

project: 241 – 245 Pennant Hills Road, Carlingford

project no: 1804

date: 30/06/2022

Response to Council Submission

This statement has been prepared in response to the submission made by City of Parramatta Council in response to the Planning Proposal at the above address (PP-2022-376) dated 22 June 2022

Issue / Section	Council Comment	KAA Response
<p>1. Background</p>	<p><i>The Planning Proposal has been subject to an extensive history, which is detailed at Attachment 2. In summary, the originally proposed 2.1:1 FSR and 49m height limit was supported by Council officers and the 21 May 2019 LPP, with the LPP determining that Council consider 2.4:1 FSR subject to a unit cap of 108 and a minimum commercial floor area of 1,970m². The 2.1:1 FSR and 49m height limit was recommended to Council as part of the 22 July 2019 Council report. Council resolved not to support the Planning Proposal at its meeting of 22 July 2019 and resolved that a lower FSR of 1.5:1 and height limit of 28 storeys was appropriate. Council encouraged the proponent to revise their Planning Proposal to be consistent with this resolution. However, this was not agreed to by the proponent and subsequently a rezoning review was pursued.</i></p> <p><i>Council's resolved position for not supporting the higher FSR and height include:</i></p> <ul style="list-style-type: none"> • <i>The proposed maximum building heights would be out of character for the site and is likely to negatively impact upon the privacy, amenity and solar access of properties to the west of the site on Felton and Pennant Hills Roads.</i> • <i>The proposal in its current format will result in a reduction in the amount of existing commercial floor space at the site which is inconsistent with the objectives of the Central City District Plan and its objectives to provide employment in the Carlingford area.</i> • <i>The vehicle movements generated and connections proposed would put unacceptable levels of traffic on local roads which are already over capacity during peak periods and would potentially delay and conflict with movements on Pennant Hills Road.</i> 	<p><i>A response to the particulars of Council's concerns is detailed below.</i></p>
<p>2. Key Issues</p>	<p><i>Notwithstanding Council officer's previous support for the higher FSR and height, noting the redistribution of building envelopes compared to the original scheme, and following further urban design testing of the most recently exhibited material, Council officers raise issues with the Planning Proposal as expanded upon below.</i></p> <p><i>In addition, it is important to note that the subject site is outside the established precincts mooted for higher density development as part of Council's Local Strategic Housing Statement (LSPS). The development is therefore subject to the housing diversity criteria specified in the LSPS that requires, amongst other things, the built form to be compatible with the surrounding environment (which as detailed in this submission, it is not) and provide 5-10% permanent affordable rental housing.</i></p>	<p><i>As stated above, Council officers previously (2019) expressed support for an FSR of 2.1:1 and a HOB of 49m on the site.</i></p> <p><i>Reference to the '2019' scheme is taken to be a reference to the 'Local Planning Panel Package' submitted and presented to the LPP. No formal amendment to the Planning Proposal or the Indicative Scheme prepared to support it was undertaken or submitted in 2019.</i></p> <p><i>There has been minimal change between the indicative massing outlined in 2019 and the indicative massing currently proposed. Both indicative schemes incorporate:</i></p> <ul style="list-style-type: none"> • <i>A 2 storey commercial podium</i> • <i>A maximum tower height of 14 storeys</i> • <i>Intermediate tower heights of 10 storeys (Pennant Hills Road) and 9 storeys (Felton Road)</i>

Notwithstanding the housing diversity criteria in the LSPS, the concerns raised in this submission are based on the exhibited scheme, and Council officer's preferred scheme that is based on the Council resolution of 22 July 2019.

- A 3 storey 'row' building along the western boundary.

That is, the building envelopes have not been 'redistributed'.

The amendments to the indicative scheme undertaken since 2019 were exclusively made to reflect the FSR to 2.1:1 supported by Council Officers and the LPP, where the massing previously reflected an FSR of 2.4:1. The amendments primarily relate to; the alteration of unit layouts (including the deletion of 8 units), amendments to the communal lobby areas and the introduction of a 'break' in the 3 storey row building.

There has been no fundamental or material changes to the indicative massing between 2019 and the most up to date issue (2021)

It is noted that the indicative scheme prepared to support the Planning Proposal is one example of how the 2.1:1 FSR can be distributed on the subject site. More specific massing outcomes can be negotiated with Council through the preparation of a site specific DCP and / or during the DA process.

As detailed in the Urban Design Statement which accompanies the Planning Proposal, in our opinion, the proposal is compatible with the surrounding environment.

Specifically (in brief) it:

- is of a comparable or lesser bulk and scale as is allowable on sites a similar distance from Carlingford Station, to the north
- is well located with regards to services, amenities and transport
- does not result in unacceptable impacts on neighbouring sites (i.e overshadowing, privacy)
- allows for appropriate scale transitions to lower density neighbours
- allows for appropriate scale transitions to higher density neighbours

In particular, it is noted that the proposal is for an FSR and HOB less than that allowable on the neighbouring site to the north-east (the '7/Eleven' site) on which development of up to 57m and 3.0:1 is permissible.

In our opinion, the subject site presents a unique opportunity to provide much needed residential accommodation in the locality, in a well serviced location.

It is noted that:

- the LSPS estimates 4,470 new dwellings in the suburb of Carlingford by 2036
- the 'Carlingford Precinct' identified in the LSPS is located immediately to the north-east of the subject site

Provision of 5 – 10% affordable rental housing can be addressed at DA stage.

a. Pedestrian and vehicular circulation and traffic impacts

The proposed density increase will have impacts to an already congested network and traffic improvements are needed before density to the extent of what is being proposed should be supported.

The current location of the driveway off Felton Road is supported. However, Felton Road is classified as a local road that has narrow road widths and currently has traffic and parking issues during school peak periods. Felton Road, particularly at the Baker Street intersection, is heavily congested and regularly gridlocked during

Traffic impacts are outside of KAA expertise.

school peak periods as it is used by parents of nearby schools (James Ruse Agricultural High School west of Baker Street and Carlingford West Public School east of Baker Street) for pick up and drop off, and likely school buses as well. The proposed development will result in increased traffic generation, putting further strain on the intersection of Felton Road and Baker Street, which is already at capacity during school peak periods.

There is no information provided on the estimated trip generation by the proposed development. This needs to be addressed to understand likely traffic impacts. Improvements are required at this intersection to improve traffic conditions, and this must be addressed and modelled in the traffic report.

The subject site is within 400m from the future Parramatta Light Rail stop. As a result, objective 3J-1 of the ADG is applied to this site which states that "the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generation Developments, or the car parking requirement prescribed by the relevant Council, whichever is less". On this basis, the RMS parking rates for high density residential flat buildings within metropolitan sub-regional centres are applicable to this site.

Potential traffic impacts resulting from new development are a key concern for Council. It is essential that the Planning Proposal and supporting traffic study can demonstrate that the increase in density on the site will not have any significant negative impacts on the existing road network. This includes ensuring that adequate on-site parking is provided for residents and visitors. It is also crucial that deep soil zones not be sacrificed at the expense of basement parking.

b. Building Height

The maximum proposed building height of 49m (15 storeys) is not supported in its current form. This increase in height generates a large bulk and higher street edge that is not considered appropriate for the site given the proximity to existing low density residential development and interface with Pennant Hills Road.

A maximum building height of 28m (9 storeys) is considered appropriate for this site that will result in a built form that responds to the existing context and that is in accordance with the desired future character of the area.

As discussed above, the proposed building height of 49m is as proposed in 2019. Council officers previously supported this height.

As also discussed above, in our opinion, the overall building height, and the distribution of massing within this height limit outlined in the indicative scheme, is appropriate for the site.

