,000	**$28,229,000**	A	0-5 years
O50	**Park upgrade, Carlingford - embellishment** of Harold West Reserve, Carlingford.	$3,112,500	**$3,112,500**	B	5-10 years
O51	**Open Space Link Embellishment, Carlingford -** Greenway link (approximately 8,335m²) utilising the existing electrical easement within the southern part of the Precinct.	$5,000,000	**$5,000,000**	B	5-10 years
PS02	**Upgrade local play space -** upgrade existing play space to local play space in Catchment 2 as identified in the Parramatta Community Infrastructure Strategy, ideally at Harold West Reserve.	$200,000	**$200,000**	A	0-5 years
PS04	**New local play space - embellishment** of a new local play space in Catchment 2 as identified in the Parramatta Community Infrastructure Strategy, ideally at Edwin Ross Reserve.	$200,000	**$200,000**	A	0-5 years
PS14	**Upgrade local play space -** upgrade existing play space to local play space in Catchment 2 as identified in the Parramatta Community Infrastructure Strategy, ideally at Cox Park.	$200,000	**$200,000**	B	5-10 years

The future development of on the site will be required to make a substantial contribution to these upgrades; the additional contribution arising from the proposed FSR will increase the revenue available to Council for the timely delivery of the scheduled works.

The planning proposal also provides for a minimum of 1,970sqm of non-residential floor space that is anticipated to accommodate small business, restaurant, recreational (gymnasium), and childcare uses providing further services to the existing and growing population.

3.2.4 Vehicle access and local road capacity

The subject property benefits from access to both Pennant Hills Road and to Felton Road. Pennant Hills Road is a main road that is under the governance of *Roads and Maritime Services*.

Consultation has been undertaken with *Roads and Maritime Services* who have advised that vehicle access should be provided from Felton Road (although some concession could be made for limited access to Pennant Hills Road such as for waste vehicle and commercial access).

The planning proposal restricts all vehicle access to Felton Road removing the existing driveway access directly to Pennant Hills Road.

'Traffic Solutions Pty Ltd' was commissioned to examine the existing road hierarchy and street/intersection capacities in the catchment of the site. The report from *Traffic Solutions* concludes that the local road network has the

capacity to accommodate the likely traffic volumes generated by redevelopment of the subject site.

The State government has committed to improving traffic circulation through the Carlingford town centre. In March 2019 the State government announced an expansion to the 'pinch point removal program'. Pinch points to be upgraded include:

- Pennant Hills Road / Carlingford Road, Carlingford;
- Pennant Hills Road, between M2 Motorway and Woodstock Avenue, Carlingford (Southbound);
- Traffic lights at Intersection of Baker Street and Pennant Hills Road, Carlingford;

Parramatta Council recently approved a planning proposal at No 264-268 Pennant Hills Road, Carlingford (known as the Baptistcare site) that is located to the south-west of the site. The approved planning proposal provides for the signalisation of the intersection of Pennant Hills Road and Baker Street.

The *'City of Parramatta (Outside CBD) Contributions Plan 2021'* requires new development to make a monetary contribution towards facility and service provision in the Carlingford area. The contributions plan includes upgrades to the 'local' road network and Pennant Hills Road (signalisation of the Pennant Hills Road/Evans Road intersection).

TM21[85]	**New roundabout, Carlingford -** Install new roundabout at intersection of Jenkins Road/ Post Office Street, Carlingford.	$375,000	**$228,750**	A	0-5 years
TM22[85]	**New roundabout, Carlingford -** install new roundabout at the intersection of Young Road and Post Office Street, Carlingford.	$250,000	**$152,500**	A	0-5 years
TM23[85]	**New roundabout, Carlingford -** install new roundabout at the intersection of Boundary Road and Post Office Street, Carlingford.	$250,000	**$152,500**	A	0-5 years
TM34	**Traffic signals, Carlingford -** Pennant Hills Road / Evans Road, Carlingford - Install Traffic Signals.	$1,200,000	**$1,200,000**	B	5-10 years

The future development of the site will be required to make a contribution to these upgrades; the additional contribution arising from the proposed FSR will increase the revenue available to Council for the timely delivery of the scheduled works.

Further to the above the *Parramatta (former The Hills) Local Environmental Plan 2012* identifies road widening along the Pennant Hills Road frontage of the site.

The proposed development facilitates the dedication of road widening free of cost to RMS for future improvements to Pennant Hills Road. In the absence of the planning proposal the required road widening land would need to be acquired by RMS at considerable cost. The dedication of the road widening will be implemented by means of a Voluntary Planning Agreement.

3.2.5 View analysis

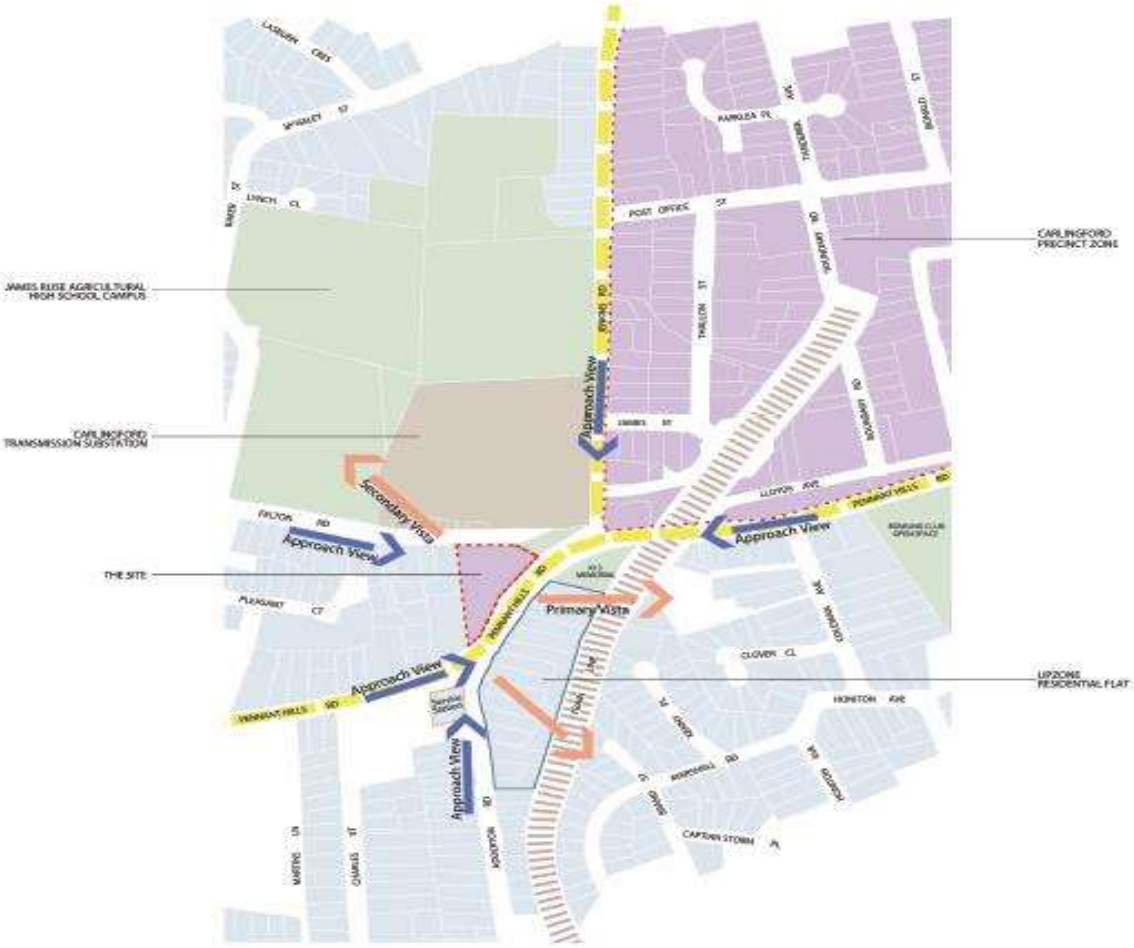
Views from the site

The subject site is located on a ridgeline and benefits from high quality panoramic views of the Sydney CBD and the broader metropolitan area to the east, south and west.

The panoramic views are a primary asset of the site and future redevelopment should be designed to optimise the enjoyment of the views by future occupants.

Whilst the views are highly desirable, their orientation is sub-optimal for solar access. The revised indicative concept scheme prepared by 'Kennedy Associates Architects' establishes that future redevelopment can be achieved in a manner that balances the maximisation of views with achieving ADG complaint solar access standards.

A pleasant district outlook is available to the north over the electricity substation. Generally, the height of the substation does not exceed two storeys; the provision of two commercial podium levels enables all north facing units to benefit from views 'over' the substation.



View Analysis Plan

Views towards the site

Primary view corridors of the Carlingford town centre are from a northerly direction along Jenkins Road, from a western direction along Pennant Hills Road, and from an eastern direction along Pennant Hills Road.

The subject site is the focal point of sight lines as viewed from the eastern and western approaches along Pennant Hills Road.

View Sharing

Existing and future high-rise buildings on the northern side of Pennant Hills Road within the town centre benefit from views over the Sydney basin and metropolitan area to the south, south-east and south-west. The location of the proposed building on the western edge of the town centre will not have a

significant impact on such views from any existing or future buildings within the "Carlingford Precinct".

3.2.6 Pedestrian Routes

Primary pedestrian corridors run in an east/west direction along Pennant Hills Road with the predominant area of activity being observed between the Jenkins Road intersection and Evans Road. This level of activity is expected to intensify with the increase in development densities within the railway station precinct.

There is a comparatively lower level of pedestrian activity along Pennant Hills Road, westerly of the Jenkins Road intersection and along Jenkins Road itself.

Pedestrian activity along Felton Road primarily comprises students of James Ruse Agricultural High School (and other schools located to the west of the town centre) and residents within the medium density precinct located to the west of the site, who walk to and from the railway station and town centre bus stops.

The planning proposal includes a publicly accessible pedestrian link between Felton Road and Pennant Hills Road on the western side of the site improving pedestrian circulation in the locality.

3.2.7 Heritage

The subject site is NOT identified as being of heritage significance. The site is NOT located within a heritage conservation area.

Heritage item No 28 listed under schedule 5 of the Parramatta LEP 2011 (being the K13 Memorial that is identified as being of local heritage significance) is located at No 304 Pennant Hills Road.

The K13 Memorial is located to the south-east of the site (generally on the opposite side of Pennant Hills Road). As part of the collaborative work undertaken by the applicant and Councils experts Council's heritage officer has raised no concerns with the planning proposal in respect of potential impacts of the future development on the site of the heritage item.

The *Sydney Central City Planning Panel* directed that additional detailed analysis should be undertaken of the potential shadow impacts arising from the

redevelopment of the subject site in accordance with the height and FSR controls under the planning proposal. The detailed analysis that has been undertaken by 'Kennedy Associates Architects' confirms that there is no significant adverse impact on the Memorial or its grounds.

The planning proposal will facilitate redevelopment that promotes casual surveillance of the memorial grounds.

3.3 THE TOWN CENTRE STRUCTURE & CHARACTER (existing planning controls)

3.3.1 Planning Overview

The Carlingford town centre has been identified as being well suited for considerable increases in development densities as promoted by both State and local strategic planning strategies.

Some 7-9 years ago, The Hills Shire Council undertook a detailed urban design and town planning analysis of land within the identified 'Carlingford Precinct'.

Although the subject site is located within the Carlingford town centre (as established by its 'business' zoning) it was not included in the 'Carlingford Precinct' review for the reason that, at the time, the subject site was owned and operated by *Transgrid* and was being used for public infrastructure purposes. As such the site was not considered as a potential 'redevelopment site' in the context of the Carlingford town centre.

The 'Carlingford precinct' review culminated in substantially increased FSR and height controls under the then Hills Local Environmental Plan 2012, with heights of 27m-57m and FSR's of 1.99:1 to 3:1 being implemented along the northern side of Pennant Hills Road.

The far lesser controls that currently apply to the subject site (being a 9m building height and a maximum FSR of 1.0:1) generally reflect the improvements on the land under its former 'public infrastructure' functions.

The current height and FSR controls applying to the site exist are somewhat of an anomaly being significantly less than those applying to comparable sites within the Carlingford town centre.

The planning proposal seeks to rectify this inconsistency by providing appropriate height and FSR controls that recognize the sites town centre location and proximity to public transport infrastructure. The planning proposal facilitates the orderly redevelopment of the site in a manner that positively responds to its context and that ensures a high standard of urban design merit.

3.3.2 Current town centre zoning, height and FSR controls

The subject site is within the Carlingford town centre. The subject land falls within Parramatta Council local government area and sits under the provisions of *Parramatta (former The Hills) Local Environmental Plan 2012.*

Zoning and Land Use

The subject land is zoned *B2- "Local Centre"* under the provisions of *Parramatta (former The Hills) Local Environmental Plan 2012.* Two strips of land at the northern and southern ends of the sites Pennant Hills Road frontage are zoned *SP2 "Infrastructure"*.

