

11.2      **OCM 8 July 2024 - Item 14.6 Recent Petitions from the Harris Park Business Community - Mobile Food Vendors**

(Deputy Lord Mayor Cllr Dr Patricia Prociv)

4804      Note: This matter was withdrawn.

13.4      **Adoption of Planning Proposal, Planning Agreement and Site-Specific Development Control Plan at 263-281 Pennant Hills Road, Carlingford**

(Project Officer Land Use)

4805      **RESOLVED:** Councillor Wearne and Councillor Noack

- (a) That Council note the submissions received in response to the exhibition of the Planning Proposal, Development Control Plan (DCP) and Planning Agreement as summarised and responded to in **Attachment 4** for 263-281 Pennant Hills Road, Carlingford.
- (b) That Council approve the Planning Proposal (**Attachment 1**) for land at 263-281 Pennant Hills Road, Carlingford which seeks to amend the Parramatta Local Environmental Plan 2023 (PLEP 2023) in relation to the subject site by:
  - i. Reconfiguring the existing R4 High Density Residential and RE1 Public Recreation zones and retaining the existing SP2 Infrastructure Zone.
  - ii. Amending the Maximum Height of Building control by:
    - Amending the maximum height of buildings on the Pennant Hills Road frontage from 27 metres (9 storeys) to part 0m, part 65 metres (18 storeys), part 84 metres (22 storeys) and part 110 metres (29 storeys) as per **Figures 17 & 23** in **Attachment 1**.
    - Amending the maximum height of buildings on the remainder of the site from part 33 metres (11 storeys) and part no height to part 0m, part 33 metres (8 storeys), part 46 metres (11 storeys), part 56 metres (14 storeys) and part no height as per **Figures 17 & 23** in **Attachment 1**.
  - iii. Increasing the Maximum Floor Space Ratio control for the R4 High Density Residential zoned land from 2.3:1 to 3.6:1.
  - iv. Amending Schedule 1 Additional Permitted Uses to increase the maximum gross floor area of parts of the buildings used for business premises, food and drink premises, recreational facilities (indoor) and shops on the R4 High Density Residential zoned part of the site from 2,000 sqm to 2,600 sqm.

- v. Amending the Land Reservation Acquisition (LRA) Map to include the RE1 Public Recreation land on the site that will be dedicated to Council.
- (c) That Council enters into the Planning Agreement (**Attachment 2**) and delegates authority to the Chief Executive Officer to sign it on behalf of Council.
- (d) That Council approves the DCP controls (**Attachment 3**) for insertion into Part 8 of the Parramatta DCP 2023.
- (e) That Council delegate authority to the Chief Executive Officer to finalise negotiations and make any clarifying amendments and corrections to the Planning Proposal, DCP and Planning Agreement.

**Record of Voting:**

For the Motion: Lord Mayor Councillor Esber and Deputy Lord Mayor Councillor Prociv and Councillors Humphries, MacLean Noack, Pandey, Valjak, Wang and Wearne.

Against the Motion: Councillors Bradley, Garrard and Green

On being put to the meeting, voting on this matter was nine (9) votes FOR and three (3) votes AGAINST. The Motion was CARRIED.

Note: Councillor Pandey left the meeting at 6.58pm as he had disclosed a Significant Non-Pecuniary interest for Item 13.4 - Adoption of Planning Proposal, Planning Agreement and Site-Specific Development Control Plan at 263-281 Pennant Hills Road, Carlingford

Note: Councillor Pandey returned to the meeting at 7.15pm.

## 10. PETITIONS

### 1. Little India (Harris Park) Welcome Signs

Deputy Lord Mayor, Councillor Prociv tabled a petition regarding the 'Welcome to Little India Signs'. The signs are detrimental to the look of the area. The current signs are unsightly, unnecessarily large, gaudy and detract from the streetscape. In short, it is an eyesore with no redeeming features.

Note: A copy of the Petition is ON FILE.