Specifically (in brief):

- the proposed height comparable with or lesser than as is allowable on sites a similar distance from Carlingford Station
- the proposed height is consistent with the 'height datum' along Pennant Hills Road established by new development around Carlingford Station
- the proposed height is less than is allowable on the '7/Eleven' site to the immediate north east (57m)
- the proposed massing locates the taller elements to the north, closest to the higher density development around the station
- the proposed massing provides transitional heights along both street frontages and to the western (lower density) neighbours

A fuller discussion on the appropriateness of the proposed building height, in urban design terms, is contained in the Urban Design Statement which accompanies the Planning Proposal.

It is noted that the indicative scheme prepared to support the Planning Proposal is one example of how the 2.1:1 FSR can be distributed on the subject site, within the proposed 49m height plane. More specific massing outcomes can be negotiated with Council through the preparation of a site specific DCP and / or during the DA process.

<p>c. Podium Height and street wall</p>	<p><i>A podium should be reinstated with a lesser height that better responds to the future context and existing surrounding buildings. Upon review of the scheme a podium height that is 3 storeys maximum (as opposed to the proposed 4, 6 and 10 storey podium heights) is preferred. This creates a comfortable scale to the street frontage that is sympathetic with building heights along Pennant Hills Road and that produces a suitable podium to tower proportion. The maximum building depth for any podium element should be 22m to provide adequate amenity to the residential units and internal courtyard.</i></p>	<p>The current indicative scheme includes a 2 storey commercial podium.</p> <p>A 'stepped' residential tower is incorporated above, with total heights (including the 2 storeys of podium) of 9, 10 + 14 storeys.</p> <p>A separate, 3 storey, row building is located in the western portion of the site.</p> <p>In our opinion, the proposed tower and podium arrangement outlined in the indicative scheme provides appropriate transition to neighbours (lower and higher density) and an attractive and articulated appearance to Pennant Hills Road.</p> <p>Podium Building Depth can be addressed through the preparation of a site specific DCP and / or during the DA process.</p>
<p>d. Tower component</p>	<p><i>An increased height to the current LEP controls for the tower element (limited to 1000sqm floor plate/ gross building area (GBA) to 29m may be supported by Council officers (with a scheme of a maximum FSR of 1.5:1) if the following proposed podium setbacks are respected and the built form steps down to the northern and western edge:</i></p> <ul style="list-style-type: none"> • <i>Given the podium layout and size after setbacks are applied, Council officers will consider a 0m upper-level setback provided that wind mitigation measures are implemented where required e.g., Awnings and facade treatments.</i> • <i>A secondary lower tower element to the north can be accommodated at 5 storeys maximum. This is to facilitate a height transition to the western edge and enable adequate solar access to the internal courtyard.</i> 	<p>As outlined above, in our opinion, the proposed 2.1:1 FSR and 49m HOB are appropriate for the subject site.</p> <p>As also outlined above, in our opinion, the massing proposed in the accompanying indicative scheme is appropriate for the subject site.</p>
<p><i>This is shown in further detail in Attachment 1.</i></p>		
<p>e. Setbacks</p>	<p><i>A minimum 6m deep soil setback should be provided along Pennant Hills Road (after Transport for New South Wales dedication) and Felton Road. These setbacks should consider the space necessary for trees with generous canopies to be suitably accommodated. The setbacks along Pennant Hills Road also helps create a buffer and will protect residents from noise and pollution with trees facilitating a positive natural outlook. Recommended tree species include Eucalyptus scoparia; Brachychiton acerifolius; Jacaranda mimosifolia and Angophora floribunda.</i></p> <p><i>A 9m setback to the western boundary is recommended as it can accommodate a through-site link, and a vegetated deep soil zone that will provide ample canopy cover to that edge. This vegetated buffer will provide adequate shade and privacy to the public and adjacent residents. The 9m width is a required transition zone from the low scale development to the west, which is also a requirement of the visual privacy criteria specified in the Apartment Design Guide (ADG).</i></p>	<p>The current indicative scheme incorporates a 6m wide deep soil setback to Pennant Hills Road (after Transport for New South Wales Dedication).</p> <p>A 4m wide setback (not deep soil) is provided to Felton Road. This setback is considered appropriate for the proposed typology, the width of the Felton Road carriageway and the opposing land use (electricity infrastructure).</p> <p>The current indicative scheme incorporates a 6m wide deep soil setback to the western boundary. The provision of a 6m setback is considered to provide an appropriate interface between the 2 storey development on the neighbouring site and the proposed 3 storey row building. The 'tower' portion of the proposed development is separated from the western boundary by over 25m</p> <p>The current indicative scheme exceeds the ADG and DCP requirements for deep soil, providing 1709sqm or 27.8% of the site as deep soil.</p> <p>More specific setback and deep soil outcomes can be negotiated with Council through the preparation of a site specific DCP and / or during the DA process.</p>
<p>f. Interfaces - West</p>	<p><i>The proposed residential development along the western boundary is not preferred as it decreases the size of communal open space. The removal of the development along this edge would improve pedestrian permeability and co-locate communal open space within a deep soil zone, which will enhance the survival of vegetated habitats. Council officers recommend that the western edge be utilised as a through-site link, which creates a north-south connection and increases the buffer between the proposed and established lower density development.</i></p>	<p>The current indicative scheme incorporates:</p> <ul style="list-style-type: none"> • 1110sqm of communal open space (19%) • 1070sqm of public open space (18%) <p>That is, the current indicative scheme incorporates 2180sqm (37%) of useable recreational area.</p>

The communal and public open spaces have been carefully considered to be useable, high amenity and provide different experiences / qualities.

The current indicative scheme incorporates 1709sqm of deep soil area (29.6%) of which 1542sqm (26.7%) is a minimum of 6m wide. This is significantly in excess of the ADG requirement.

More specific communal open space outcomes can be negotiated with Council through the preparation of a site specific DCP and / or during the DA process.

As discussed above, the portion of the development located adjacent to the western boundaries is 3 storeys in height. The 6m wide deep soil setback is considered to provide an appropriate transition to the 2 storey (R3 zoned) residential neighbours to the west.

It is noted that this arrangement was specifically developed in consultation with Council Officers.

Comments regarding the through site link are included in the specific 'through site link' section below.

Interfaces - Street

The 49m built form along Pennant Hills Road and Felton Road presents a sheer edge that does not relate to the predominantly low to mid rise character of the development to the west and south. Further consideration should be given to this interface and its suitability within this context.

The indicative scheme prepared to support the planning proposal illustrates – in principle – appropriately articulated facades to both street frontages. It includes:

- steps in the building massing
- deep vertical and horizontal recesses
- clearly defined podiums

That is, the indicative scheme does not present a 'sheer edge'.

Further, the indicative scheme is a 'high level' concept document only. It does not (and cannot) incorporate the fine grain design elements (such as balconies, fenestration, materiality + composition and architectural detailing) which contribute to the articulation and presentation of building facades.

It is anticipated that the facades of the proposed development will be carefully designed and highly modelled to achieve appropriate, visually engaging facades which contribute positively to the streetscapes.

More specific articulation and / or facade design outcomes can be negotiated with Council through the preparation of a site specific DCP and / or during the DA process. Additionally, it is noted that the Design Excellence provisions of Parramatta LEP will apply.

g. Permissibility

"Residential accommodation" which includes residential flat buildings (RFBs) are prohibited in the B2 Local Centre zone. The B2 Local Centre zone only permits RFBs in the form of "Shop top housing", which requires dwellings to be located above ground floor commercial premises or health services facilities.

Shop top housing will aid in activating the street edge and bring economic opportunities to this site in- keeping with the objectives of the zone.

It is acknowledged that Council officers initially supported the location of attached dwellings/terraces along the western boundary of the site to act as a transition in built form to the adjacent low density residential development; however, this form of development is not permitted in the zone

The subject site is located in an area that was formerly part of the Hills Shire Council.