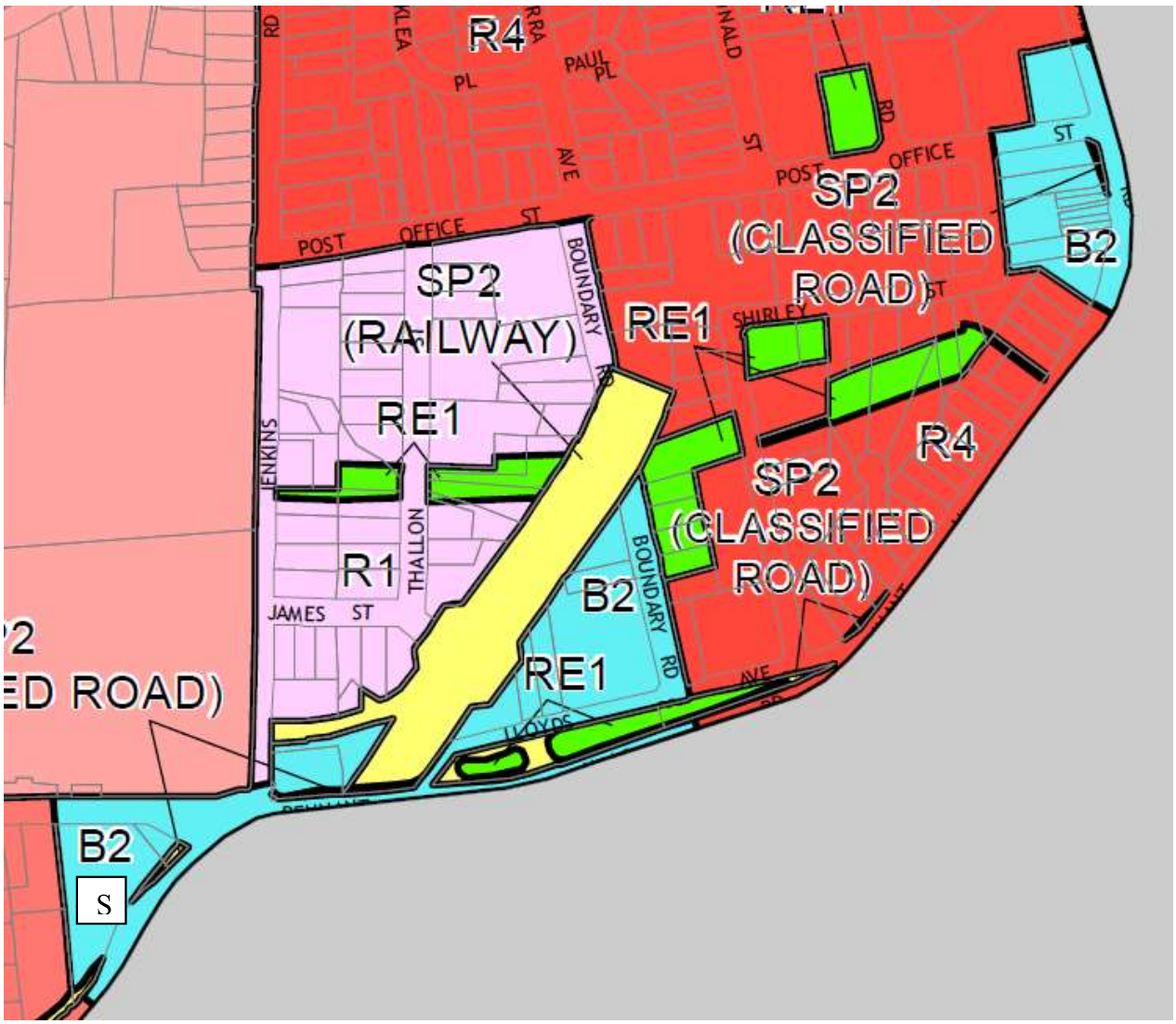
The town centre zonings concentrate business zone land in proximity of the light rail station. The B2- *"Local Centre"* zone currently permits residential flat development, commercial business development, and mixed-use development. The provision of commercial development within the business zone is not mandatory under the current LEP; the draft Parramatta Harmonisation LEP however includes a requirement that development within the *B2- local centre* zone is to be non-residential at the ground floor level.

A second precinct of business zoned land is located at the intersection of Pennant Hills Road and Carlingford Road (Carlingford Court). This precinct provides regional shopping facilities including supermarkets, banking, and specialty retail and food services.

FSR and Height

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. Permissible heights and floor space ratios for these sites vary greatly - between 9m and 1:1 (for the subject site) and 57m & 3:1 (No 243 Pennant Hills Road).

The current site 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.



Zone

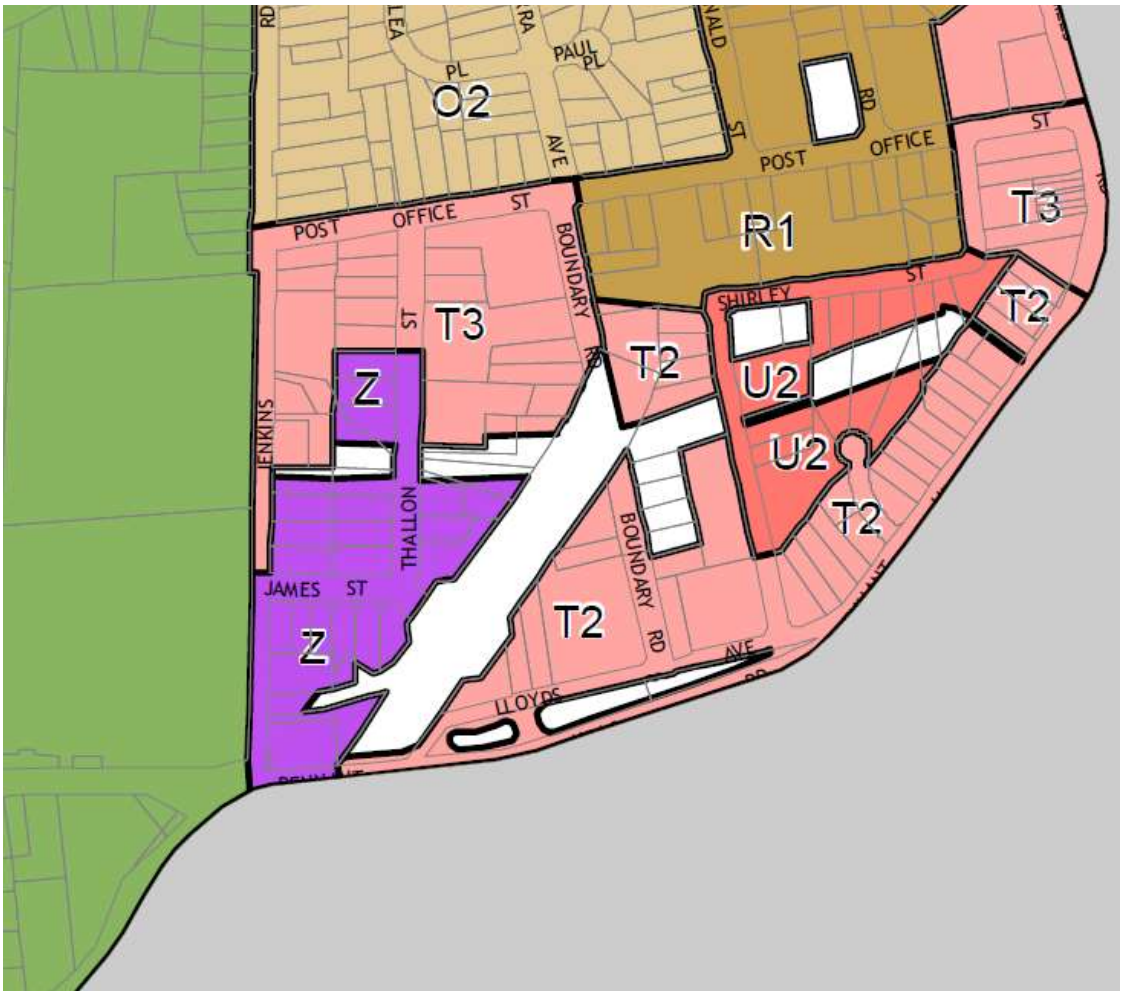
B1	Neighbourhood Centre
B2	Local Centre
R3	Medium Density Residential
R4	High Density Residential
RE1	Public Recreation
SP2	Infrastructure

Parramatta (former The Hills) Local Environmental Plan 2012 Zoning Map Extract



R2	1.49
S1	1.5
S2	1.99
T1	2.3
T2	2.42
U1	2.6
U2	2.7
V1	3.0
V2	3.2
W	3.8
X	4.0
Z1	5.0

Parramatta (former The Hills) Local Environmental Plan 2012 FSR Map Extract



Maximum Building Height (m)

G	7.0	S	23.0
I	8.0	T1	25.0
J	9.0	T2	27.0
K	10.0	T3	28.0
M1	12.0	U1	30.0
M2	12.5	U2	33.0
N	14.0	V1	36.0
O1	15.0	V2	37.0
O2	16.0	X1	45.0
P1	17.0	X2	46.0
P2	18.0	Y1	50.0
Q1	19.0	Y2	54.0
Q2	20.0	Z	57.0
R1	21.0	AA	68.0
R2	22.0		

Parramatta (former The Hills) Local Environmental Plan 2012 Building Height Map Extract

3.3.3 Carlingford Town Centre Building Heights and Massing

The underlying principle of the *Parramatta (former The Hills) Local Environmental Plan 2012* is to promote high density and high-rise development in proximity of the railway station.

The Hills Development Control Plan 2012, as applies to the area which *Parramatta (former The Hills) Local Environment Plan 2012* applies. The DCP provides detailed guidelines (building envelopes) for the design of buildings for major sites and for a number of sub-precincts within the Carlingford town centre. The various building precincts are identified in the following DCP diagram. The closest precincts to the subject site are precincts 4 and 5 that are located on the opposite corner of the Pennant Hills Road/Jenkins Road intersection.



Figure 3 from DCP – Carlingford Precinct Plan Key Sites

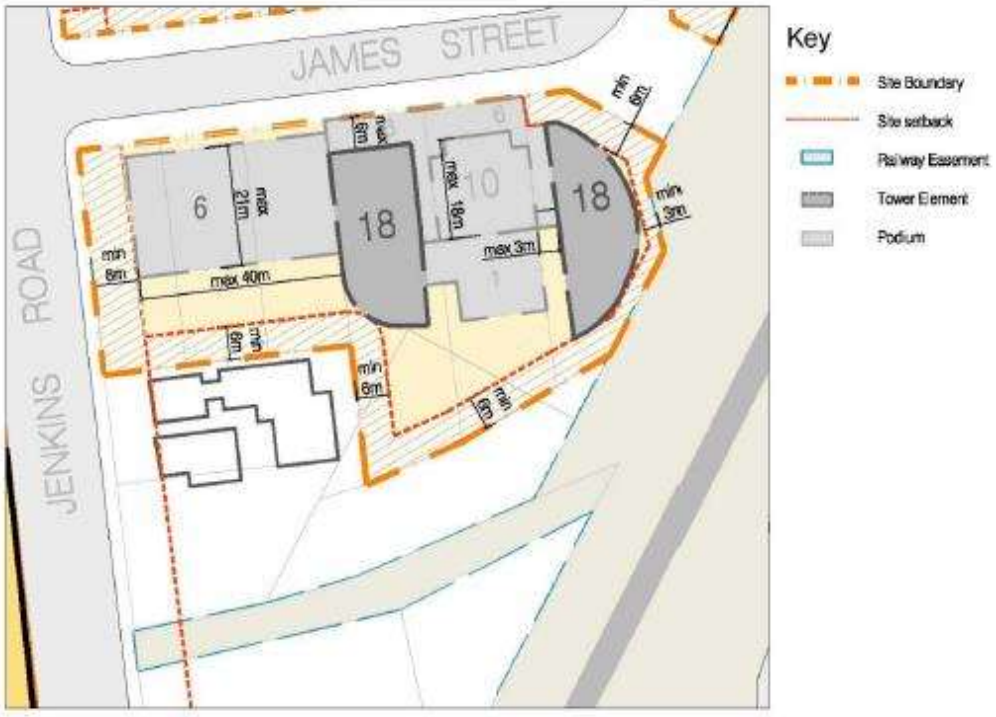


Figure 14. Dimensional Built Form Controls: Block 4 2-12 James Street

Precinct 4 Building Envelopes



Figure 19. Dimensional Built Form Controls: Block 5 Corner of Pennant Hills Road and Jenkins Road

Precinct 5 Building Envelopes

The DCP guidelines encourage high rise towers of up to 18 storeys on corner sites particularly in proximity of the railway station. The tower elements create and reinforce the 'town centre image and identity', strengthen street corners and strengthen the railway station as the focal point of high-density development.

On sites providing tower elements, secondary building elements are typically 4, 6 or 10 storeys in height.

Consistent with the above the planning proposal height controls facilitate a tower element (49m - 15 storey) at the eastern street corner and a 14m (4 storey) row building adjacent to the site's western boundary. The tower and row buildings are physically separated by a 12m wide open pedestrian thoroughfare between Pennant Hills Road and Felton Road. The proposed heights respond to the transitional functions of the site inter-relating the town centre 'business core' with the medium density housing precincts to the west. .

3.3.4 Non-residential floor space in the B2 local centre Zone - Parramatta Harmonisation LEP

Pursuant to the current *Parramatta (former The Hills) Local Environment Plan 2012* land use table the provision of commercial floor space is not mandatory in the *B2 Local Centre* zone with 'residential flat buildings' being a defined and permissible land use.

Parramatta City Council has prepared a planning proposal that seeks to establish a new Local Environmental Plan which harmonises the five LEPs (Auburn LEP 2010, Holroyd LEP 2013, Hornsby LEP 2013, Parramatta LEP 2011 and Parramatta (former The Hills) LEP 2012) which currently apply in the City of Parramatta Local Government Area (LGA).

This planning proposal does not seek to alter the zoning of the subject land or the associated permissible uses. The potential uses on the site envisaged under the planning proposal (residential units, commercial/business, retail, health, childcare) will remain permissible if the harmonisation LEP comes into effect.

The Harmonization LEP includes provisions that ensure that future development of all sites zoned *B2 local centre* retain a commercial/business component. To this end the draft instrument includes a provision that all ground floor uses must be non-residential.

This planning proposal ensures that any future development on the site provides a minimum of 1,970sqm of non-residential floor space. The area of floor space ultimately used for non-residential purposes could potentially be greater than 1,970sqm, pending market analysis at the DA stage.

In a manner that is consistent with the draft harmonisation LEP the building footprints and envelopes established by under the planning proposal provide flexibility in future use. All ground floor uses could readily be non-residential; this would further serve the activation of the through site pedestrian link.

3.4 THE SITE DESIGN RESPONSE FACILITATED BY THE PLANNING PROPOSAL

3.4.1 Land uses

The building envelopes established by the proposed height controls facilitates well proportioned, flexible floor plates with efficient circulation and good natural light access. The floor plates could be adapted for a variety of uses.

As previously noted, this planning proposal ensures that any future development on the site provides a minimum of 1,970sqm of non-residential floor space. The area of floor space ultimately used for non-residential purposes could potentially be greater than 1,970sqm, pending market analysis at the DA stage.

The commercial floor space enables the development to contribute to the provision of local services creating employment opportunities in the Carlingford town centre in a manner consistent with the Greater Sydney Strategic Plan. Potential commercial uses include small businesses, gymnasium, restaurant, service retail, and health services.

The increased provision of long day care centres is specifically identified in the *Parramatta Draft Local Housing Strategy* (28 August 2019) as a needed community service in the Carlingford precinct. This was also noted in the social impact assessment report prepared by 'EMM Consulting Pty Ltd (EMM Consulting)'that accompanies the planning proposal.

The indicative concept scheme provides for use of the ground floor and first floor level of the 'tower' building for commercial/business floor space and childcare centre. It is probable (although not certain) that the upper levels of the tower building would be occupied by residential units maximising the benefit of the

exceptional views that are available to the site; the detailed analysis provided by 'Kennedy Associates Architects' confirms that the residential component can be designed in a manner that achieves full ADG compliance particularly in respect of solar access and cross ventilation requitements.