### 2. Little India Harris Park Food Trucks

Deputy Lord Mayor, Councillor Prociv tabled a petition regarding 'dissatisfaction with Council's resolution to extend the standard operating hours of food trucks in Harris Park'. We urge the Parramatta Council to reconsider the decision to allow

## REPORTS TO COUNCIL - FOR COUNCIL DECISION

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<b>ITEM NUMBER</b>	13.4
<b>SUBJECT</b>	Adoption of Planning Proposal, Planning Agreement and Site-Specific Development Control Plan at 263-281 Pennant Hills Road, Carlingford
<b>REFERENCE</b>	F2024/00282 - D09459020
<b>APPLICANT/S</b>	Karimbla Properties (No. 61) Pty Ltd
<b>OWNERS</b>	Karimbla Properties (No. 61) Pty Ltd
<b>REPORT OF</b>	Project Officer Land Use

**CSP THEME:** Innovative

### DEVELOPMENT APPLICATIONS CONSIDERED BY SYDNEY CENTRAL CITY PLANNING PANEL

Deferred Commencement Development Consent No.1103/2011/JP issued by the Joint Regional Planning Panel for demolition of existing structures and associated construction of five apartment buildings 9-11 stories containing 450 units and basement parking for 662 cars (active consent granted 21 July 2015).

Development Application (DA/53/2022) was lodged on 21 January 2022 for construction of seven 10-13 storey buildings comprising 620 residential units, child care centre for 110 children, 1,735sqm of 17 neighbourhood retail shops and 864 basement car parking spaces; publicly accessible open spaces and through site links; roads; landscaping; and tree removal. The application was refused by the Sydney Central City Planning Panel on 7 December 2022.

DA/53/2022 was the subject of an appeal to the Land and Environment Court under which on 7 June 2024, the Court granted consent for the construction of five, 6-18 storey buildings comprising 336 residential apartments, childcare centre for 75 children, 1,906sqm of 18 neighbourhood retail shops, 548 basement car parking spaces, publicly accessible open spaces and through site links, roads and landscaping.

### PURPOSE

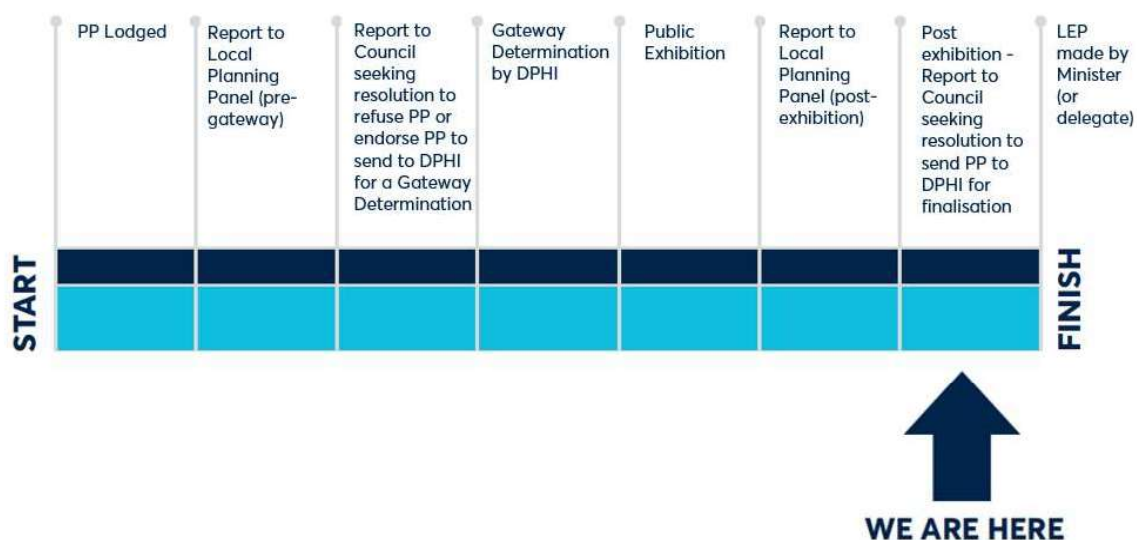
The purpose of this report is to seek Council's approval for the finalisation of a Planning Proposal, Planning Agreement and Site-Specific Development Control Plan (DCP) for land at 263-281 Pennant Hills Road, Carlingford.