As such, Parramatta (former The Hills) Local Environmental Plan 2012 applies. Both 'Residential Flat Buildings' and 'Multi Dwelling Housing' are permissible in the B2 zone, under this LEP.

That is, the proposed land use is currently permissible in the zone.

Notwithstanding this, it is understood that the City of Parramatta is currently in the process of 'harmonising' the LEPs which apply to its LGA. Once this process is complete, it is understood that Residential Flat Buildings and Multi Dwelling Housing will not be permissible in the B2 Zone, as is the case in Parramatta Local Environmental Plan 2011, which already applies to most of the LGA.

To address this, the indicative scheme (or any future DA on the site) could be amended to provide 'shop top housing' in the proposed 3 storey 'row' building. In our opinion this use has the potential to be beneficial to the development, further activating the proposed through site link.

h. Building bulk and scale	<p><i>The tower floor plate along Pennant Hills Road, although articulated, presents large and bulky proportions due to its length. Council officers recommend a maximum tower floor plate length of 45m to create a slender element and minimise visual impact and overshadowing of open space and adjacent development.</i></p> <p><i>The tower above the podium overhangs onto the through-site link. This is not supported as it exposes the underside of the tower and amplifies bulk and scale. The through-site link should be completely open to sky to allow for sufficient solar amenity and to encourage pedestrians to utilise the link, as is provided in Council officer's alternative design scheme (refer to Attachment 1).</i></p>	<p>Refer discussion above regarding street interfaces.</p> <p>A very small portion of the tower – a part of two units - overhangs the through site link. The overhangs incorporated in the indicative scheme are approximately 13m x 3m and 25m x 1.5m. The total area of the overhangs is less than 5% of the area of the through site link.</p> <p>The vast majority of the through site link is open to the sky.</p> <p>The overhangs are located above an entry to the podium / tower building and are considered to be positive element of the indicative scheme, signifying entry and providing visual interest.</p>
i. Childcare facility	<p><i>The proposed childcare facility at Level 1 is not supported. Although it is acknowledged that a future Development Application will provide the detailed design, it is recommended that any childcare facility be located on the ground floor, which can connect to outdoor open space, be open to the sky, be visible and easily accessible from Felton Road. It is noted that the entire ground floor could not comprise a childcare facility as at least part of the ground floor would need to also comprise a retail premises or business premises as "shop top housing". In addition, the exhibited plans do not appear to include sufficient play space for the proposed 90 place facility in accordance with State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport SEPP). Further, the proposed facility will overlook the proposed residential dwellings on the western boundary that will result in privacy concerns.</i></p>	<p>Above ground childcare centres are increasingly common and accepted, particularly in higher density developments or areas. With considered design, it is possible to achieve outcomes commensurate with 'traditional' at grade / standalone childcare centres</p> <p>Notwithstanding this, more specific 'use' outcomes design outcomes can be negotiated with Council during the DA process.</p>
j. Wintergardens	<p><i>Wintergardens could be considered suitable along the Pennant Hills Road frontage due to the road noise and pollution generated by this arterial road. However, should these areas have the ability to be fully enclosed, Council officers do not support the exclusion of these areas from GFA. Enclosed winter gardens read as enclosed habitable rooms from the street, adding to visual bulk and scale. Further, enclosed winter gardens reduce the perception of depth to the facade, reducing the articulation of the building. Given these spaces have the potential to be utilised as habitable rooms (given they can be fully enclosed), any winter gardens should therefore be included as GFA.</i></p> <p><i>In addition to the above, fully enclosable balconies could potentially have implications on the ability to achieve natural ventilation, as intended by the natural cross-ventilation objectives within the Apartment Design Guide (ADG). Therefore, Council officers do not fully object to the idea of winter gardens, albeit they should be counted as GFA and be limited to only the first few storeys to protect articulation. It is recommended that appropriate provisions be inserted into the site-specific DCP stipulating the functionality of these spaces. Such controls have been included in site-specific DCP adopted by Council for Melrose Park North.</i></p>	<p>Wintergardens 'or enclosed balconies' are an increasingly common and accepted solution to providing private open space adjacent to busy roads or other infrastructure, particularly where this noise source conflicts with desirable aspect or views, as is the case on the subject site.</p> <p>A GFA 'exemption' commensurate with the area of wintergardens required to address site conditions is an appropriate and established mechanism for delivering high amenity outcomes for residents. It is anticipated that the wintergardens would be designed and detailed to achieve the intent and functionality of 'private open spaces' under the ADG.</p> <p>KAA understands that Council Officers (and the LPP) previously to this exclusion.</p> <p>It is acknowledged that use of wintergardens requires careful design to ensure appropriate outcomes with regards to cross ventilation and articulation.</p> <p>It is anticipated that the wintergardens will be designed not to read as enclosed rooms from the street. It is noted that the Design Excellence provisions of Parramatta LEP will apply.</p> <p>Addressing the functionality of wintergardens in a site specific DCP is considered appropriate.</p>
k. Through-site link	<p><i>The through-site link is proposed to be a public asset (this is supported in principle, however details would need to be resolved as part of a Planning Agreement) , however through the grading</i></p>	<p>In our opinion the location and design of the through site link incorporated in the indicative scheme is appropriate.</p>

and proposed design it will likely be perceived as a private thoroughfare. Providing this link along the Western edge of the site will allow the opportunity for it to comprise a deep soil zone for more substantial landscaping that will assist with the transition from the proposed high density development to the adjacent two storey residential area.

It is acknowledged that the inclusion of a through-site link was a direct result of previous consultation with CoP and the intention is supported. However, the proposed design is likely to create a space that is unclear to users as to its functionality and usability.

The through-site link should:

- be open to the sky;
- be a 24/7 publicly accessible space;
- have pedestrian lighting to Australian Standards to provide safe 24/7 access without light spill into adjoining residential properties;
- extend from the footpath on Felton Road to the footpath on Pennant Hills Road;
- have equitable access using graded walkways of no steeper than 1:20, limited use of ramps (if imperative) and/or a 24/7 clearly visible publicly accessible lift service within the building structure;
- have view lines that align across blocks with passive surveillance from the commercial and residential uses of the site;
- trees in deep soil (preferably) or in in set down slabs and planters to encourage and sustain large canopy trees generally consistent with the ADG requirements of minimum soil volumes; and
- be a minimum 3m wide, with controlled access for light-weight maintenance/service vehicles.

The proposed through site link has a width of 12m. Whilst it is currently designed to be pedestrian only - and to provide an enjoyable 'pedestrian journey' – future iterations of the link could accommodate a clear width of 3m to allow for service vehicles.

There is a 2 metre fall between the Felton Road and Pennant Hills Road frontages of the development. As a result, there will need to be some grading to ensure connectivity between the streets. The current design for the through site link incorporates walkways of no more than 1:20 grade.

The current design of the through site link incorporates a 'footpath' of a minimum of 1.5m in width along the western edge. This was specifically requested by Council Officers. Future iterations of the through site link could provide a less 'segmented' design, should this be desired.

In our opinion, the functionality and usability of the through site link, as currently designed, is appropriately clear.

The link provides a clear sight line from Felton Road and Pennant Hills Road, and vis versa. The link:

- is of a generous width (12m), to appear inviting and safe
- is designed (and will read as) a pedestrian zone
- is designed to feel like a 'street' with dwelling (west) and commercial spaces (east) facing on to the link providing activation and passive surveillance
- incorporates landscaping at its edges, and within the link itself contributing to visual interest and urban amenity
- incorporates movement spaces, and spaces for recreation and rest
- is activated by multiple frontages and uses

In addition to the above, appropriate materiality (such as that incorporated in 'shared zones') signage and lighting can be utilised to reinforce the 'public' nature of the link.