3.4.2 Building Massing, Height and Form

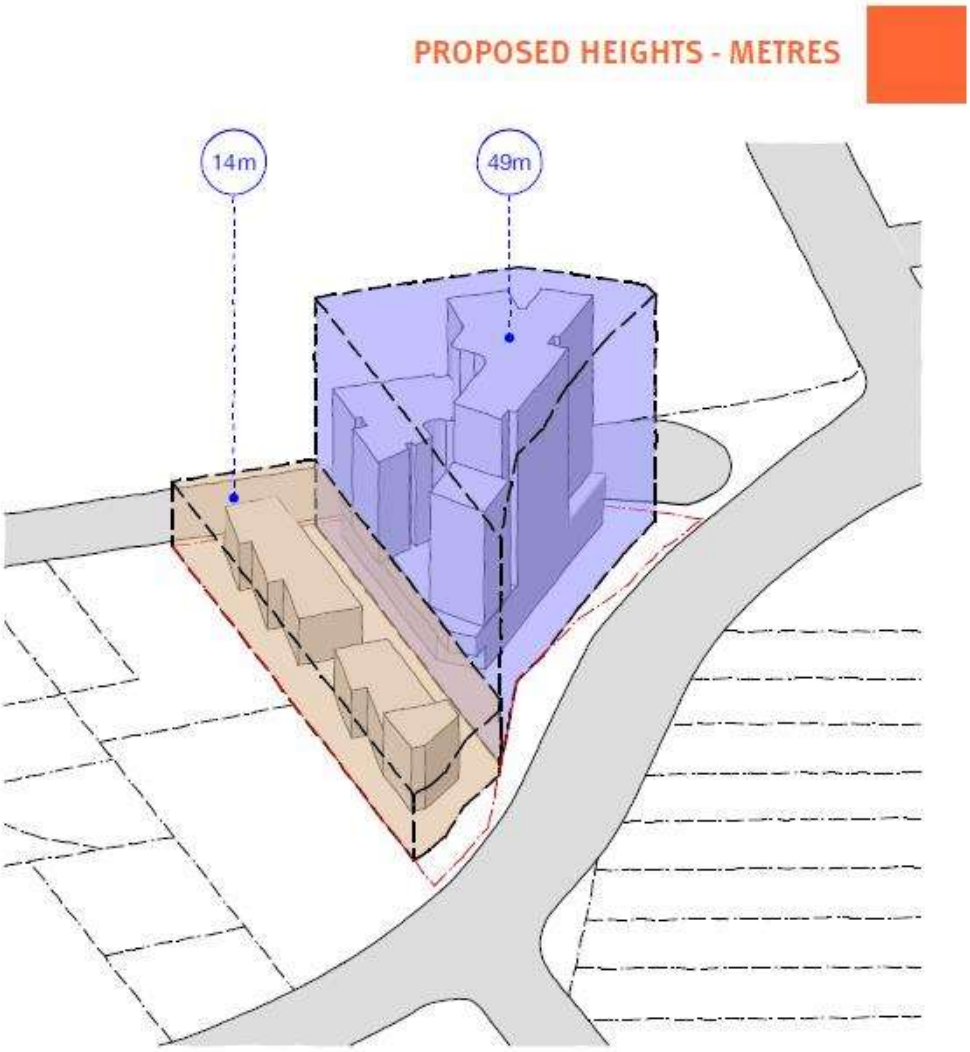
The subject site fulfils an important urban design and streetscape function providing a transition between the high rise commercially zoned land to the east of the site (where heights up to 57m are promoted - Seven Eleven site) and the 2 - 4 storey medium - high density zoned land to the west of the site.

The urban design analysis provided by 'Kennedy Associates Architects' outlines the manner in which the future design will respond to the site context. Fundamentally the proposed height and FSR controls facilitate a 'tower' building at the corner of Pennant Hills Road and Jenkins Road. The tower building will identify/strengthen the street corner. Visually the tower will read as part of the group of high-rise buildings centred at the railway station that identify the town centre. The height of the built form on the western side of the site is limited to 14m. The western 'row' building is separated from the 'tower' building by a 12m wide corridor of communal open space that will also serve as a publicly accessible pedestrian link between Felton Road and Pennant Hills Road.

The indicative concept scheme provided by 'Kennedy Associates Architects' demonstrates that a well composed building with a high standard of architectural merit can be accommodated within the building envelope established by the proposed height and FSR controls.



proposed building heights in meters - plan



proposed building heights in meters - 3D
indicative scheme massing shown in grey

As recommended by the the *Sydney Central City Planning Panel,* this planning proposal requests that the governing LEP be amended by inserting an 'additional local provisions clause' into Part 7 of the LEP relating to the future development of the No 241-245 Pennant Hills Road that:

- Requires the preparation of a site specific DCP to address built form and urban design matters prior to any development consent being granted; and
- Identifies that the design excellence provisions of the DCP to apply to the site.

The urban design analysis undertaken by 'Kennedy Associates Architects' canvasses key issues relating to the future development and provides well founded guidelines on matters including streetscape, building setbacks, massing, building articulation, landscaping and deep soil, pedestrian activation and circulation, and amenity (both internal and external of the site).

It would be anticipated that the future DCP would be informed by the urban design analysis that has been undertaken by 'Kennedy Associates Architects' and refined in consultation with Parramatta City Councils planning officers.

3.4.3 Development Density- FSR

The area of the subject site is 6,330.5sqm. The area of the subject site excluding the land that will be required for the widening of Pennant Hills Road is **5,893sqm**.

The planning proposal provides for a maximum FSR of 2.1:1 equating to a maximum potential floor space of 12,375sqm (based on the area excluding the road widening as required by the statutory provisions of the *Parramatta (former The Hills) Local Environmental Plan 2012.*

As requested by the *Sydney Central City Planning Panel* the urban design analysis and indicative concept plan provided by 'Kennedy Associates Architects' demonstrates that the site can be developed in a manner that achieves urban design excellence and compliance with ADG requirements without reliance on the *SP 2 Infrastructure* zoned land.

The proposed FSR is consistent with other similar properties within the town centre, particularly properties that have frontage to Pennant Hills Road and that are within proximity of the railway station.

Importantly the proposed floor space can be accommodated in a manner that:

- positively responds to the context of the site including its transitional streetscape role;
- provides good amenity for future residents; and
- respects the amenity of neighbouring residential properties.

3.4.4 Relationship with nearby development

As requested by the *Sydney Central City Planning Panel* a detailed analysis has been undertaken of the potential impacts of the proposed increase in building height and FSR on neighbouring and nearby properties particularly in respect of shadowing.

The shadow analysis prepared by 'Kennedy Associates Architects' examines the potential impacts on:

- The existing townhouses to the west of the site (237–239 Pennant Hills Road, 6 Felton Road).
- the K13 Memorial Park located on the southern side of Pennant Hills Road.
- the existing unit development located opposite the subject site on the opposite side of Pennant Hills Road (294–302 Pennant Hills Road).

In respect of shadow impacts the 'Kennedy Associates Architects' analysis concludes:

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

The detailed findings of the 'Kennedy Associates Architects' analysis are provided in the urban design statement and summarised below:

Medium density (townhouses) (237–239 Pennant Hills Road, 6 Felton Road)

"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 facades.

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 and10am 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 3hours–DCP complaint–solar access on the winter solstice.

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."

K13 Memorial Park

"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 least5hours on the winter solstice.

Some overshadowing of the park does occur, as a result of the proposal, between the hours of 2pmand 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."

"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, between11am–12:30pm
•approximately half an hour of direct solar access to their living rooms, between 12pmand 12:30pm

Some units will also receive an additional half hour of direct sun in the late afternoon, between2:30–3pm.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."

3.5 SOCIAL IMPACTS

The *'City of Parramatta (Outside CBD) Contributions Plan 2021' requires* new development to make a contribution towards the provision, extension or augmentation of local infrastructure required as a consequence of development.

The Plan advises:

'The City of Parramatta Local Government Area (LGA) is experiencing rapid growth and change and it is anticipated that this will continue in the coming years. Almost 166,895 new residents and more than 33,131 new workers are expected from new development from 2021 until 2041 in the area where this Plan applies. This new population will use local infrastructure and will therefore contribute to demand for its use. If Council does not invest in new and upgraded local infrastructure to meet the needs of the people who live and work in the new development, the infrastructure service levels for the existing and future population will decline.'

'Local infrastructure included in this plan has been guided by a number of Council endorsed strategies and policies, including the Community Infrastructure Strategy, Parramatta Bike Plan and the Parramatta Ways Walking Strategy. It is anticipated that where appropriate, infrastructure identified in this plan will incorporate elements as outlined in the Smart City Masterplan as part of the detailed design process'.

'The local infrastructure to be provided by contributions from development received under this Plan includes land and works for open space and recreation,

community facilities, and traffic and transport works. The costs of administering this Plan will also be met by contributions imposed under this Plan'.

The development of the site will be required to pay a monetary contribute in accordance with the Plan. The current contribution rates (September 2021) are identified in the Plan as:

Residential Units
Per 1-bed dwelling - $14,726
2-bed dwelling - $17,051
3-bed dwelling - $23,2511
4-bed dwelling - $27,1261

For the non-residential component a contribution is levied 'per worker' at the rate of $2,506. Per worker occupancy rates are calculated at the following rates:

- Commercial- 1 worker per 20 sqm
- Business premises – including banks, post offices and hairdressers - 1 worker per 20sqm
- Shops – including neighbourhood shops, excluding supermarkets - 1 worker per 57 sqm
- Food & drink premises – restaurants, cafes & take away premises - 1 worker per 34 sqm
- Health services facility – medical centres, health consulting rooms - 1 worker per 43 sqm

In the Carlingford town centre and immediate environment, the Plan provides for major service and facility improvements including:

- The signalization of the Evans Road/Pennant Hills Road intersection.
- The provision of new pedestrian accessways and refuges.
- Local road upgrades including the provisions of roundabouts at various intersections.
- The provision of bus shelters.
- The acquisition of 680sqm of land within the town centre for a new 'hub' with 3,200sqm of floor space including 1,800sqm of library space and 800sqm of community space.
- The cost of construction and fit-out of the new hub including the library and community space.

- Local park upgrades including embellishment of existing pocket parks and the expenditure of some $28m on major improvements to Cox Park.
- Open space link embellishment including 'greenway links' within electrical easement lands.

The *Sydney Central City Planning Panel* directed that the planning proposal should address *"social infrastructure via the preparation of a supporting social infra structure assessment".*

The very recent and comprehensive contributions plan identifies the social needs of the growing Carlingford community; the contributions plan provides for the funding and timely provision of the required infra structure, facilities and services. The modest 'additional' population increase under the planning proposal would not reasonably be expected to require further augmentation of the planned facilities identified under the plan.

A social impact comment has been prepared by 'EMM Consulting Pty Ltd (EMM Consulting)'. The report concludes:

"When applying the assessment criteria to the Planning Proposal, a broad range of moderate positive impacts associated with probable social impact can be anticipated. Positive impacts associated with the Planning Proposal are found to help improve public safety, provide appropriate housing options, employment opportunities (during construction and operation) and support the local economy. The development of the Planning Proposal aligns with local and State government plans and strategies that address anticipated growth in the local and regional area. Furthermore, the establishment of the VPA to dedicate, free of land cost, land that will enable the improvement of Pennant Hills Road has significant local and regional benefit. The establishment of a childcare centre in the future development on the site fosters positive social outcomes. A contribution via a VPA to support of local education services in the local area could be considered to further enhance positive impacts associated with the Planning Proposal.

The potential for significant negative impacts arising from the Planning Proposal, if mitigated, is minimal. As most of the negative impacts are associated with the construction phase they are considered to be of minor impact (in relation to the duration)."

The social impact assessment does not foresee any significant adverse social impacts arising from the planning proposal. Indeed, significant positive outcomes arise from the provision of the through site pedestrian link that will promote social integration and pedestrian connectivity; the provision of quality floor space suited to potential health service occupation; the provision of land required for road widening that will improve traffic circulation and safety; the incorporation of a gymnasium that will foster community health and well-being; and the provision of privately operated childcare centre that will contribute to local educational needs.

Voluntary Planning Agreement

In addition to the levies under the Councils contributions plan the applicant for the Planning Proposal is willing to enter in a Voluntary Planning Agreement (VPA) with such including:

- The dedication of land required for future improvements to Pennant Hills Road network to the RMS, which will improve travel efficiency and road safety. The land to be dedicated has a significant monetary value.

- Meeting the costs of the above dedication including legal and survey costs.

- The creation of a publicly accessible corridor through the site linking Felton Road to Pennant Hills Road. The provision of the link was strongly pressed by Council officers during the urban design analysis process and placed considerable limitations on the 'developable' area of the site. The connection has a width of 12m and a length of some 85m occupying a substantial 850sqm of the site. The accessway will provide high amenity community accessible space and pedestrian connectivity. The *'provision of open space and recreation facilities within private development to support the needs of residents'* and *'increased pedestrian connectivity'* are matters that have been identified in the *Parramatta Draft Local Housing Strategy* (28 August 2019) as community infra structure requirements within the Carlingford precinct.

- The commitment to the construction of a private 90 place childcare centre as part of the development of the site. The increased provision of either private or not for profit long day care centres is specifically identified in

the *Parramatta Draft Local Housing Strategy* (28 August 2019) as a needed community service in the Carlingford precinct.

- As suggested in the EMM Consulting social impact report consideration could also be given to an additional monetary contribution towards infrastructure and resources for local schools to ensure they are adequately serviced. The monetary contribution could be utilised to assist local schools with resources, such as computers.

The provision/dedication of affordable housing as part of a VPA is not a mandatory requirement. While it is 'one means' of contributing to wider community benefit it is 'not the only means' of achieving desired community benefit outcomes.

The site is in close proximity of the Baptistcare site at No 264-268 Pennant Hills Road, Carlingford that will provide 162 affordable housing dwellings to the local community, significantly increasing supply. It is preferable that the planning proposal at No 241-245 Pennant Hills Road deliver 'alternate' public benefits to the community that have not been provided by any other development or planning proposal in the locality (rather than replicate community facilities/services that have already been well provided).

In this case the Planning Proposal will make a very substantial and meaningful contribution to the wider public benefit, particularly noting the modest increase in the site's development potential. The items that will be delivered under the VPA offer have been identified as being needed in the Carlingford area local and State planning strategies.

The community benefits provided under the VPA offer have a substantial monetary cost to the applicant, and a substantial benefit to the community. The applicants VPA offer is framed to achieve tangible outcomes that benefit the wider community and that provide infrastructure/services/facilities that would not otherwise be achieved in the absence of the planning proposal. The offer is reasonable and is proportionally greater than the contributions that have been made by other recent planning proposals in the local area and the broader LGA.