These elements can be incorporated into any future DA on the subject site.

In our opinion, the through site link incorporated in the indicative scheme is a better outcome – in urban design terms – than the alternative link proposed by Council.

Council's alternative proposal situates the through site link along the western boundary and takes the form of a pedestrian path (3m) sitting in a 9m landscaped zone.

Under Council's proposed alternative massing, there would be minimal opportunity for passive surveillance of the link as:

- the proposed tower is separated from the link
- substantial trees would be included between the link and the tower
- the scale and fencing of neighbours prevents surveillance from their rear yards

Additionally, Council's proposed scheme provides very little building mass adjacent to the link. As such, there would also be limited opportunities for activation.

In our opinion, Council's proposed through site link design has the potential to be less, not more, clear or safe with regards to functionality and usability.

It will offer very limited opportunity for passive surveillance and given its length may, in fact, create circumstances that are potentially unsafe and contrary to CPTED principles.

i. Deep soil	<p><i>The Hills DCP 2012 requires at least 15% of the site area to be deep soil with 6m as a minimum dimension. The applicant is requested to submit a drawing showing the deep soil distribution with dimensions and percentages. It is recommended that the deep soil zone is connected to and be co-located with the communal open spaces to enable planting of large trees and movement of ground water and fauna.</i></p>	<p>The indicative scheme incorporates 1709sqm of deep soil (29.6% of the site) of which 1542sqm (26.7%) achieves a minimum dimension of 6m.</p>
m. Basement parking	<p><i>It is recommended that all basement parking be contained within the building footprint to enable deep soil wherever possible. The extension of the basement to the boundary at the northern edge is not supported as it reduces the amount of deep soil to that boundary. Considering the site fronts onto the electricity transmission towers site to the north, a buffer of larger trees and native plantation is recommended, which a suitably sized deep soil area would help to achieve.</i></p>	<p>This is outlined on Page 123 of the indicative scheme set.</p> <p>The communal open space located between the two parts of the 'row' building is co-located with deep soil.</p>
n. Heritage	<p><i>The site is located opposite to the local heritage item 128 within the Parramatta (former The Hills) LEP 2012, known as the K13 Submarine Memorial Reserve. The urban design statement states that the impact on K13 Submarine Memorial Park is minor, with some overshadowing occurring for one hour only and affecting a small portion of the site. Council considers that the overshadowing of this park has been underestimated and may have additional impacts on the item and vegetation within the reserve. It is recommended that the building height or form be modified to reduce the impact on the heritage item and surrounding residences in-line with the Council officer alternative development scheme that will ensure impacts are minimised (refer to Attachment 1).</i></p>	<p>The solar analysis included in the indicative scheme package has been prepared in accordance with Kennedy Associates standard procedures, utilising the inbuilt capabilities of our drafting software.</p> <p>That is, the overshadowing has been 'modelled' not estimated.</p> <p>Notwithstanding this, it is acknowledged that the site model (which includes the surface of K13 park) has been built using Nearmaps elevation data (and / or documents sourced from Council's DA tracker) for areas outside the site. Whilst this is considered an appropriate level of detail for a Planning Proposal, it is not as accurate as using survey data.</p> <p>It is therefore possible that the overshadowing of the park may be slightly more or slightly less than indicated in the current package.</p> <p>However, it is considered unlikely that more accurate data would reveal substantial change to the overshadowing of K13 Park. The majority of the park is located to the north-east of the subject site.</p> <p>That is, the extent to which any development on the subject site can overshadow the part is relatively limited.</p> <p>More detailed solar analysis can be undertaken for any future DA on the subject site.</p>
o. Communal open space	<p><i>Given the location of this site along a major arterial road, it is essential that high quality communal open space be provided within the site. This proposed design does not appear to comply with the minimum communal open space requirements as per The Hills DCP and should be modified to comply with the following in-line with the Council officer alternative design scheme:</i></p> <ul style="list-style-type: none"><i>A minimum of 20m² per dwelling is to be provided as a consolidated communal open space for shop top housing and mixed-use developments, where a development comprises five or more dwellings.</i><i>At least 75% of the communal open space area must be provided at ground level and be well landscaped.</i><i>Where upper level or rooftop communal open space is proposed, these spaces are to incorporate landscaping features such as planter boxes or vertical gardens consistent with the required soil depth.</i><i>Where adjoining a residential zone, landscape screening strips with a minimum width of 2m must be provided within setback areas.</i>	<p>The current indicative scheme incorporates:</p> <ul style="list-style-type: none">• 1110sqm of communal open space (19%)• 1070sqm of public open space (18%) <p>That is, the current indicative scheme incorporates 2180sqm (37%) of useable recreational area.</p> <p>This equates to 22sqm of open space per dwelling.</p> <p>The communal open spaces have been carefully considered to be useable, high amenity and provide different experiences / qualities. Communal open space is provided at grade, on the podium and at various roof top levels. Given the scale of the development, this distributed approach is considered appropriate, providing spaces that are small enough to feel 'intimate' but large enough to be useable.</p> <p>The proposed arrangement also facilitates use of communal open spaces by different groups.</p>

- Screen planting should be provided within private and communal open space areas to improve privacy and amenity for residents and surrounding properties.
- The currently designed communal open space is focused on the rooftop terraces with a small area of 25m² on the ground floor; this is not sufficient to provide for good residential amenity.

The ADG encourages communal open spaces to be accessible to the public. As such, the inclusion of the through site link in the communal open space provision is considered appropriate. The link is wide enough (12m) to accommodate both thoroughfare and useable spaces and provides a different experience and quality of communal open space.

Notwithstanding this, specific communal open space outcomes can be negotiated with Council through the preparation of a site specific DCP and / or during the DA process.

p. Environment

Although the Planning Proposal is consistent with the Central City District Plan, it fails to address sustainability related planning priorities, objectives or actions. The Planning Proposal does not adequately address the LSPS and the Local Housing Strategy (LHS). These documents have statutory weight and Planning Proposals are required to demonstrate consistency with these strategic documents with regards to sustainability-related planning priorities.

The City of Parramatta's Environmental Sustainability Strategy (ESS) sets carbon emissions reduction, renewable energy and water consumption targets. The ESS found that under a business-as-usual scenario, carbon emissions and potable water consumption in the City of Parramatta are predicted to increase by 42% and 50% by 2038 respectively, largely due to new development and population growth. To limit the impacts of growth, Council officers require new development and major projects to commit to energy and efficiency and renewable energy solutions that will reduce emissions and water consumption. Examples of strategies and commitments that may be suitable include:

- Improved BASIX targets - Basix Energy +10 above regulated minimum and BASIX water 48
- Maximum use of passive solar shading and natural ventilation in dwellings to improve passive resilience
- Mitigation of Urban Heat Island impacts through building design, materials and landscape treatments
- Maximising roof area allocated for the generation of renewable energy
- Prioritising active transport
- Future proofing through provision of EV charging infrastructure
- Future proofing through all-electric buildings
- Precinct-based initiatives to increase energy and water efficiency
- Provision of dual water piping in all residential units
- Water sensitive urban design
- Avoiding synthetic refrigerants
- Infrastructure to maximise separation and recovery of organic waste

Council's Environmental Sustainability controls contained in section 8.2 Dual Water Systems to section 8.9 Wind Mitigation of Parramatta DCP 2011 should be included in any site-specific DCP noting these controls are consistently included in Council's site-specific DCPs.

It is agreed that achieving appropriate ESD outcomes is crucial to the success of any development.

However, the indicative scheme is a 'high level' concept document only. It does not (and cannot) incorporate the fine grain design elements (BASIX measures, materiality, energy generation, WSUD etc.) which contribute to the Environmental Sustainability of developments.

Specific ESD outcomes can (and should) be negotiated with Council through the preparation of a site specific DCP and / or during the DA process.

3. Infrastructure Delivery and Funding

Council raises significant concerns regarding the ability to secure the required infrastructure and funding to support the development that would typically be required by Council as part of a Planning Proposal. The proponent had previously indicated a willingness to enter into a Planning Agreement with Council and had submitted a Letter of Offer. The Letter of Offer included the provision of a pedestrian link through the site between Felton Road and Pennant Hills Road, and provision of a childcare centre with a minimum capacity of 90 places. Council officers were, in-principle, supportive of these items, however negotiations with the proponent did not progress as a result of the Council resolution of 22 July 2019.

Infrastructure Delivery and Funding are outside of KAA expertise.

Since this time, Council has adopted the Parramatta (Outside CBD) Contributions Plan which seeks section 7.11 contributions from developments on a per-bedroom basis. These funds contribute towards delivering the infrastructure identified on Council's works program for the Parramatta local government area (LGA). To ensure that infrastructure items that benefit the residents and surrounding community of a development are also delivered, a Planning Agreement is required in addition to the section 7.11 contributions. Planning Agreements are typically linked to Planning Proposals, and Council's concern is that the mechanism for securing this infrastructure is removed given that Council is not the Planning Proposal Authority. In some instances, Planning Agreements can be attached to a development consent; however, this is not Council's preferred mechanism as it does not provide certainty at the control-making stage that in effect allows the increased density.

Should a Planning Agreement not be entered into between Council and the developer at the Planning Proposal stage, Council becomes at risk of not being able to secure the required infrastructure.

Should the proponent be intending to dedicate land to Council for the purposes of the through-site link, then this must be formalised via a Planning Agreement. This is also the case should no dedication occur and instead, an easement be placed on the land. This Planning Agreement will stipulate requirements such as maintenance periods, embellishment costs, and timing of delivery. It is essential that Council be given the opportunity to negotiate these terms with the proponent prior to finalisation of this Planning Proposal.

4. Conclusion

This Planning Proposal has been subject to numerous iterations since lodgement with Council in 2016. Most recently, Council resolved on 22 July 2019 to not support the Planning Proposal with an FSR of 2.1:1 and height limit of up to 49m but would consider a revised Planning Proposal representing a 1.5:1 and 28m height limit. The exhibited Planning Proposal seeks an FSR of 2.1:1 and height limit of 49m and therefore, Council does not support the proposed scheme in its exhibited form. Council recommends that consideration be given to the issues raised and the alternative scheme detailed in this submission and recommends that further consideration be given to the suitability of the proposed design within the site context.

In our opinion, as set out above, the proposed FSR (2.1:1) and HOB (49m) are appropriate for the subject site.

Further, in our opinion, the indicative scheme prepared in support of the planning proposal represents – in principle – a high amenity residential development, that has been carefully designed to address its context.

Notwithstanding this, it is noted that the indicative scheme is one example of how the site may be developed, under the principle development standards sought.

In our opinion, many of the concerns raised by Council in their submission can (and should) be appropriately resolved through the preparation of a site specific DA and / or during the DA process.

Attachment 1 – Council Officer's Alternative Scheme

An alternative scheme has been developed that is consistent with the 1.5:1 FSR and 28m height limit that Council indicated could be supported on the site at its meeting of 22 July 2019. This scheme proposes a 1.5:1 FSR and maximum height of 27.9m that attempts to resolve the issues raised in the submission whilst also enabling a reasonable redevelopment to occur on the site.

It is noted that an alternative scheme was prepared in support of the Council officer report to the 21 May 2019 LPP meeting with a 2.1:1 FSR and building height of part 14m and part 49m. The scheme reduced the bulk of the podium to improve the transition to lower density development to the west. Council officer's most recent alternative scheme outlined below has a 1.5:1 FSR and 27.9m height limit that is in accordance with the density of the 22 July 2019 Council resolution. Compared to the earlier alternative scheme, a revised building configuration and a new location of the through-site link is proposed that is a result of the most recent urban design testing that has been carried out by Council's Urban Design team.

A summary of the scheme is provided in Table 2 below. It is noted that the height limit exceeds that supported by Council; however, is considered a reasonable compromise following on from the further

Kennedy Associates have no particular comments on Council's alternative scheme, except for those included above in relation to the alternative through site link location and design.

As discussed, in our opinion, the Planning Proposal and the indicative scheme prepared to support it achieve appropriate outcomes with regards to (not exhaustive):

- Overall bulk and scale
- Podium bulk and scale
- Transitions to lower density neighbours
- Presentation and setbacks to street frontages
- Communal open space and deep soil provision

urban design testing that has been carried out based on the exhibited material.

Table 2. Council officer-recommended alternative scheme

FSR	1.5:1
Height	27.9 (9 Storeys)
Total GFA	9461m ²
Commercial	3500m ²
Yield	69 units
Landscaped Area	3069m ²
Communal Open Space (Ground Floor)	1849m ²
Communal Open Space (Podium)	1052m ²
Deep Soil landscaping	1826m ²



Figure 1. Plan perspective



Figure 2. West perspective looking northeast

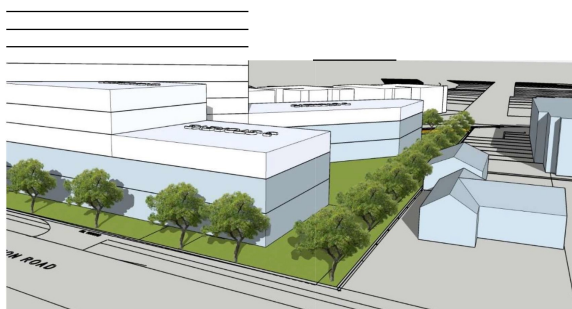


Figure 3. Felton Road perspective (north perspective)



Figure 4. Pennant Hills Road and Felton Road perspective (northeast)

The through-site link has been relocated against the western boundary. It will be 9m wide, which will allow for a deep soil zone and path access running north to south from Pennant Hills Road to Felton Road providing separation between the site and adjacent low density residential development.

The proposed through-site link should be designed as a 24/7 publicly accessible space with equitable access and be included as part of any future Planning Agreement negotiation with Council (further details provided in Section 3 of this submission).

The scheme also includes the following key elements:

- *Road setbacks are 6m wide.*
- *Commercial space to ground floor of podium.*
- *Built form is distributed over 3 different heights:*
- *Towers sit at 9 storeys along Pennant Hills Road down to a podium of 3 storeys closer to the western edge.*
- *A secondary tower sits at 5 storeys to Felton Road and steps down to a 3-storey podium.*
- *The taller tower sits at the corner of the site.*
- *Communal open space to align in between the arc of the podium and connect to the through-site link on the west.*



Planning Direction Pty. Ltd.
Town Planning & Development Services

30th June 2022

Angela Hynes
Acting Manager, Central (GPOP)
Planning and Land Use Strategy | Department of Planning and
Environment
T 02 9860 1558 E angela.hynes@planning.nsw.gov.au
Parramatta Square, 12 Darcy St Parramatta NSW 2150

**Re: No 241-245 Pennant Hills Road Carlingford – Planning
Proposal**

Dear Angela,

I refer to your email correspondence dated the 16th June and the 27th June 2022 offering the applicant an opportunity to respond to submissions received during the notification of the planning proposal application relating to the above address.

Provided over the page is a response to the submissions received by grouping:

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

1 Resident submissions

It is noted that 3 resident submissions were received. It was refreshing to read one of the submissions which actually acknowledged the good work undertaken in arriving at the design resolution for the site. A summary of issues raised and a comment follows:

Air quality and Noise from Pennant Hills Road

It should be noted that traffic using Pennant Hills Road in front of the site is controlled by 2 sets of traffic lights at the intersection with Pennant Hills Road and Jenkins Road and Pennant Hills Road and Adderton Road. Traffic speed is generally low and restricted.