3.6 NEED FOR THE PLANNING PROPOSAL

Question 1 - Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

The planning proposal positively responds to the State Governments initiatives for growth expressed in the vision for *"Greater Parramatta and Olympic Peninsula (GPOP)".*

Following the release of the '*GPOP'*, '*Draft West Central District Plan'* and '*Towards our Greater Sydney 2056'* by the *Greater Sydney Commission*, the *Department of Planning and Environment*, in collaboration with *City of Parramatta* and *Greater Sydney Commission*, prepared an '*Interim Land Use and Infrastructure Implementation Plan for the Greater Parramatta Priority Growth Area'* (the Interim Plan).
The 'Interim Plan' invites landowners to prepare local planning proposals to amend the zoning and/or planning controls in circumstances where the proposed controls are generally consistent with the Interim Plan.

The planning proposal is the outcome of an extensive urban design analysis of the site and its context; the analysis was undertaken collaboratively between the applicant's experts and Councils experts following the recommendation of the *Sydney West Central Planning Panel* at its meeting on 30th November, 2016.

This process has produced an excellent urban design response to the site and its context that is consistent with, and promotes, State planning policies and strategies as outlined in:

- The '*Greater Sydney Regional Plan: A Metropolis of Three Cities'* (the GSRP).
- The *'Central City District Plan'* (CCDP)
- The *'Vision for Greater Parramatta to Olympic Peninsula'* (GPOP) and the *'Interim Land Use and Infrastructure Implementation Plan for the Greater Parramatta Priority Growth Area'*

The planning proposal has been modified to reflect the recommendations and requirements of the *Sydney Central City Planning Panel* in its decision on 7 May 2021.

Question 2** - **Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The future development of the subject site has been a progressive matter over several years.

During the process consideration was given to varying the height and FSR development standards that apply to the subject site by implementing the provisions of clause 4.6 *'Exceptions to development standards'* of then *The Hills Local Environmental Plan 2012*. (Note: The subject site was within The Hills Council Local Government Area in the early stages of the project development).

Given the extent of numerical variation required to achieve the appropriate height and FSR, The Hills Council planning officers considered that it was more appropriate for a planning proposal to be prepared addressing the required amendments to the development standards of the local environmental plan.
The planning proposal is the best means of achieving the objectives and intended outcomes.

3.7 RELATIONSHIP TO THE STRATEGIC PLANNING FRAMEWORK

Question 3 - ***Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?***

3.7.1 Metropolis of Three Cities

In March 2018 the NSW State Government released the *Greater Sydney Regional Plan: A Metropolis of Three Cities (the GSRP).*

The Region Plan for Greater Sydney is built on a vision of three cities where most residents live within 30 minutes of their jobs, education and health facilities, services.

The GSRP is structured under 4 themes: Infrastructure and Collaboration; Livability; Productivity; and Sustainability. Within these themes are potential indicators and a suite of objectives. Those objectives relevant to this planning proposal are discussed below.

Provision	Comment	Consistent
Directions for Infrastructure and collaboration **Potential indicator:** Increased 30-minute access to a metropolitan centre/cluster **Objective 1:** Infrastructure supports the three cities **Objective 2:** Infrastructure aligns with forecast growth – growth infrastructure compact **Objective 3:** Infrastructure adapts to meet future needs **Objective 4:** Infrastructure use is optimised	The existing bus services and the light rail system (under construction) facilitate less than 30-minute public transport access to the Parramatta CBD. The proposal provides for the dedication of the land fronting Pennant Hills Road for road widening as required for future improvements to the State road network, free of cost via a VPA. The road widening will have to be acquired by RMS if the PP does not proceed. The proposal therefore makes a very substantial contribution to infrastructure improvements. The increased development density on the well serviced site optimises infrastructure use.	Yes
Directions for Livability		
A city for people **Objective 6:** Services and infrastructure meet communities' changing needs **Objective 7:** Communities are healthy, resilient and socially connected **Objective 8:** Greater Sydney's communities are culturally rich with diverse neighbourhoods **Objective 9:** Greater Sydney celebrates the arts and supports creative industries and innovation	The Planning Proposal (PP) provides housing within the town centre, consistent with the indicator. The PP creates new business (commercial/retail) floor space providing local employment and service opportunities within the town centre. The PP provides for the creation of a publicly accessible pedestrian corridor	Yes

	through the site linking Felton Road to Pennant Hills Road. The provision of the link was strongly pressed by Council officers during the urban design analysis process. The connection has a width of 12m and a length of some 85m occupying a substantial 850sqm of the site. The design of the development activates the accessway as a high amenity community space. The PP includes a private 90 place childcare centre as part of the development of the site. The increased provision of either private or not for profit long day care centres is specifically identified in the *Parramatta Draft Local Housing Strategy* (28 August 2019) as a needed community service in the Carlingford precinct. The PP also envisages the provision of a gymnasium in the development. The above ensures that the PP will make a meaningful and positive contribution to social well-being within the community.	
Housing the city **Objective 10:** Greater housing supply **Objective 11:** Housing is more diverse and affordable	The proposal is conducive to increased housing densities. The indicative concept scheme provides for a mix of bedroom numbers. The provisions of the ADG will require any future	Yes

	development application to provide a bedroom mix. The provision of other housing typologies (such as townhouses) is not considered to be desirable on the site (given the extensive town house zone located westerly of the site) and will in any event be prohibited by Council's Harmonization LEP that will require all ground floor uses in the *B2 local centre* zone to be non-residential. Wider community benefits are being achieved by means other than affordable housing (as defined).	
A city of great places **Objective 12:** Great places that bring people together **Objective 13:** Environmental heritage is identified, conserved and enhanced	The PP facilitates future development that promotes community interaction and amenity, this is achieved by: -the through the pedestrian accessway linking Felton Road to Pennant Hills Road. The design of the development activates the accessway as a high amenity community space aligned by business and retail tenancies. - a private 90 place childcare centre that is identified in the *Parramatta Draft Local Housing Strategy* (28 August 2019) as a needed community service in the Carlingford precinct. - the PP also envisages the provision of a gymnasium in the development. The planning proposal will amend the LEP to require that	Yes

	a DCP is prepared before a development application is approved ensuring a high standard outcome in respect of social interaction and amenity. No adverse heritage matters arise from the PP. The shadow analysis that has been prepared by Kennedy Associates Architects confirms that there is no significant adverse shadow impact on the heritage listed K13 Memorial Park that is located on the southern side of PHR.	
Directions for productivity		
A well-connected city **Objective 14:** A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities **Objective 15:** The Eastern, GPOP and Western Economic Corridors are better connected and more competitive	The site is within the Carlingford town centre. The existing bus services and the light rail system (under construction) facilitate less than 30-minute public transport access to the Parramatta CBD and other major employment Centre's (eg: Westmead precinct, Rydalmere university precinct). The proposal provides for the dedication of road widening along Pennant Hills Road as required for future improvements to the State road network free of cost via a VPA. The road widening would have to be acquired by RMS if the PP does not proceed. The proposal therefore makes a very substantial	Yes

	contribution to infrastructure/connectivity improvements. The through site pedestrian accessway linking Felton Road to Pennant Hills Road positively contributes to pedestrian and cyclist connectivity within the town centre. The planning proposal will facilitate a well-designed infill development on a site with excellent transport access. The PP promotes high amenity housing, local service provision, and local employment opportunities. The proposal 'gives life' to the initiatives of the GPOP.	
Jobs and skills for the city **Objective 19:** Greater Parramatta is stronger and better connected **Objective 21:** Internationally competitive health, education, research and innovation precincts **Objective 22:** Investment and business activity in centres **Objective 24:** Economic sectors are targeted for success	The PP complements the functions of the town centre and the Parramatta CBD. The site has excellent connection to the Westmead health precinct and the Westmead and Rydalmere university precincts, with direct connection via the new light rail. Carlingford has the function of a local centre (rather than a major commercial centre). The PP provides a minimum of 1,970sqm of non-residential floor space	Yes

	that will provide local business and employment opportunities and local service facilities including the childcare centre and gymnasium. The flexible floor plans are also conducive to health service use. In terms of the 'quantum' of non-residential floor space that should be provided in the *B2 local centre* zones Parramatta City Council's Harmonisation LEP includes a new requirement that will require the use of the ground floor level of new development for non-residential purposes. Essentially this provision sets the 'acceptable benchmark' for the component of non-residential floor space that should be provided by mixed use development in the *B2 local centre* zones. The indicative concept scheme provides for the use of both the ground floor and first floor levels of the 'tower' building and all three levels of the 'row' building element facing Pennant Hills Road for business purposes. Additional commercial/business floor space may ultimately be provided. The current indicative concept scheme identifies	

	the use of the ground floor level of the 'row' building (located adjacent to the western site boundary) for residential purposes. There is no reason why the ground floor level of the 'row' building could not be used for commercial/business type uses in a manner that is consistent with the draft Harmonisation LEP requirements (in fact such will be required once the Harmonisation LEP comes into effect). This can readily be achieved without any modification to the proposed building envelope. Noting the above, the provision of floor space for business uses in the development will be greater than the 'acceptable benchmark' provided by the Harmonisation LEP. The provision of to 'commercial/business floor space and thus employment generating uses readily achieves the accepted benchmark for development in the *B2 local centre* zone.	
Directions for sustainability		
A city in its landscape **Objective 25:** The coast and waterways are protected and healthier **Objective 27:** Biodiversity is protected, urban bushland and remnant vegetation is enhanced	The site does not contain significant vegetation or critical habitat. The indicative concept scheme provides a 6m wide	Yes

Objective 28: Scenic and cultural landscapes are protected **Objective 30:** Urban tree canopy cover is increased **Objective 31:** Public open space is accessible, protected and enhanced **Objective 32:** The Green Grid links parks, open spaces, bushland and walking and cycling paths	deep soil landscape corridor for the full length of the Pennant Hills Road site frontage and for the full length of the western property boundary. The deep soil corridor facilitates canopy tree planting. The requirements for the deep soil corridors/canopy tree planting will be embodied in the supporting DCP that will be required to be prepared before a development consent can be granted. The through site pedestrian zone that links Felton Road to Pennant Hills Road will provide a high amenity and landscaped community accessible space. It would be expected that the urban design analysis provided by 'Kennedy Associates Architects' will inform the DCP. It is relevant to note that the deep soil landscaping provision under the indicative concept scheme/urban design analysis is greater than that commonly associated with development in the commercial zones, whereby podium designs with zero or minimal setbacks are typical.	
An efficient city **Objective 33:** A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change	The DCP that currently applies to the subject land includes sustainability provisions. Any future	Yes

Objective 34: Energy and water flows are captured, used and re-used **Objective 35:** More waste is re-used and recycled to support the development of a circular economy	development proposal will be required to be compliant with those provisions. Basix requirements will also apply to future development.	
A resilient city **Objective 36:** People and places adapt to climate change and future shocks and stresses **Objective 37:** Exposure to natural and urban hazards is reduced Objective 38: Heatwaves and extreme heat are managed	The site is not subject to natural hazards such as flooding, bushfire, or land slip. The indicative design scheme provides a relatively high component of green space as required by the ADG assisting with microclimate management. The enclosed private balconies positively respond to 'local' environmental characteristics including traffic noise and climate (wind) management.	Yes
Implementation **Objective 39:** A collaborative approach to city planning	Stemming from the recommendation of *Sydney West Central Planning Panel* the applicant worked collaboratively with Council officers in undertaking an extensive and through urban design review of the site and its context. The planning proposal has been further refined to positively respond to the decision of the *Sydney Central City Planning Panel.* In preparing the planning proposal the applicant has	Yes

	consulted with relevant authorities including TfNSW. Central to the PP is the removal of the existing driveway access to Pennant Hills Road and the provision of land free of cost for the improvement of Pennant Hills Road under a VPA.	

3.7.2 The Central City District Plan (CCDP)

The *Central City District Plan (CCDP)* covers the area that includes Blacktown, Cumberland, Parramatta and The Hills local government areas. The role of this plan is to deliver the directions of the overarching *Greater Sydney Region Plan, A Metropolis of Three Cities* and contains a number of planning priorities and objectives that address infrastructure provision and collaboration, livability, productivity, and sustainability.

Within the CCDP Greater Parramatta is identified as a Metropolitan Centre. Carlingford is identified as a 'local centre' in the CCDP.

Provision	Comment	Consistent
Infrastructure and collaboration		
Planning for a city supported by infrastructure **Objective 1:** Infrastructure supports the three cities. **Objective 2:** Infrastructure aligns with forecast growth – growth infrastructure compact. **Objective 3:** Infrastructure adapts to meet future needs. **Objective 4:** Infrastructure use is optimised.	The subject site is located on the Pennant Hills Road bus corridor that provides excellent and regular access to major centres including the Parramatta CBD. The site is also within short/convenient walking distance of the light rail corridor that is currently under construction that will provide direct connection to major centres including the Parramatta CBD. The CCDP and the GPOP the strongly encourage an increase in housing densities maximising use of the new light rail network. The PP provides opportunity for an increase in housing on the site promoting the maximisation	Yes