The proposed development is considerably setback from the road reserve and an additional landscaped setback of 6m is proposed across the frontage. Such will assist in ameliorating noise and dust affectation.

The gym on-site is heavily patronised and the tenancies are full on-site. No issues have been raised by tenants or visitors to the site about air quality or noise. The expressed views of the resident are not common.

It should be noted that the building Commissioner now requires anchor points on the roof of high rise buildings to assist with ongoing maintenance and cleaning of facades. Such will be provided in the development.

The apartments are suitably cross ventilated to ensure that air is refreshed within apartments. The high topographical location of the site will also assist in capturing breezes and air circulation.

The apartments will be constructed to standards.

Traffic in Felton Road

Currently Council has repositioned and reconstructed the pedestrian crossing in Felton Road, which was contributing to traffic congestion during school hours. Further work can be done along Felton Road by Council to improve traffic flows west of the round-about, which contributes to congestion.

The inclusion of traffic lights at the intersection of Baker Street and Pennant Hills Road will greatly improve traffic flows during peak school drop off and pick up, which extends for approximately 30 minutes of a

morning and again in the afternoon. Most of the time the streets encounter low traffic use.

Felton Road is suitably wide to cope with traffic movements, particularly in front of the site. The cul de sac head in front of the site is suitable to accommodate turning by a bus.

Car Parking Rates

The car parking generation rates will be in accordance with the Apartment Design Guide. Please refer to comments from the traffic consultant.

The provision of 3 car spaces per apartment as suggested by a resident is contrary to planning realities.

Building Height

The proposed building height has been modelled based on a thorough site analysis and in consideration of the commercial zoning the site currently benefits from, its relationship to surrounding existing development and in a future context (redevelopment potential of the Seven Eleven site).

The commercial zoning of the site and close proximity to the railway station demands a higher density consistent with Departmental policies.

The reasoning provided for a maximum height of 17m has not been justified by the resident, particularly in consideration of the site's zoning, land size and location.

2 Endeavour Energy

The applicant is aware of the existing substation located on the site at the Felton Road frontage. If the substation needs to be upgraded to meet Endeavour Energy requirements such will be supported by appropriate reporting at the development application stage.

An accredited service provider will be appointed at the DA stage to determine load and method of supply.

The proposed location of the childcare centre on the upper level of the building assists in protecting children from traffic and will include safety

measures if required. The childcare centre will be accessed in the main from within the site via a lift and staircase.

There will be no large or deep-rooted planting proposed near the electricity infrastructure.

3 Sydney Water

A Sydney Water Co-ordinator has recently been engaged to review servicing demand. A feasibility application will be lodged with Sydney Water prior to the development occurring.

4 Transport for NSW

Transport for NSW is of the view that vehicle access for the development should only be from Felton Road and not from Pennant Hills Road. Transport for NSW also requires the two parcels of land along Pennant Hills Road for road widening purposes.

The planning proposal acknowledges the above.

In a letter dated the 16th June 2021 to the applicant, Transport for NSW provided the following advice:

16 June 2021

TfNSW Reference: SYD14/00267/06
Mr Nigel White
Director
Triple Eight Corporation
nigel@planningdirection.com.au

Dear Mr White,

PRE-PLANNING PROPOSAL - ROAD WIDENING AFFECTATION 241-245 PENNANT HILLS ROAD, CARLINGFORD (the Site)

Transport for NSW (TfNSW) appreciates the opportunity to respond to the letter addressed to TfNSW from Mr Paul Jayne, Madison Marcus dated 23rd February 2021 in relation to the above proposal, and we apologise for the delay in replying.

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. Should you have any questions or further enquiries in relation to this matter, Supun Perera would be pleased to assist you via email at supun.perera@transport.nsw.gov.au.

Yours sincerely,

Cheremie Marsden
Senior Manager Strategic Land Use
Land Use, Network & Place Planning, Greater Sydney

The applicant requests that the Planning Panel consider allowing the site area from the 2 road widening parcels of land to be used in the calculation of floor space. This would be consistent with the Planning Panel's prior resolution as the land will remain undeveloped for road widening purposes. This would assist the applicant resolve the consideration of ongoing ownership post construction, as the applicant will then dedicate both parcels of road widening to Transport for NSW.

Should Transport for NSW determine that one or both parcels of land are no longer needed for road widening purposes sometime in the future (post development of the site), then *Triple Eight Corporation* is left holding land with no value together with a lingering liability.

The Panel is respectfully requested to assist in this regard and enable the inclusion of site area from the road widening parcels in the calculation of total floor space ratio. This would resolve a future problem and provide additional incentive to generate a high quality development. It is noted that the Bayside LEP includes a clause enabling the inclusion of road widening in the FSR calculation for land in Arncliffe.

When the Department presented the planning proposal to the Regional Panel previously, the applicant was not afforded an opportunity to present this scenario to the Panel.

5 Council's Submission

The applicant has been in discussion with Council's Urban Designers for more than 3 years. The applicant followed Council's design model presented to the applicant and spent considerable time and money preparing the design, modelling and justification for the development's fit within the site context.

It should be noted that a favourable staff recommendation was first made when the matter was referred to the Local Planning Panel for consideration. The Local Planning Panel favoured the applicant's design, which represented a development with an FSR up to 2.4:1.

The Council staff reported the matter to full Council and recommended that Council adopt the Local Planning Panel's determination. Ward Councillors took a different view.

The planning proposal was then considered by the Regional Planning Panel on review. The Regional Planning Panel supported an FSR of 2.1:1 and a maximum building height of 49m as represented by the current proposal.

It should be noted that the two ward Councillors who opposed the development previously, are no longer on Council.

The planning proposal has been subject to intense scrutiny by experts, including the applicant's consultant urban designer, the local and regional planning panels and Council staff who have assisted along the way.

The Council's submission is erroneous and does not warrant consideration. The application of all design recommendations by Council would totally erode the site potential and orderly development of the site. Council has now significantly shifted the goal posts. The totality of the submission displays a disregard for the planning undertaken to arrive at this juncture and disregard for State Government planning initiatives.

Perhaps Council should be reviewing its local strategy to better align with State Government policies rather than the applicant having to redesign the proposal as suggested.

If this level of contradictory service and negative approach taken by Parramatta Council was prevalent across Sydney, we would be destitute.

Should any further commentary be required please contact the undersigned.

Yours Faithfully

A handwritten signature in black ink that reads "Nigel White". The signature is written in a cursive style with a large initial 'N' and a stylized 'W'.

Nigel White
0418 644 604



Planning Direction Pty. Ltd.
Town Planning & Development Services

31th September 2022

Renee Ezzy

Senior Planning Officer, Agile Planning and Programs
Delivery, Coordination, Digital and Insights | Planning Group

Department of Planning and Environment

4 Parramatta Square, Parramatta NSW 2150

**Re: No 241-245 Pennant Hills Road Carlingford – Planning
Proposal**

Dear Renee,

I refer to your email correspondence dated the 31st September 2022 inviting the applicant to address specific issues raised by public authorities in relation to the planning proposal at the above address. Thank you also for your time via our phone conversation about the matter.

Provided over the page is a response to the submissions received by grouping:

A.B.N 60 074 291 615

Office Address: Suite 10, 241 – 245 Pennant Hills Road, Carlingford
NSW 2118 - Telephone: 9871 4988

Email: admin@planningdirection.com.au

1 TransGrid

Transgrid

Height

It is our understanding that the main concern identified in discussion with Transgrid is the impact from the height of the proposal.

The Transgrid tower on the opposite side of Felton Road currently contains approximately 42 individual antennas with a further 22 proposed antennas forecast. Of these, approximately 25 of the existing antennas are located at or above 29m in height on the tower.

The main issue from Transgrid is that the height of the proposal above 29m will restrict existing and future antennas requiring coverage to the south-east.

In addition, concerns relating to the commercial business and relationship impacts to Transgrid due to contractual obligations unable to be met due to the proposed height of the site.

We do note that this concern relates to the commercial agreements Transgrid has with their customers, however some of these customers do include sensitive Federal Government agencies. We welcome your response on these issues.

Comment:

The commentary provided by TransGrid does not specifically offer any technical assessment of the circumstance which the applicant can test through a suitably qualified expert.

The tower is poorly located away from the ridge line of Pennant Hills Road and is an eyesore to the local community, being situated within a local street and beside a high school. Of note with the existing tower is that the existing facilities on the tower do not directly face the subject site and the tower element of the proposal but are installed and directed to the east and west of the site. Refer to the photos over the page. In addition the facilities on the tower are located midway up the tower, which is equivalent to a 4-5 storey building.

It would seem unfair that any consideration is given to TransGrid's general submission and potential increase in users of the tower. Is TransGrid of the view that there is no limitation to the number of low or high impact facilities permitted on the one tower?

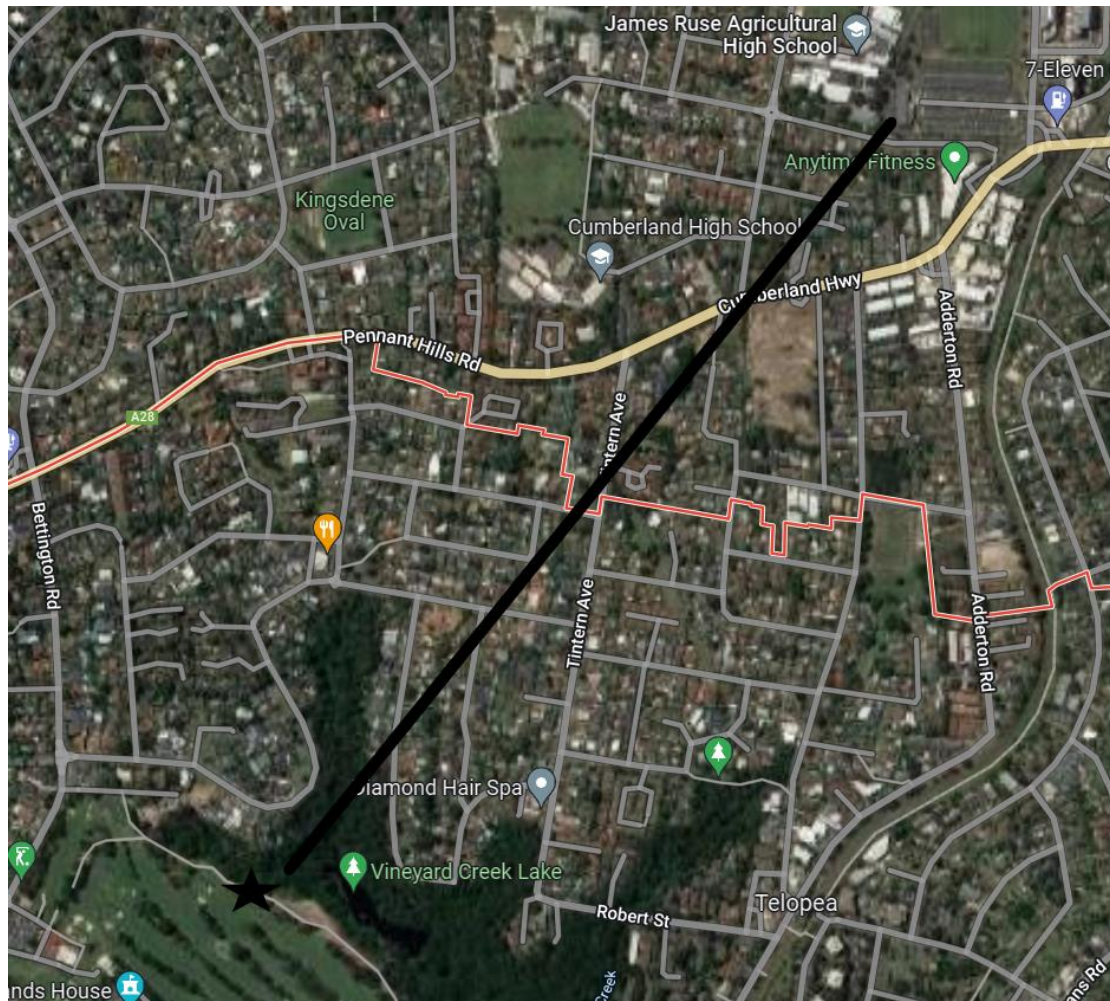
I am sure the local residents and James Ruse High School would have a differing view.



The photos are taken from the vicinity of the proposed tower component at the subject site



It is understood that the telecommunication network functions by relying on a series of overlapping zones. In the instance that a facility cannot provide coverage, then another nearby facility should be able to compensate. A similar tower is located within the grounds of Oatlands Golf Course and would provide coverage towards the southern side of the site. No disruption of the connectivity between facilities is likely (see below). It is assumed that other facilities also exist to the south-east of the site.



In addition, I understand that the advances in technology are less reliant on the antiquated infrastructure which exists in Felton Road. I note that no mention has been made of this or any alternate solution being forwarded by TransGrid, if indeed a problem exists.

As a commercial consideration, I am sure that an engineering solution exists and a negotiation with the applicant may resolve and possibly improve the coverage TransGrid is looking to secure.

It should also be noted that the tower component of the proposed development above 29m in height, offers a reduced floor plate containing

5 apartments on level 9 and only 4 apartments over levels 10-13, which represents only a small wedge of the 360 degree coverage of this telecommunications tower.



Unfortunately, as the applicant has no access to technical information about the tower and network, a limited layman's response is provided. Certainly, the applicant is of the view that no changes are warranted to the design based on TransGrid's submission.

High rise development to the east in the Carlingford precinct did not receive opposition from TransGrid and I would expect the 18 storey building permitted on the Seven-Eleven site will not be halved in size.

The applicant is willing to meet with TransGrid post determination of the planning proposal and work through the matter should it assist. Surely this is not the first time a tall building is being proposed in Sydney??

2 Transport for NSW

In considering traffic flows, it is important to consider the following:

- The planning proposal simply relates to an increase in FSR and building height. The current FSR of 1:1 can generate up to 65 apartments as residential flat buildings are a permissible use in the zone. The proposed increase in FSR and inclusion of 2000sqm of non-residential floor space with the applicant's design, generates 97 apartments, being an increase of only 32 apartments. As detailed extensively by the applicant's traffic consultant, the increase in traffic generation is modest and the existing road system can absorb the additional traffic, particularly with the inclusion of traffic lights at the intersection of Baker Street and Pennant Hills Road.