Objective 5: Benefits of growth realised by collaboration of governments, community and business.	of the existing and emerging public transport infrastructure assets. The proposed 2.1:1 FSR (density0 is appropriate and is not excessive or unreasonable - in essence the PP brings the development potential in line with (and certainly not greater than) that of other sites within the Carlingford town centre that share similar locational attributes. The PP itself makes a meaningful contribution to public infrastructure through the dedication of land for the future widening/improvement of Pennant Hills Road. This will be achieved by a VPA. The dedication of land free of cost to the relevant authority cannot be achieved in the absence of the PP and VPA. The PP will provide local business and service opportunities through the provision of quality commercial floor space. The PP also provides for a childcare centre in the development, being a facility identified in local planning strategies as a needed service in the Carlingford locality. The flexible floor plates are conducive to a variety of uses including health services.	
Livability		
Planning Priority C3 **Providing services and social infrastructure to meet people's changing needs** **Objective 6:** Services and infrastructure meet communities' changing needs.	The planning proposal creates new business (commercial/retail) floor space providing local employment and service opportunities for the growing town centre community. The flexible floor plates are conducive to a variety of uses including health services. The PP facilities development that will provide for the creation of a publicly accessible pedestrian zone through the site linking Felton Road to Pennant Hills Road improving pedestrian circulation within the town centre. The provision of the pedestrian zone was strongly pressed by Councils officers during the urban design analysis process as a desirable asset for the town centre. The design of the development activates the pedestrian	Yes

	accessway with commercial frontages. The pedestrian zone will be a high amenity publicly accessible space. The PP includes a private 90 place childcare centre as part of the development of the site. The increased provision of either private or not for profit long day care centres is specifically identified in the *Parramatta Draft Local Housing Strategy* (28 August 2019) as a needed community service in the Carlingford precinct. The PP also envisages the provision of a gymnasium in the development promoting a healthy lifestyle and social interaction amongst the growing town centre community. Having regard to the above the PP will deliver social infrastructure that reflects the needs of the community now and in the future.	
Planning Priority C4 **Fostering healthy, creative, the CCDP communities** **Objective 7**: Communities are healthy, resilient and socially connected. **Objective 8:** Greater Sydney's communities are culturally rich with diverse neighbourhoods. **Objective 9:** Greater Sydney celebrates the arts and supports creative industries and innovation.	The CCDP includes the following comments: ***"Healthy and active lifestyles*** *Research identifies three key aspects of the built environment that support healthy lifestyles and improved health outcomes: strong social connections, physical activity and access to fresh food. Consequently, the design and management of streets, places and neighbourhoods are essential to improved mental and physical health outcomes".* *"Walkable streets that provide direct accessible and safe pedestrian and cycling connections from homes to schools, daily needs and recreation facilities can encourage greater physical activity and social connection. Delivering fine grain urban form and local mixed-use places can provide better access to local retailers of fresh food, together with opportunities for people to participate in arts, recreation and cultural activities."* *"Connectivity of, and access to, diverse open spaces and opportunities for recreational*	Yes

	physical activity are also essential to improved mental and physical health outcomes. Sport and active lifestyles provide many social, cultural and health benefits." The publicly accessible through site pedestrian thoroughfare is a key element of the future development of the site. The corridor will provide a high amenity space that will be aligned by active uses to the 'row' building' and the 'tower' building. Such uses are anticipated to include a gymnasium, cafes/eateries, access to the childcare centre and the like. The pedestrian area will provide opportunities for community gathering and social interaction; improve pedestrian circulation and encourage walking and cycling. The planning proposal requires the preparation of a DCP before development consent can be issued; specific design requirements for the thoroughfare can be embodied in the DCP. Flexible floor commercial plates will be conducive to a variety of uses including health services. The provision of the gymnasium and childcare centre in the development, in unison with the community accessible pedestrian zone, further encourage a high level of social interaction.	
Housing the city **Planning Priority C5** **Providing housing supply, choice and affordability with access to jobs, services and public transport** **Objective 10:** Greater housing supply. **Objective 11:** Housing is more diverse and affordable.	The proposed 2.1:1 development density is well founded having regard to public transport services and access to jobs, services, and education centres. The PP will facilitate redevelopment that can contribute to housing supply (having balanced regard to other objectives relating to the delivery of local service and employment opportunities by means of the provision of business floor space).	Yes

	Any future residential component would be required to provide a mix of 1, 2, and 3, bedroom apartments, in accordance with the ADG. The provision of other housing typologies (such as townhouses) is not considered to be desirable on the site. In this respect there is a large residential precinct located immediately to the west of the site that is zoned to specifically encourage townhouse development. There has been considerably limited market uptake/demand for townhouse development in the precinct. Further, Council's Harmonization LEP will require all ground floor uses on land zoned *B2 local centre* zone to be used of a business nature in effect prohibiting townhouse development. The increase in supply of housing in the locality is conducive to promoting housing affordability having regard to the economies of supply and demand. It is also noted that the provision of affordable housing pursuant to the provisions of the ARHSEPP is a matter that could be explored at the DA stage. The provision/dedication of affordable housing as part of a VPA is not a mandatory requirement. While it is 'one means' of contributing to wider community benefit it is 'not the only means' of achieving desired community benefit outcomes. The site is in close proximity of the Baptistcare site at No 264-268 Pennant Hills Road, Carlingford that will provide 162 affordable housing dwellings to the local community, significantly increasing local supply. It is preferable that the planning proposal at No 241-245 Pennant Hills Road deliver 'alternate' public benefits to the community that have not been provided by any other development or planning proposal in the locality (rather than replicate community facilities/services that have already been well provided).	

	In this case the Planning Proposal will make a very substantial and meaningful contribution to the wider public benefit, particularly noting the modest increase in the site's development potential. The items that will be delivered under the VPA offer have been identified as being needed in the Carlingford area local and State planning strategies (refer to section 3.5 of this report). The applicants VPA offer is framed to achieve tangible outcomes that benefit the wider community and that provide infrastructure/services/facilities that would not otherwise be achieved in the absence of the planning proposal.	
Planning Priority C6 **Creating and renewing great places and local centres, and respecting the District's heritage** **Objective 12:** Great places that bring people together. **Objective 13:** Environmental heritage is identified, conserved and enhanced.	The CCDP includes the following comments: *"Local centres are a focal point of neighbourhoods, and, where they include public transport and transport interchanges, they are an important part of a 30-minute city. While local centres are diverse and vary in size, they provide essential access to day to day goods and services close to where people live."* *"Local centres also have an important role in providing local employment".* Pivotal to the PP has been achieving an appropriate balance between the provision of residential and business floor space in the development of the site. The PP ensures that a minimum of 1,970sqm of business floor space will be provided in the future development of the site. The commercial component enables the development to contribute to the provision of local services creating employment opportunities in the Carlingford town centre. Potential commercial uses include childcare, small businesses, gymnasium, restaurant, cafes, health service and service retail and commercial.	Yes

	The above anticipated and desired use promote social interaction. A social/community environment will be centred on the publicly accessible through site thoroughfare that will have active frontages, creating an inviting and enjoyable area for people to gather. The through site pedestrian zone will be a high amenity community focal point of the development. There are no adverse heritage matters arising from the PP. The site is not heritage listed and is not in a heritage conservation area. The redevelopment facilitated by the PP will promote casual surveillance of the heritage listed K13 Memorial Park that is located on the southern side of Pennant Hills Road. The solar analysis provided by 'Kennedy Associates Architects' confirms that the proposed building height and density controls can accommodate development that will not have a significant shadowing impact on the park.	
4 Productivity **Planning Priority C7** **Growing a stronger and more competitive Greater Parramatta** **Objective 19:** Greater Parramatta is stronger and better connected. **Objective 21:** Internationally competitive health, education, research and innovation precincts.	The planning proposal provides for the renewal of the existing relatively poor-quality small-scale business floor space on the site. The PP includes the provision of at least 1,970sqm of commercial/business floor space. The new floor space will be of high grade with good pedestrian access/circulation and natural light access. Flexible floor commercial plates will be conducive to a variety of uses including health services. The proposal will complement the existing commercial core of the Carlingford precinct and the nearby Parramatta CBD. The nearby health and education precincts at Westmead and Rydalmere and within the Parramatta CBD can be conveniently accessed by both the light rail system bus services..	Yes
Planning Priority C8 **Delivering a more connected and competitive GPOP Economic Corridor**	The GPOP Economic Corridor includes the precincts of Westmead, North Parramatta, Parramatta CBD, Rydalmere, Camellia, Silverwater, Auburn, Granville and Sydney	Yes

Objective 15: The Eastern, GPOP and Western Economic Corridors are better connected and more competitive	Olympic Park. The wider GPOP also includes the urban corridor along the rail line to Carlingford. Redevelopment of the site will complement the improved connectivity and competitiveness of the Carlingford Corridor in the Next Generation Living Quarter as promoted by GPOP.	
Planning Priority C9 **Delivering integrated land use and transport planning and a 30-minute city** **Objective 14:** *A Metropolis Of Three Cities* – integrated land use and transport creates walkable and 30-minute cities. **Objective 16:** Freight and logistics network is competitive and efficient	One of the key elements of the road and city-serving and centre-serving public transport network improvements is the Parramatta Light Rail Stage 1 between Westmead and Carlingford via Parramatta (currently under construction). The redevelopment facilitated by the PP promotes the strategic objectives for 30-minute cities. The PP has no relevance to freight and logistic networks beyond the benefits that might be provided by improvements to the Pennant Hills Road corridor, as will be facilitated by road widening land dedication.	Yes
Planning Priority C11 **Maximising opportunities to attract advanced manufacturing and innovation in industrial and urban services land** **Objective 23:** Industrial and urban services land is planned, retained and managed.	Parramatta Council recently considered the amount of non-residential floor space that should be provided in development within local centres (and specifically land zoned *B2 local centre*) so as to ensure that future development achieved both local planning objectives and the objectives of the CCDP. The Parramatta Council Harmonisation LEP (that has received gateway determination) includes a specific requirement that the ground floor level of development in the *B2 local centre* zones must be non-residential in use so as to ensure that a reasonable and appropriate contribution is made towards local service provision and employment creation. There is no particular planning reason why the subject site should be required a greater amount of non-residential floor space (nor for that matter any lesser amount of floor space) that that considered reasonable and acceptable for like sites in the LGA, as provided by the Harmonisation LEP.	Yes

	The PP ensures that the floor space targets expressed in the Harmonisation LEP will not only be met but exceeded upon the future redevelopment of the site. The anticipated mix of uses promotes the objectives of the zone, the objectives and State planning strategies, and the provisions of the Councils draft Harmonisation LEP. The proposal has no impact on industrial land.	
Planning Priority C12 **Supporting growth of targeted industry sectors** **Objective 24:** Economic sectors are targeted for success.	The proposal will provide long term employment opportunities on the site through the provision of retail and business uses. Pursuant to the indicative development scheme emphasis has been placed not only on the quantum' of space but the 'quality' of space to promote both 'economically viable' floor space and 'high amenity' spaces that are safe and pleasant for the community. Focusing the commercial activities on the publicly accessible through site zone not only creates an inviting and enjoyable area for people to gather but also enhances the viability of the commercial uses. The indicative development scheme further promotes the viability of commercial tenancies by providing visual exposure and an active street front to the Pennant Hills Road site frontage. The above principles can be embodied in the site specific DCP that is required to be prepared prior to any development consent being granted.	Yes
5 Sustainability		
Planning Priority C13 **Protecting and improving the health and enjoyment of the District's waterways** **Objective 25:** The coast and waterways are protected and healthier.	No matters of significance arise from the PP.	Yes
Planning Priority C15	The PP has no impact on existing bushland.	Yes

Protecting and enhancing bushland, biodiversity and scenic and cultural landscapes **Objective 27:** Biodiversity is protected, urban bushland and remnant vegetation is enhanced. **Objective 28:** Scenic and cultural landscapes and protected.	The site does not contain critical habitat. The site is not identified as being of scenic or cultural significance.	
Planning Priority C16 **Increasing urban tree canopy cover and delivering Green Grid connections** **Objective 30:** Urban tree canopy cover is increased. **Objective 32:** The Green Grid links parks, open spaces, bushland, and walking and cycling paths.	The indicative development scheme provides a 6m wide deep soil landscape corridor for the full length of the Pennant Hills Road site frontage and for the full length of the western property boundary. The deep soil corridor facilitates canopy tree planting. The requirements for the deep soil corridors will be embodied in the supporting DCP. It is relevant to note that the deep soil landscaping provision under the indicative development scheme is greater than that commonly associated with development in the commercial zones, whereby podium designs with zero or minimal setbacks are typical.	Yes
Planning Priority C17 **Delivering high quality open space** **Objective 31:** Public open space is accessible, protected and enhanced.	The PP provides a through-site pedestrian zone having a width of 12m and a length of some 85m occupying a substantial 850sqm of the site. The pedestrian zone will be a publicly accessible space designed to promote safety, amenity, and enjoyment by occupants of the development and visitors to the site. Appropriate design guidelines will be contained in the DCP. The pedestrian zone will not be dedicated to Council; community access will be formalized by a ROW. The K13 Memorial Park is located on the southern side of Pennant Hills Road. The solar analysis provided by 'Kennedy Associates Architects' confirms that the proposed building height and density controls can accommodate development that will not have a significant shadowing impact on the park. The	Yes

	redevelopment of the site will promote casual surveillance of the park.	
Planning Priority C19 **Reducing carbon emissions and managing energy, water and waste efficiently** **Objective 33:** A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change. **Objective 34:** Energy and water flows are captured, used and re-used. **Objective 35:** More waste is re-used and recycled to support the development of a circular economy.	The future development application will be required to be compliant with the sustainability provisions that are provided in Councils existing DCP. Basix requirements will also apply to future development. Given the town centre location and the proximity to services and transport consideration could be given to requiring a reduction in on site car parking to encourage walking, cycling and public transport use.	Yes
Planning Priority C20 **Adapting to the impacts of urban and natural hazards and climate change** **Objective 36:** People and places adapt to climate change and future shocks and stresses. **Objective 37:** Exposure to natural and urban hazards is reduced. **Objective 36:** Heatwaves and extreme heat are managed	The site is not subject to natural hazards such as flooding, bushfire, or land slip. The indicative development scheme provides a relatively high component of green space (particularly when considered relative to typical boundary to boundary podium development as commonly associated with development in the business zones) assisting with microclimate management. The enclosed private balconies positively respond to 'local' environmental characteristics including traffic noise and climate (wind) management.	Yes
6 Implementation		
Planning Priority C21 **Preparing local strategic planning statements informed by local strategic planning** **Objective 39:** A collaborative approach to city planning.	The proposal is consistent with local planning strategies. Stemming from the recommendation of *Sydney West Central Planning Panel* the applicant worked collaboratively with Councils officers in undertaking an extensive and through urban design review of the site and its context. The planning proposal has been further refined to	Yes

	positively respond to the decision of the *Sydney Central City Planning Panel.* In preparing the planning proposal the applicant has consulted with relevant authorities including TfNSW. Central to the PP is the removal of the existing driveway access to Pennant Hills Road and the provision of land free of cost for the improvement of Pennant Hills Road under a VPA	

3.7.3 The 'Vision for Greater Parramatta to Olympic Peninsula' (GPOP) and the 'Interim Land Use and Infrastructure Implementation Plan for the Greater Parramatta Priority Growth Area'

The GPOP document was prepared in 2016 by the *Greater Sydney Commission* and establishes a vision for the corridor spanning Strathfield, Westmead, Carlingford, Lidcombe and Granville. The GPOP is identified as being of particular importance to Greater Sydney and is anticipated to experience the most significant urban transformation over the next 20 years.

The GPOP has the following underlying objectives:

• The promotion of *'high quality mixed development that creates new places to live, work, learn and do business'.*
• *Accommodating 84,000 new homes and 105,000 new jobs over 20 years*.
• providing better connection *'with new light rail and metro services, creating a 30-minute city for people to access the places and services they need to get to'.*

Consistent with the above, the GPOP *promotes 'infill development around and within 1 km of new Parramatta Light Rail stops'.*

The GPOP comprises four distinct quarters of which one is *'Next Generation Living from Camellia to Carlingford'*. The planning vision and objectives for the quarter include:

Quarter 2: Next Generation Living from Camellia to Carlingford

A 21st-Century living, learning and leisure district is planned for this northern area of GPOP. It will comprise a mix of medium to high-density housing types with nearby education, research, retail, recreation and entertainment facilities

providing all the conveniences of 'inner-city' living. Smart, vibrant and inclusive communities are the goal.