- Baptist Care development together with the adjoining site jumped from a R2 low density zone to an R4 high density with a density increase greater than 300 apartments.
- Meriton will soon release 800 apartments to the east of the site. Based on the above, the responsibility of addressing traffic considerations rests elsewhere.
- An important consideration in relation to the subject proposal is as follows:
Vehicles arriving and departing from the subject site along Felton Road, have the opportunity upon approach to Baker Street to turn right at the round-a-bout and turn left. A spread of traffic is therefore likely. Traffic departing the site can turn right at the round-a-bout onto Baker Street and head towards the intersection of Baker Street and Jenkins Road. All traffic will not need to turn left at the round-a-bout and access Pennant Hills Road. Accordingly the likely traffic from the proposed development will be less than envisaged by TF NSW.
- Future residents and workers of the development will also adapt to local traffic conditions as they do everywhere in Sydney. If traffic congestion exists between the hours of 8.30AM and 9.10AM of a school morning, then it is reasonably expected that residents of the development would drive to work well before 8.30AM and workers at the site will arrive before 8.30AM (as they do presently). Of a weekend and 95% of the time, there is no traffic congestion.
- The subject site has the inherent benefit of being situated within 250m walking distance of Carlingford Station and the regular bus service which runs along Pennant Hills Road is exceptional. It is therefore anticipated that a high proportion of residents and workers at the site will utilise this great public transport service. The site is ideally located to promote the use of public transport and discourage car dependency.
- Based on the above, there is no traffic impact from the proposed increase in density. Such should be obvious and should additional reporting be undertaken this should be the responsibility of others.
- The reference to a future set of traffic lights being installed at the intersection of Evans Road and Pennant Hills Road was merely sourced from Council's contribution plan. It is interesting to note that Council is seeking contributions towards the traffic light installation without Transport for NSW endorsement. The applicant is not relying on this set of traffic lights to justify the proposal, but such an installation is considered important to cater for the Meriton development and the current congestion along Evans Road.

With regards to the following:

In terms of the traffic signals at the intersection of Pennant Hills Road and Baker Street approved as part of the Baptistcare development, TfNSW advise that this intersection has been designed and built for the maximum capacity generated by the Baptistcare development only and does not contain any ability to accommodate further traffic generation.

I find this to be an extraordinary statement as the traffic lights will cater for both sides of the road.

How can TFNSW be so precise? Has TFNSW factored in the road widening proposed along Pennant Hills Road and the inclusion of another lane on the northern side of the Pennant Hills Road? The traffic flow should vastly improve with the collective of traffic lights and road widening from the western approach to the subject site.

Notwithstanding the proposed increase in traffic flow will be readily absorbed, particularly as a high proportion of vehicles arriving and departing from the subject site can do so from the northern approach of Baker Street and not require access onto Pennant Hills Road.

The applicant has also agreed to not use Pennant Hills Road as a means of accessing the site to service the development.

In addition, the applicant proposes to dedicate the southern portion of road widening across the site frontage to TFNSW to assist with expediting the road widening. The applicant has also offered to dedicate the eastern portion of the road widening on the basis that the site area from the 2 parcels of road widening can be used in the overall FSR calculation. RMS or TFNSW has already recommended to the applicant that the site area from the road widening can/should be used as part of the FSR calculation, which was a longstanding practice under previous planning instruments.

The applicant has been more than accommodating with this application, particularly with a reduced density through amended designs.

3 Council's Submission

The applicant worked closely with Council's Urban Designer Jan McCreadie over 3 years to formulate the design which forms the basis of the application.

The applicant's Urban Designer – Steven Kennedy is also of the view that the current design with two building elements straddling a pedestrian thorough fare is highly appropriate for the site and adds amenity at ground level for both residential and commercial users.

The development of the applicant's design has come at a considerable cost by following Council's instruction up until recently.

To spring a new design version at a reduced density is not appropriate given the history of negotiation with Council.

It appears that Council staff have taken it upon themselves to disregard previous discussions and design considerations based on a decision made by former ward councillors. It is noted that these councillors were not promoted as suitable candidates for re-election by their own party.

The notification of the planning proposal application by the Department attracted only 3 resident submissions highlighting the lack of concern by the local community. In fact, one resident praised the design and the initiative shown by the applicant.

Why would Council divert resources to this application when the community generally are satisfied with the proposal?

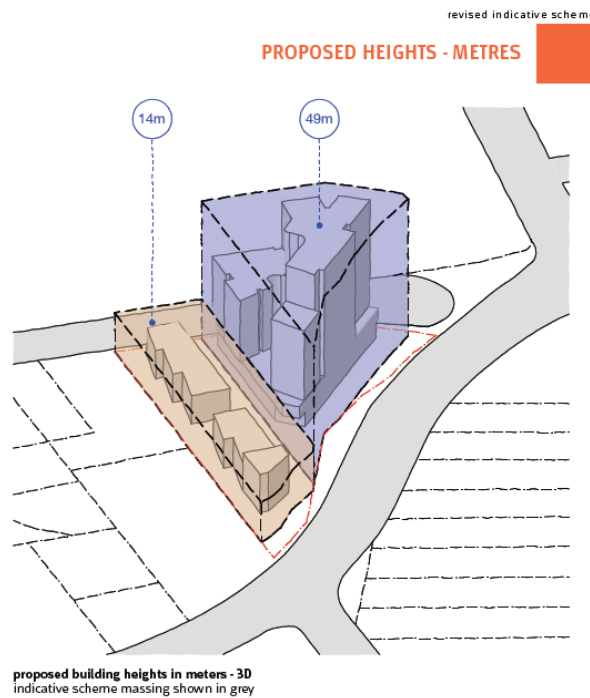
It has been noted that the Council went out of its way to expedite the approval of the Baptist Care site which commenced a planning proposal well after the applicant's submission and the development is nearing completion. I ask Council where is the urban design merit in that application???

The applicant is of the view that an investigation is warranted into the handling of applications at Carlingford.

Importantly, focus needs to be redirected to the fact that the site is currently zoned B2 local centre and the applicant is simply seeking a modest increase in density through an amendment to building height and FSR.

The zoning permits a variety of uses. The ultimate design will be based on the optimum end use for the site, which can be explored at the development application stage. The optimum end use of the site has not been determined due to the protracted consideration given to this application.

The crucial plan in the exercise is provided below. This plan provides the flexibility needed to generate an appropriate built form and attract a suitable end use.



The applicant is aware that the development application will be subject to design excellence considerations. Such can be achieved with the proposed concept plans and carried out by a competent Urban Designer in Steven Kennedy.

A reduction in the density as proposed by Council removes any initiative or purpose to follow through with design excellence principles. This is the contradiction with Council's current submission.

Should any further commentary be required please contact the undersigned.

Yours Faithfully

Nigel White
0418 644 604



TRAFFIC SOLUTIONS PTY LTD

Reference No: 21.22.023

1 July 2022

Angela Hynes
Acting Manager, Central (GPOP)
Planning and Land Use Strategy | Department of Planning and
Environment
Parramatta Square, 12 Darcy St Parramatta NSW 2150

Dear Angela,

241-245 Pennant Hills Road Carlingford – Planning Proposal. PP-2022-376

Traffic Solutions Pty Ltd has been requested by the applicant to respond to the TfNSW submission regarding traffic related issues raised in their letter dated 21st June 2022.

Transport and Infrastructure SEPP 2021

The concern regarding the proposed child care centre of the proposal from a traffic and safety point of view is not considered to be sufficient to warrant the removal of this component. The child care centre component of the proposal is located on the first floor and is approximately 17m from the kerbside through travelling lane. Therefore the probability of an errant vehicle impacting on the child care centre is so remote that it should not be a consideration.

Traffic Modelling

This firm has not made mention of the intersection of Pennant Hills Road and Evans Road signalisation in any correspondence as part of this planning proposal. No modelling has been undertaken of this intersection by Traffic Solutions Pty Ltd and none is proposed due to the remoteness of this intersection from the subject site.

Traffic Solutions Pty Ltd is aware of the new traffic signals have been approved at the intersection of Pennant Hills Road and Baker Street as part of another development believed to be required as part of a Baptistcare residential flat development at 264-268 Pennant Hills Road, Carlingford.

Should you require any additional information or clarification of the contents of this letter please contact me on the numbers provided.

Yours sincerely

Craig Hazell
Director