The '30-minute city': from dream to reality

The planned 'turn up and go' Parramatta Light Rail will connect existing and future communities in Carlingford, Telopea, Dundas, Rydalmere and Camellia, to Westmead, Parramatta CBD, Silverwater and Olympic Park. With these swift and convenient connections, the '30-minute city' will truly become a reality. The line will be connected to Epping and Macquarie Park — by one mode or another — giving people excellent work and study choices.

The subject site is within very close proximity of the Carlingford light rail stop. It is also in convenient walking distance of bus stops that provide regular connection to major centres. The planning proposal promotes development for high amenity housing, local services, and local employment opportunities. The proposal 'gives life' to the initiatives of the GPOP.

Question 4. Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

3.7.4 Parramatta Local Strategic Planning Statement (PLSPS)

The Local Strategic Planning Statement provides strategic direction on how the City of Parramatta is to be planned over the next 20 years. The Statement draws together the needs and aspirations of the community and identifies priorities for jobs, homes and infrastructure. The Statement looks at the role of Parramatta as part of Greater Sydney and seeks to achieve a future which is sustainable, liveable and productive.

The proposal is consistent with the PLSPS as follows:

- The proposal appropriately capitalises on the site's inherent location benefits being near the light rail station at Carlingford and the effective bus route along Pennant Hills Road. A future increase in residential apartments and commercial floor space will provide quality floor space within an accessible and well serviced area;

- Carlingford has been identified as achieving a dwelling growth potential of 4,470 new dwellings. The proposal will assist in meeting this projection on an exceptionally well serviced site. The proposal aims to achieve a self-sustaining development through the provision of an array of compatible uses;
- The proposal will introduce services to the community which are most needed such as the gymnasium, childcare services with direct linkage to existing schools, café and food offering and potential business suites;
- The proposal will appropriately utilise the zone and its potential. The subject site is well serviced by existing utility services;
- Residents on-site will benefit from a high amenity landscape content to complement the built form;
- The proposal will introduce employment opportunities during construction and once established. The proposal will contribute to the growth and prosperity of the Carlingford precinct by expanding the quality offering of commercial space; and
- The proposal does not give rise to adverse considerations relating to heritage, flooding, bushfire, waterways of vegetation. The proposal will enhance the existing landscape on-site and remove a redundant building within an existing commercial zone.

  The proposal gives effect to the Local Strategic Planning Statement by providing housing that is close to services, jobs and business in the Carlingford Local Centre, assisting to build the capacity of this centre. Additionally, the provision of additional housing in proximity of the Parramatta Light Rail and will assist in supporting the light rail, which is proposed to connect Carlingford to the Parramatta CBD and the Westmead Health Precinct and will assist in supporting the Parramatta CBD in its role as an economic centre for the Central City of Greater Sydney.

3.7.5 Parramatta 2038 Community Strategic Plan

The planning proposal is consistent with the provisions of the *Parramatta 2038 Community Strategic Plan.* The planning proposal actions the strategies and key objectives identified in the plan including:

1.4 Ensure everyone has access to education and learning opportunities

2.1 Design our City so that it is usable by people of all ages and abilities

2.2 Improve public transport to and from Parramatta CBD, our local centres, neighbourhoods and the greater Sydney region.
2.3 Make our City more enjoyable and safe for walking and cycling.
2.4 Provide and upgrade roads and improve safety for all road users.
2.5 Manage traffic congestion and access to parking.
5.2 Attract public and private investment to our City and support the growth and prosperity of local businesses.
5.3 Plan and deliver a vibrant, attractive and safe CBD and local centres.
6.1 Engage in strategic planning and implement innovative solutions to manage the growth of our City.

3.7.6 Parramatta (former The Hills) Local Environmental Plan 2012 and the Draft Harmonisation LEP

The planning proposal furthers the following 'aims' of the LEP:

1.2 Aims of Plan
(c) to provide for the development of communities that are liveable, vibrant and safe and that have services and facilities that meet their needs,
(d) to provide for balanced urban growth through efficient and safe transport infrastructure, a range of housing options, and a built environment that is compatible with the cultural and natural heritage of the City of Parramatta local government area,
(f) to contribute to the development of a modern local economy through the identification and management of land to promote employment opportunities.
The planning proposal does not alter the zoning of the subject land that will remain *B2- local centre* zone.

The *B2 local centre* zone has a high degree of flexibility permitting development that is entirely residential units, business development, or a mix of residential and business uses.

Pursuant to clause 2.3(2) of The Hills LEP 2012 *'the consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone".*

The objectives of the B2 Local Centre zone are:

• *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*

- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*

The planning proposal promotes the objectives of the zone. The redevelopment of the land for a mix of retail/commercial and residential uses:
- provides opportunity for the provision of service needs for people who live in, work in and visit the local area,
- creates employment opportunities, and
- maximises public transport patronage, walking a cycling.

The draft Harmonisation LEP includes the following amendment of relevance to the No 241-245 Pennant Hills Road site.

Ground floor development in Zones B1 and B2	It is proposed to include new provisions in the consolidated LEP in order to resolve an inconsistency between LEPs relating to the permissibility of residential flat buildings in certain business zones. The intended objective of the clause is to restrict residential accommodation at the street level in certain business zones to enable the provision of a range of commercial and community uses. It is intended the clause will apply land in the B1 Neighbourhood Centre zone and B2 Local Centre zone. The clause will limit the ground floor of any building facing a street in the B1 or B2 zone to non-residential uses only. An exception will be applied to any part of a building that faces a service lane or is required for entrances and lobbies, access for fire services or vehicular access associated with residential accommodation.

The planning proposal requires the provision of a minimum of 1,970sqm of commercial/business (non-residential) floor space.

The building footprints and envelopes are conducive to the use of all ground floor levels for non-residential purposes in a manner that is consistent with the Harmonisation LEP. Further, those spaces will have good visual exposure to active areas, good pedestrian access, and good access to natural light promoting economically viable use.

3.7.7 The Hills Development Control Plan 2012

The planning proposal will facilitate development that is consistent with the following objectives of The Hills DCP 2012 for development within the Carlingford town centre:

"The character of the southern end of the Precinct in the vicinity of the train station will be largely determined by the development of landmark buildings on the key sites and their role in creating street oriented village built form and character, open spaces and a civic plaza linked to the station."

"The existing buildings of the railway station, in association with the Council owned library, future community facilities, open space and increased residential densities near the railway station provide a central focus and landmark for the Precinct and create a strong identity for the existing centre as a potential Town Centre."
"The urban design, functional and socioeconomic outcomes proposed for the precinct are the expression of the opportunity to:

- *Provide landmark buildings denoting the core of an urban village centred around the train station, open space, pedestrian and cycle connections, and community facilities.*
- *Provide street level active uses and human scale in the village centre.*
- *Provide a substantial number of residential units in close proximity to the train station.*
- *Provide landmark buildings at key gateways to the Precinct on Pennant Hills Road"*

"Locate the proposed apartment buildings with highest density closest to the train station to maximise infrastructure use, improve convenience for commuters and to contribute to a critical mass for a future civic/transport hubs."

"Concentrate residential density close to the station to maximise usage of the train service by the maximum number of people in the shortest, most convenient walking distance from the station."

"For sites within 400m of the train station a higher FSR is appropriate to maximise public transport usage"

3.7.8 State Environmental Planning Policies

Question 5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The planning proposal is consistent with the provisions of the following State Environmental Planning Policies that are relevant to the circumstances of the proposal.

State Environmental Planning Policy (Infrastructure) 2007

The aims of the SEPP include:
(e) identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and
(f) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing.

The Policy in the main identifies provisions and procedures that will need to be addressed at the development application stage.

Clause 87 of the SEPP requires consideration to be given to the potential impact of rail noise or vibration on non-rail development and relates to land that is *'on or adjacent to a rail corridor and that the consent authority considers is likely to be adversely affected by rail noise or vibration'*. Clause 87(3) specifies that *'if the development is for the purposes of a building for residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:*
(a) in any bedroom in the building—35 dB(A) at any time between 10.00 pm and 7.00 am,
(b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.'.

The subject site is separated from the light rail corridor by Jenkins Road; further the railway line sits well below street level. As a consequence, the subject site is not exposed to significant rail noise or vibration. Notwithstanding a report from an appropriately qualified consultant will be submitted at the development application stage if required by the consent authority.

Clause 101 of the SEPP relates to development with frontage to classified road. The subject site has frontage to Pennant Hills Road, the provisions of clause 101 are therefore relevant to the future development of the site. Clause 101 has the following objectives;

"to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and
" to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads"

Clause 101(2) states that:
"The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:
(a) where practicable, vehicular access to the land is provided by a road other than the classified road, and
(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road."

In respect of clause 101(2)(a) the indicative development scheme provides all vehicle access is from Felton Road; there is no vehicle access to Pennant Hills Road. This reflects the requirements of the SEPP and the preferred outcome of TfNSW as expressed during preliminary consultation.

In respect of clause 101(2)(c) the indicative development scheme locates non-residential uses on the ground floor level; this is also a requirement under the Harmonisation LEP. Any residential apartments will be located on the upper levels. The use of enclosed private balconies will further assist in mitigating the potential impact of road noise. A report from an appropriately qualified consultant will be submitted at the development application stage.

SEPP (Building Sustainability Index: BASIX) 2004

Detailed compliance with SEPP (BASIX) will be demonstrated at the time of making a development application for the site facilitated by the Planning Proposal.

SEPP No. 65 - Design Quality of Residential Flat Development

The primary objective of the SEPP is to improve the design quality of residential flat development in New South Wales. The indicative development scheme and supporting reports that have been prepared by 'Kennedy Associates Architects' establish that the proposed building envelope is conducive to redevelopment in a manner that achieves full compliance with SEPP 65 and ADG requirements

(without reliance on that part of the site zoned SP2). Further, redevelopment can be achieved in a manner that does not result in any nearby residential flat development becoming non-compliant with SEPP 65/ADG solar access requirements.

Clause 28 of SEPP No 65 states;

28 Preparation of instruments
A person who prepares:
(a) an environmental planning instrument, or
(b) a development control plan, or
(c) a master plan or similar plan,
that makes provision with respect to residential flat development should include provisions in the instrument or plan to ensure the achievement of design quality in accordance with the design quality principles and have regard to the publication Residential Flat Design Code (now known as the Apartment Design Guide).

The planning proposal amends the height and FSR controls applying to the site under the provisions of Parramatta (former The Hills) Local Environmental Plan 2012. Clause 1.9 of *Parramatta (former The Hills) Local Environmental Plan 2012* states *"This Plan is subject to the provisions of any State environmental planning policy that prevails over this Plan as provided by section 36 of the Act"* addressing the provisions of clause 28 of SEPP 65.

Under the planning proposal the current LEP will be amended:
- to require the preparation of a site specific DCP prior to any development consent being granted.
- to require the 'design excellence' provisions of the LEP apply to the subject site.

The DCP will be consistent with the provisions of SEPP No 65.

State Environmental Planning Policy No 55—Remediation of Land

The objective of the SEPP is:

(1) to provide for a State wide planning approach to the remediation of contaminated land.

(2) In particular, this Policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment:
(a) by specifying when consent is required, and when it is not required, for a remediation work, and
(b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and
(c) by requiring that a remediation work meet certain standards and notification requirements.
Clause 6 of the SEPP requires potential site contamination and remediation to be considered by planning proposals in circumstances where there is a zoning amendment that would permit a change of use of the land. There is no change in zoning (or change in permitted land uses) under the planning proposal.

As required by *Sydney Central City Planning Panel* a detailed site investigation (contamination) report prepared by 'Geotechnical Consultants Australia Pty Ltd' (dated September 2021).

The report draws the following conclusions and recommendations.

"15. Conclusion
Based on the site investigation and analytical results, GCA considers the potential for significant contamination of the underlying natural soils onsite to be low. Laboratory analysis confirmed minimal indications of; TRH, BTEX, OCP/OPP, PAH, Asbestos or Heavy Metals contamination within the soil and groundwater of the site.

However, elevated level of carcinogenic PAHs (as BaP TEQ) was detected above the assessment criteria (HIL-A) of 3mg/kg within the topsoil/fill layer in samples; BH1.1 (9.6mg/kg) and BH4 (5.1mg/kg). It is worth noting that HILs relevant to BaP and carcinogenic PAHs assessed on the basis of BaP TEQ. Elevated levels of BaP in relatively immobile sources, such as bitumen fragments, do not represent a significant health risk (NEPM 2011, Guideline on health-based investigation levels-B7- Page10). GCA confirm that elevated levels of carcinogenic PAHs are associated with the bitumen fragments of the ground surface directly above BH1 and BH4.

In addition, the analytical results indicate Heavy Metal values including Cadmium, Chromium, Copper, Nickel and Zinc although bellow GIL for drinking

water guidelines but exceeded the GIL for Marine and Fresh Water guidelines for some or all the water samples.

Since the dissolved heavy metal concentrations are typical of background levels present in the geology within the Sydney basin. The observed exceedances are probably due to existing background levels associated with the site conditions and geology. Moreover, the subject site does not adjoin an area of high ecological value, such as a sensitive and protected wetland. Therefore, the risk of these elevated values of Heavy Metal concentration is insignificant.

Therefore, GCA finds that the site is suitable for the proposed development and land use, providing the recommendations within ***Section 16, Recommendations*** *of this report are undertaken during the Construction Certificate (CC) stage.*

16. Recommendations

Based on the information collected and available during this investigation, the following recommendations have been made:

• All structures onsite should have a Hazardous Materials Survey (HMS) conducted by a qualified occupational hygienist and/or environmental consultant for the site prior to any demolition or renovation works in accordance with relevant Australian Standards, SafeWork NSW codes of practice and any other applicable requirements;

• An Asbestos Clearance Certificate is required to be completed once all existing buildings and structures have been demolished;

• Any soils requiring removal from the site, as part of future site works, should be classified in accordance with the "Waste Classification Guidelines, Part 1: Classifying Waste" NSW EPA (2014);

• The demolition of any structures and excavation activity on site be undertaken in accordance with relevant Australian Standards, SafeWork NSW codes of practice and any other applicable requirements; and

• A site specific 'Unexpected Finds Protocol' is to be made available for reference for all occupants and/or site workers in the event unanticipated contamination is discovered, including asbestos".

SEPP (Exempt and Complying Development Codes) 2008

The SEPP may apply to future development of the site. No relevant matters arise in respect of the planning proposal.

3.7.9 Ministerial Directions

Question 6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

The planning proposal is consistent with the following Ministerial Directions that are relevant to the circumstances of the proposal.

Direction 1.1 Business and Industrial Zones

The objectives of this direction are to:
(a) encourage employment growth in suitable locations,
(b) protect employment land in business and industrial zones, and
(c) support the viability of identified centres

The Direction requires that:
(4) A planning proposal must:
(a) give effect to the objectives of this direction,
(b) retain the areas and locations of existing business and industrial zones,
(c) not reduce the total potential floor space area for employment uses and related public services in business zones,
(d) not reduce the total potential floor space area for industrial uses in industrial zones, and
(e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Secretary of the Department of Planning and Environment.
(b) A planning proposal must retain the areas and locations of existing business and industrial zones,

The planning proposal does not alter the zoning of the land nor change the uses that are permissible under the current zoning.

The planning proposal provides for a minimum of 1,970sqm of non-residential floor space that is intended to be occupied by small scale service commercial/retail/health businesses and a childcare centre.

The planning proposal is supportive of the role of the Carlingford town centre under the centres hierarchy and will contribute to the provision of employment opportunities in a manner that is appropriate for the centre and that does not

undermine or compete with the primary employment functions of major and regional centres.

(c) A planning proposal must not reduce the total potential floor space area for employment uses and related public services in business zones,

The planning proposal does not reduce the potential floor space area for employment uses. The planning proposal provides for a minimum of 1,970sqm of non-residential, commercial type floor space to be provided in any future redevelopment of the site. A higher component may eventuate pending market demand at the DA stage. The commercial component enables the redevelopment to contribute to the provision of local services creating employment opportunities and services to the Carlingford town centre.

Potential commercial uses include small businesses, gymnasium, restaurant, cafes, and service retail and commercial, healthcare and childcare.

Parramatta Council recently considered the amount of non-residential floor space that should be provided in development within local centres (and specifically land zoned *B2 local centre*) so as to ensure that future development achieved both local planning objectives and the objectives of the CCDP. The Parramatta Council Harmonisation LEP includes a specific requirement that the ground floor level use of development in the *B2 local centre* zones must be non-residential in use to ensure that a reasonable and appropriate contribution is made towards local service provision and employment creation in the local centres. The planning proposal ensures that the floor space targets expressed in the Harmonisation LEP will not only be met but exceeded upon the future redevelopment of the site.

(d) A planning proposal must not reduce the total potential floor space area for industrial uses in industrial zones

Not relevant as the planning proposal does not relate to industrial land.

(e) A planning proposal must ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning.

Not relevant as the planning proposal does not propose any new employment areas.

Direction 2.3 Heritage Conservation

The objective of this direction is 'to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance'.

The Direction requires that a planning proposal must contain provisions that facilitate the conservation of:
(a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,
(b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and
(c) Aboriginal areas, Aboriginal objects,

The subject site is not identified as being of heritage significance (European or Aboriginal) and is not located within a heritage conservation area.

The planning proposal does not seek to alter or amend any heritage related clauses or provisions under the governing LEP.

The K13 Memorial Park that is identified as being of local heritage significance is located on the southern side of Pennant Hills Road. The solar analysis provided by 'Kennedy Associates Architects' confirms that the proposed building height and density controls can accommodate development that will not have a significant shadowing impact on the park. The redevelopment of the site will promote casual surveillance of the park.

Direction 2.6 Remediation of Contaminated Land

A detailed site investigation (contamination) report has been prepared by 'Geotechnical Consultants Australia Pty Ltd' (dated September 2021).

The report draws the following conclusions and recommendations.

"15. Conclusion
Based on the site investigation and analytical results, GCA considers the potential for significant contamination of the underlying natural soils onsite to be low. Laboratory analysis confirmed minimal indications of; TRH, BTEX,

OCP/OPP, PAH, Asbestos or Heavy Metals contamination within the soil and groundwater of the site.

However, elevated level of carcinogenic PAHs (as BaP TEQ) was detected above the assessment criteria (HIL-A) of 3mg/kg within the topsoil/fill layer in samples; BH1.1 (9.6mg/kg) and BH4 (5.1mg/kg). It is worth noting that HILs relevant to BaP and carcinogenic PAHs assessed on the basis of BaP TEQ. Elevated levels of BaP in relatively immobile sources, such as bitumen fragments, do not represent a significant health risk (NEPM 2011, Guideline on health-based investigation levels-B7- Page10). GCA confirm that elevated levels of carcinogenic PAHs are associated with the bitumen fragments of the ground surface directly above BH1 and BH4.

In addition, the analytical results indicate Heavy Metal values including Cadmium, Chromium, Copper, Nickel and Zinc although bellow GIL for drinking water guidelines but exceeded the GIL for Marine and Fresh Water guidelines for some or all the water samples.

Since the dissolved heavy metal concentrations are typical of background levels present in the geology within the Sydney basin. The observed exceedances are probably due to existing background levels associated with the site conditions and geology. Moreover, the subject site does not adjoin an area of high ecological value, such as a sensitive and protected wetland. Therefore, the risk of these elevated values of Heavy Metal concentration is insignificant.

Therefore, GCA finds that the site is suitable for the proposed development and land use, providing the recommendations within ***Section 16, Recommendations*** *of this report are undertaken during the Construction Certificate (CC) stage.*

16. Recommendations

Based on the information collected and available during this investigation, the following recommendations have been made:

• All structures onsite should have a Hazardous Materials Survey (HMS) conducted by a qualified occupational hygienist and/or environmental consultant for the site prior to any demolition or renovation works in accordance with relevant Australian Standards, SafeWork NSW codes of practice and any other applicable requirements;

• An Asbestos Clearance Certificate is required to be completed once all existing buildings and structures have been demolished;

• Any soils requiring removal from the site, as part of future site works, should be classified in accordance with the "Waste Classification Guidelines, Part 1: Classifying Waste" NSW EPA (2014);
• The demolition of any structures and excavation activity on site be undertaken in accordance with relevant Australian Standards, SafeWork NSW codes of practice and any other applicable requirements; and
• A site specific 'Unexpected Finds Protocol' is to be made available for reference for all occupants and/or site workers in the event unanticipated contamination is discovered, including asbestos".

Contamination of the site is of a minor nature as identified above and can be reasonably removed and the site remediated in accordance with the relevant standards.

Direction 3.1 Residential Zones

The objectives of this direction are to:

(a) to encourage a variety and choice of housing types to provide for existing and future housing needs,
(b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and
(c) to minimise the impact of residential development on the environment and resource lands.

The Direction requires that:
(4) A planning proposal must include provisions that encourage the provision of housing that will:
(a) broaden the choice of building types and locations available in the housing market, and
(b) make more efficient use of existing infrastructure and services, and
(c) reduce the consumption of land for housing and associated urban development on the urban fringe, and
(d) be of good design.
(5) A planning proposal must, in relation to land to which this direction applies:
(a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and
(b) not contain provisions which will reduce the permissible residential density of land.

(a) A planning proposal must broaden the choice of building types and locations available in the housing market

The planning proposal does not change the zoning of the site and thus does not change the potential dwelling typologies.

The *B2- local centre* zone has a high degree of flexibility in terms of 'building types' permitting residential development, business development and mixed-use development.

The planning proposal facilitates redevelopment that will contribute to housing supply, having balanced regard to the requirements of other Directions (including 'Direction 1.1 Business and Industrial Zones' that requires the delivery of local service and employment opportunities by means of the provision of non-residential floor space).

The provisions of the ADG require further development to provide a mix of 1, 2, and 3, bedroom units.

The provision of other housing typologies (such as townhouses) is not considered to be desirable on the site. In this respect there is an extensive residential precinct located immediately to the west of the site that is zoned to specifically encourage townhouse development. There has been limited market uptake/demand for townhouse development in the precinct. Further it is noted that Councils Harmonization LEP will require all ground floor uses on land zoned *B2 local centre* zone to be used for non-residential purposes. This will have the effect of prohibiting residential housing typologies such as townhouses in the business zone (the only permissible residential housing typologies will be shop top housing/residential flats and boarding houses).

(b) A planning proposal must make more efficient use of existing infrastructure and services

The site is in proximity of the new light rail and existing bus stops on Pennant Hills Road. The planning proposal increases the density of residential development on the site making more efficient use of existing utiliity infrastructure and services.

(c) A planning proposal must reduce the consumption of land for housing and associated urban development on the urban fringe

The proposal promotes higher density housing on a site that is located within an existing town centre.

(d) A planning proposal must be of good design.

The indicative design scheme and supporting reports that have been prepared by 'Kennedy Associates Architects' establish that the proposed building envelope is conducive to redevelopment in a manner that achieves full compliance with SEPP 65 and ADG requirements (without reliance on that part of the site zoned SP2). Further, redevelopment can be achieved in a manner that does not result in any nearby residential flat development becoming non-compliant with SEPP 65/ADG solar access requirements.

Under the planning proposal the current LEP will be amended:
- to require the preparation of a site specific DCP prior to any development consent being granted. The DCP will be consistent with the provisions of SEPP No 65.
- to require the 'design excellence' provisions of the LEP apply to the subject site.

(5) A planning proposal must, in relation to land to which this direction applies:
(a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and
(b) not contain provisions which will reduce the permissible residential density of land.

The subject site is not located on the urban fringe or in an urban release area. The subject site is located within the Carlingford town centre - all required services including electricity and sewer is available to the site.

The planning proposal provides for an increase rather than reduction in the density of residential development on the subject land.

Direction 3.4 Integrating Land Use and Transport

This objective of this Direction is:

To ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

(a) improving access to housing, jobs and services by walking, cycling and public transport, and
(b) increasing the choice of available transport and reducing dependence on cars, and
(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car and
(d) supporting the efficient and viable operation of public transport services, and
(e) providing for the efficient movement of freight. A

The Planning Proposal is consistent with this direction, in that it:
- promote the construction of new dwellings near existing and proposed public transport links in Carlingford including both existing bus services and the new light rail.
- will enable residents to walk or cycle to nearby commercial services and public transport reducing car dependency.
- will provide commercial premises in proximity to existing transport links.
- will make more efficient use of space and infrastructure by increasing densities on an under-utilised site.

Consultation with Council and RMS in relation to traffic matters

A history of consultation with The Hills Council, Parramatta and RMS has been provided in the traffic report. The Hills and Parramatta Councils were principally concerned with gaining RMS approval for access given the main road frontage and current access arrangements from Pennant Hills Road.

RMS raised concern with utilising Pennant Hills Road as a principal access for the future development. RMS did indicate that consideration could be given to retaining commercial access only from Pennant Hills Road and residential access be confined to and from Felton Road.

The applicant revised the design to enable vehicle access onto the site from Felton Road only to service the entire development.

Parking congestion along Felton Road has been reduced by the inclusion of 'No Parking' signage during the drop off and pick up times during school peak use. This was achieved through consultation with The Hills Council.

Parramatta Council has been instrumental in improving traffic flow along Pennant Hills Road through consultation with RMS. Parramatta Council raised no objection to the concept plans relating to on-site traffic flow and parking design.

Traffic flow along Pennant Hills Road will improve with the inclusion of traffic lights at the Baker Street and Pennant Hills Road intersection associated with the Baptist Care development site.

RMS and Parramatta Council have also committed to the installation of traffic lights at the Evans Road and Pennant Hills Road intersection at a future date.

Much of the conservation/correspondence between the applicant and RMS has however centred around the SP2 zoned land across the Pennant Hills Road frontage of the site.

Two parcels of land have been zoned SP2 meant to be set aside for future road widening along Pennant Hills Road. The SP2 zone has the negative implication of excising land from the site without being able to access the floor space opportunity from its site area. RMS cannot commit to a time frame for the acquisition of the land which will effectively isolate the land parcel in front of the development site for many years to come. There are also concerns arising in terms of ownership and insurance implications should the development site proceed (possibly under new ownership) and the SP2 zoned land remain under the current ownership for an extended period of time.

The above issues have been raised with the Department of Planning and Environment and RMS. RMS maintains that the SP2 zoned land is required.

RMS did respond to the applicant by letter dated the 16th June 2021 offering a solution to the issue as follows:

> *We understand that your key query relates to possible alternatives as to how Lot 5 DP805509 (**Lot 5**) and Lot 6 DP 805509 (**Lot 6**) could be dealt with going forward as part of the broader planning proposal being prepared for the Site.*
> *Having considered this issue internally, TfNSW advises that it is not in a position to relinquish the road widening which affects Lots 5 and 6 at this time (as indicated by the pink shaded parcels in the top half of the diagram in **Attachment A**).*

> ***As an alternative to the possibilities put forward in the Madison Marcus letter dated 23 February 2021, TfNSW encourages you to approach Council about potential density offset provisions that could be adopted for this site in an LEP amendment, so that the potential floor space ratio (FSR) from Lots 5 and 6 can be transferred to the rest of the Site***.
> *Thank you for the opportunity to provide early advice on this preliminary planning proposal*.

The solution offered by RMS is logical and practical moving forward. Should the applicant be allowed to use the available floor space from the SP2 zoned land as part of the development site area for the sole purpose of floor space calculation, then the SP2 zoned land can be dedicated to RMS in its entirety. Such also resolves ongoing concerns in relation to ownership and insurance matters.

The Panel is requested to enable use of the SP2 land as part of the total site area of the development site while maintaining the maximum FSR of 2.1:1 consistent with the Panel resolution.

Direction 6.1 Approval and Referral Requirements

The planning proposal does not introduce any additional requirements for concurrence, consultation or referral of development applications to a Minister or public authority. The planning proposal is consistent with the terms of this direction.

Direction 6.2 Reserving Land for a Public Purpose

The site is affected by an SP2 zone which provides for road widening along part of the Pennant Hills Road frontage. The planning proposal does not create, alter, or reduce the existing zonings or reservations of land for public purposes.

The indicative design scheme confirms that the site can be redeveloped for a high-quality building that achieves all relevant design standards while setting aside the SP2 zoned land for road widening purposes.

Direction 6.3 Site Specific Provisions

The Planning Proposal was considered by the *Sydney Central City Planning Panel* on 7 May 2021. The Panel Decision was as follows:

- The use of an additional local provision clause in lieu of Schedule 1.
- The additional local provision clause is to:
  - exclude the requirement for a maximum number of dwellings (whilst maintaining the non-residential floor space requirement);
  - refer to '*enclosed private balconies*' rather than wintergardens;
  - make provision for the preparation of a site-specific DCP to address built form and urban design matters prior to any development consent being granted;
- The design excellence provisions of the PLEP are to apply to the site.

As recommended by the Panel the planning proposal seeks to facilitate the redevelopment of the land by amending the relevant LEP provisions to permit:

- a maximum 'height of building' height range of 14m to 49m; and
- a maximum FSR of 2.1:1; and
- allowance for enclosed private balconies (having a combined total area of not greater than 465sqm) to be excluded from the calculation of GFA and FSR.
- Require a minimum of 1,970sqm of non-residential floor space in the future development on the land; and
- Require the preparation of a site specific DCP to make provision for the preparation of a site-specific DCP to address built form, urban design matter, tree canopy and green cover prior to any development consent being granted; and
- Require the design excellence provisions of the PLEP 2011 (pending Harmonisation LEP) to apply to the site.

Development of the subject land is currently governed by the *Parramatta (former The Hills) Local Environmental Plan 2012.* Parramatta Council has adopted the Harmonisation LEP that will consolidate the existing numerous LEPs (including the *Parramatta (former The Hills) Local Environmental Plan 2012*) that apply in the local government area into a single instrument. It is anticipated that the Harmonisation LEP will come into effect in the near future and certainly before the finalisation of this planning proposal. The Harmonisation LEP adopts the format (and clauses) of the current PLEP 2011.

The objective of the Direction is *'to discourage unnecessarily restrictive sit-specific planning controls'.*

The Direction requires that:
A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:

(a) allow that land use to be carried out in the zone the land is situated on, or
(b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or
(c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.
(5) A planning proposal must not contain or refer to drawings that show details of the development proposal.

The planning proposal is consistent with the Direction in that:

- It does not alter the zoning of the subject land that will remain *B2 local centre*.
- It does not seek to alter the relevant land use table or objectives.
- It does not introduce any new development standard planning controls into the principal instrument. Building height and FSR controls currently apply to development on the subject site.
- It can implement the existing Part 6 provisions of the PLEP 2011 (that are continued in the Harmonisation LEP) to identify specific requirements for the development of the site. The amendments to the LEP will:
  -Use the Existing clause 6.13 provisions relating to design excellence (the design excellence map will need to be amended to include the subject site).
  -Insert a clause similar to clauses 6.20 and 6.21 of the PLEP 2011 to make allowance for enclosed balconies, require a minimum of 1,970sqm of non-residential floor space, and require the preparation of a DCP prior to a development consent being issued.
- It does not seek to alter the principal instrument by adding provisions or clauses that contain or refer to drawings that show details of the development proposal.

Direction 7.1 – Implementation of A Plan for Growing Sydney

The planning proposal implements the objectives of *A Metropolis of Three Cities.* A detailed assessment has been provided previously in this report.

Direction 7.5 - Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan

The site is located adjacent to the draft Greater Parramatta Priority Growth Area and draws upon the principles of the GPOP plan. The planning proposal 'gives life' to the initiatives of the GPOP.

4.0 ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

Question 7: Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal??

No impacts arise from the planning proposal as the site does not contain critical habitat, threatened species, populations or ecological communities or their habitats.

Question 8: Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

There are no significant physical constrains to the redevelopment of the subject property. In this respect:

- The subject site is NOT identified as being of heritage significance
- The subject site is NOT located within a heritage conservation area.
- The subject site DOES NOT contain significant vegetation or critical habitat.
- The subject site is NOT flood prone.
- The subject site is NOT within a bushfire hazard area.
- The subject site has a relatively level topography and very substantial street frontages/exposure.
- The subject site is NOT constrained by acid sulphate soils.

The environmental impacts associated with the planning proposal are canvassed in section 3.4 of this report. These matters include urban design/streetscape (building height massing, density), pedestrian circulation and movement, traffic,

and the physical relationship with nearby development (amenity- shadowing and privacy).

The planning proposal facilitates a high-quality urban design and town planning outcome for the site that positively responds to the site's characteristics and its context.

Expert reports have been provided in respect of traffic generation, potential impacts of EMR on future residential development and potential site contamination.

Traffic and Parking

The Traffic Impact Assessment report prepared by *Traffic Solutions* concluded that the local street network has the capacity to accommodate the traffic that is likely to be generated by the redevelopment of the land.

Electromagnetic Radiation and Energy

There is often community concern expressed in respect of potential health impacts arising from the proximity of residential housing to substations and communications towers. The substation and communication tower located to the north and north-west of the subject site do not generate electromagnetic fields that would adversely impact upon health. The EME Survey prepared by *EMC Technologies* confirms that the EMR and EME levels are well within the applicable public health standards and are not a constraint to residential development on the subject land.

Potential Site Contamination

Panel a detailed site investigation (contamination) report prepared by 'Geotechnical Consultants Australia Pty Ltd'. The report concludes that the site is suitable for the proposed development and land use.

***Question 9: Has the planning proposal adequately addressed any social and economic effects?*?**

The social and economic impacts that will be delivered by the planning proposal have been well documented in this report and the social impact comment

prepared by 'EMM Consulting Pty Ltd (EMM Consulting)'. Salient matters include:

Economic

The planning proposal:
- Enables the delivery of a mixed-use development that appropriately balances provision of residential and commercial floor space.
- Enables the delivery of viable high-quality commercial floor space that will provide opportunities for local services/businesses in the town centre including potential health care occupancy.
-Creates employment during the construction phase.
-Creates long term employment from the business/commercial floor space and childcare centre within the development.
- Delivers a development that will maximise the use of existing and emerging public transport infra structure.
-Facilitates the provision publicly accessible pedestrian corridor through the site linking Felton Road to Pennant Hills Road; at no cost to any public authority or the community.
-Facilitates the delivery of a high amenity community focal point (the through site pedestrian zone), at no cost to any public authority or the community.
-Provides for the efficient use of land in a well serviced locality.
- Facilitates a development that contributes to the economic role and functions of the Carlingford town centre.
- Facilitates the provision of wider community benefits that have a considerable monetary value by means of the VPA including the dedication of land for improvements to Pennant Hills Road, at no cost to the community or any public authority.

Social

Delivering a development that will create a focal point for the community. Central to this is the creation of a publicly accessible pedestrian zone through the site linking Felton Road to Pennant Hills Road. This will provide an active and enjoyable space fostering social connections and integration. The *'provision of open space and recreation facilities within private development to support the needs of residents'* is a matter that has been identified in the *Parramatta Draft Local Housing Strategy* (28 August 2019) as community need within the Carlingford town centre.

Delivering a private 90 place childcare centre as part of the development of the site. The increased provision of either private or not for profit long day care centres is specifically identified in the *Parramatta Draft Local Housing Strategy* (28 August 2019) as a community need in the Carlingford town centre.

Promoting commercial uses (such as the gymnasium) that are conducive to community health and well-being.
Providing high amenity housing in a well serviced locality.

Providing a development of high architectural integrity and that respect the amenity of surrounding land uses.

Delivering a development that promotes pedestrian activity and circulation. The need for *'increased pedestrian connectivity'* is a matter that has been identified in the *Parramatta Draft Local Housing Strategy* (28 August 2019) as community need within the Carlingford precinct.

Providing flexible commercial floor plates that are suitable for a broad range of potential uses including health care.

5.0 STATE AND COMMONWEALTH INTERESTS

Question 10: Is there adequate public infrastructure for the planning proposal??

Typically, this question applies to planning proposals that:
- *result in residential subdivisions in excess of 150 lots*
- *substantial urban renewal*
- *infill development*
- *development that will result in additional demand on infrastructure (such as public transport, roads, utilities, waste management and recycling services, essential services such as health, education and emergency services).*

All utility services (telephone, electricity, sewer and water) are available to the site.

Generally, all required infrastructure such transport, schools and open space is available to the site.

The planning proposal makes a positive contribution to community infrastructure through the provision of the childcare centre, the pedestrian zone (community gathering space), improved pedestrian circulation routes, and the dedication of land for future improvements to Pennant Hills Road.

Question 11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

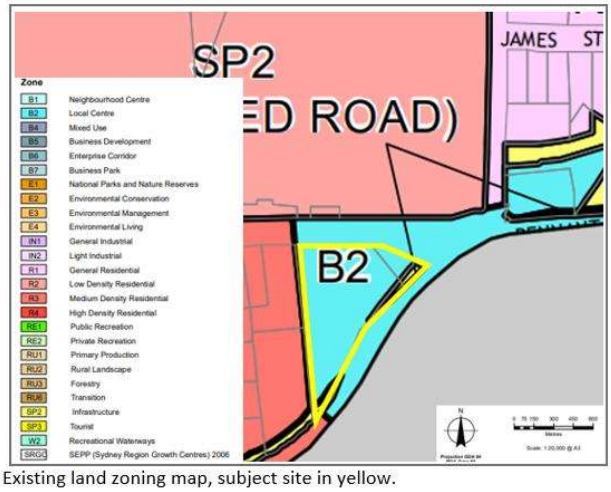
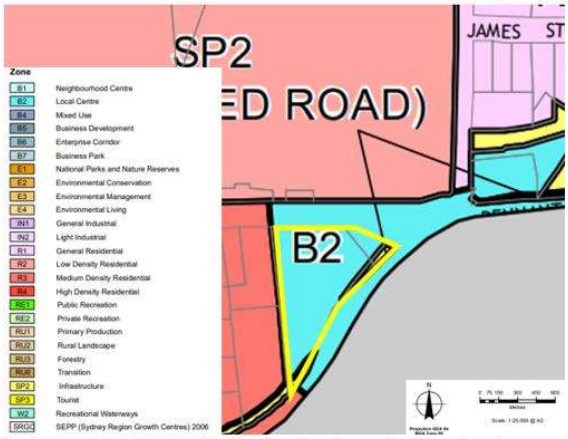
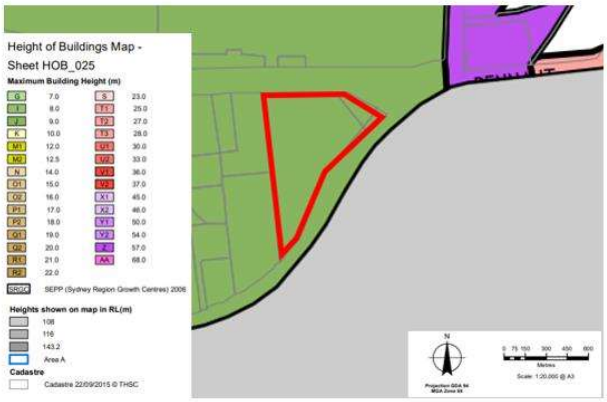
Both the applicant and Councils officers undertook pre-gateway discussions with RMS. Those discussions revealed that the RMS would:
- Require the removal of the existing driveway access to Pennant Hills Road due to road safety and network efficiency outcomes. Consideration could however be given to commercial/service access from Pennant Hills Road only.
- Prefer that land required for road widening along the Pennant Hills Road site frontage be made available at no cost to RMS. To this end RMS advised that they would be supportive of an FSR transfer to the remainder of the site to offset acquisition costs.

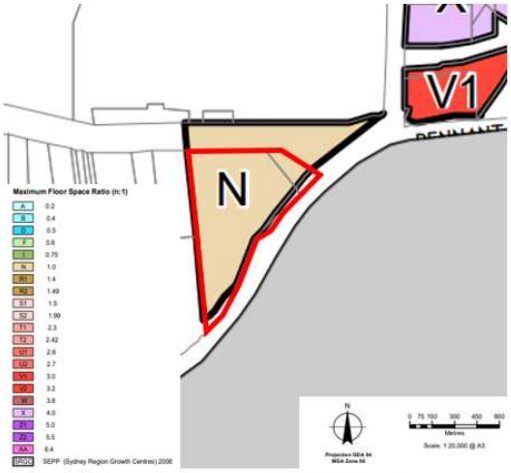
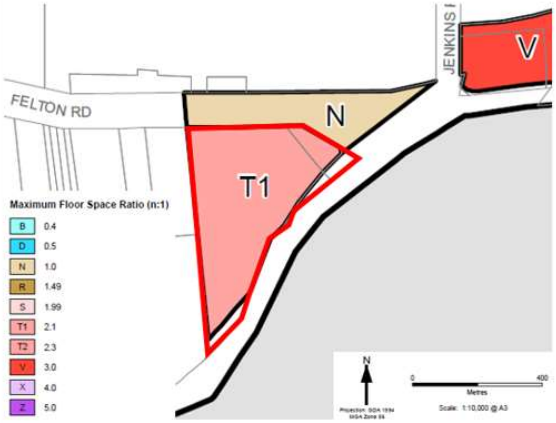
The planning proposal provides for the above outcomes. Vehicle access will be restricted to Felton Road and land required for road will be dedicated by means of a VPA, free of land cost. These outcomes will only be achieved if the planning proposal proceeds. Even though recommended by TfNSW the proposal does not involve the transfer of the FSR from the SP2 zoned land to the remainder of the site.

6.0 MAPPING

There is no change to the zoning of the site under the planning proposal. The amendments to the building height and FSR maps are illustrated below.

Existing and proposed map provisions for the planning proposal at 241 – 245 Pennant Hills Road

Controls	Existing planning controls under Parramatta (former The Hills) LEP 2012	Proposed controls under the planning proposal
Zone	 Existing land zoning map, subject site in yellow.	 No changes are proposed to the land zoning under the planning proposal. Subject site in yellow.
Building height	 Existing height of buildings map, subject site in red.	 Proposed height of buildings map, subject site in red.

Floor space ratio	 existing floor space ratio map, subject site in red.	 Proposed floor space ratio map, subject site in red.
Design Excellence	N/A	 Proposed design excellence map, subject site in yellow.

7.0 COMMUNITY CONSULTATION AND TIMELINE

The planning proposal has been considered by various government agencies since 2016 including the following:

- *Sydney West Central Planning Panel;*
- *Parramatta Council;*
- *RMS;*
- *Local Planning Panel;*
- *Regional Planning Panel; and*
- *Department of Planning, Industry and Environment* under the review process.

The adaptive/flexible commercial floor plates facilitate a variety of uses including potential health service (medical centre). It is understood that a formal notification and consultation process will occur as part of the gateway assessment.

Part 6 – Project Timeline

Anticipated commencement date (date of Gateway determination)	25th February 2022
Anticipated timeframe for the completion of required technical information	25th March 2022
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	April – May 2022
Commencement and completion dates for public exhibition period	April – May 2022
Dates for public hearing (if required)	June 2022 if required
Timeframe for consideration of submissions	June 2022
Timeframe for the consideration of a proposal post exhibition	July 2022
Date of submission to the department to finalise the LEP	August 2022
Anticipated date RPA will make the plan (if delegated)	August 2022
Anticipated date RPA will forward to the department for notification.	August 2022

8.0 CONCLUSION AND RECOMMENDATION

The planning proposal is consistent with and promotes the strategic planning objectives of both the State and local government.

The planning proposal has substantial town planning merit and should receive favourable consideration.

Author of the report:

Nigel White – Bachelor of Applied Science (Environmental Planning)

Date: 23rd March 2022