### RECOMMENDATION

- (a) That Council note the submissions received in response to the exhibition of the Planning Proposal, Development Control Plan (DCP) and Planning Agreement as summarised and responded to in **Attachment 4** for 263-281 Pennant Hills Road, Carlingford.
- (b) That Council approve the Planning Proposal (**Attachment 1**) for land at 263-281 Pennant Hills Road, Carlingford which seeks to amend the Parramatta Local Environmental Plan 2023 (PLEP 2023) in relation to the subject site by:

- i. Reconfiguring the existing R4 High Density Residential and RE1 Public Recreation zones and retaining the existing SP2 Infrastructure Zone.
  - ii. Amending the Maximum Height of Building control by:
    - Amending the maximum height of buildings on the Pennant Hills Road frontage from 27 metres (9 storeys) to part 0m, part 65 metres (18 storeys), part 84 metres (22 storeys) and part 110 metres (29 storeys) as per **Figures 17 & 23 in Attachment 1**.
    - Amending the maximum height of buildings on the remainder of the site from part 33 metres (11 storeys) and part no height to part 0m, part 33 metres (8 storeys), part 46 metres (11 storeys), part 56 metres (14 storeys) and part no height as per **Figures 17 & 23 in Attachment 1**.
  - iii. Increasing the Maximum Floor Space Ratio control for the R4 High Density Residential zoned land from 2.3:1 to 3.6:1.
  - iv. Amending Schedule 1 Additional Permitted Uses to increase the maximum gross floor area of parts of the buildings used for business premises, food and drink premises, recreational facilities (indoor) and shops on the R4 High Density Residential zoned part of the site from 2,000 sqm to 2,600 sqm.
  - v. Amending the Land Reservation Acquisition (LRA) Map to include the RE1 Public Recreation land on the site that will be dedicated to Council.
- (c) That Council enters into the Planning Agreement (**Attachment 2**) and delegates authority to the Chief Executive Officer to sign it on behalf of Council.
  - (d) That Council approves the DCP controls (**Attachment 3**) for insertion into Part 8 of the Parramatta DCP 2023.
  - (e) That Council delegate authority to the Chief Executive Officer to finalise negotiations and make any clarifying amendments and corrections to the Planning Proposal, DCP and Planning Agreement.

## PLANNING PROPOSAL TIMELINE



## SUMMARY

1. This report seeks Council approval for finalisation of a Planning Proposal, DCP and Planning Agreement for 263-281 Pennant Hills Road, Carlingford.
2. The Planning Proposal seeks to amend Parramatta Local Environmental Plan 2023 (PLEP 2023) to develop the site for high density residential development and community and commercial uses including reconfiguring the existing residential and open space zoning.
3. The Planning Proposal, DCP and draft Planning Agreement were placed on public exhibition from 25 March 2024 to 24 April 2024, with one hundred and thirty-two (132) submissions received comprising of one hundred and twenty-seven (127) from the community, three (3) from organisations, businesses and strata committees and two (2) government agency submissions. A summary of the key issues raised in the submissions is provided in the Local Planning Panel (LPP) report (**Attachment 5**) with a more detailed analysis provided in the Community Engagement Report (**Attachment 4**).

## BACKGROUND

4. In September 2023, Karimbla Properties (No.61) Pty Ltd lodged a Planning Proposal with the City of Parramatta Council for land at 263-281 Pennant Hills Road, Carlingford to enable the development of the site for high density residential development and community and commercial uses including reconfiguring the existing residential and open space zoning.
5. On 4 December 2023, Council approved the Planning Proposal for the purposes of requesting a Gateway Determination from the Department of Planning, Housing and Infrastructure (DPHI).
6. On 19 February 2024, DPHI issued a Gateway Determination (**Attachment 6**) which allowed the Planning Proposal to proceed to public exhibition.
7. The Planning Proposal, draft Planning Agreement and DCP were publicly exhibited from 25 March to 24 April 2024.
8. On 24 May 2024, the Local Planning Panel (LPP) provided advice to Council recommending it approve the Planning Proposal for the purposes of finalisation subject to Council considering several matters which are detailed in this report.
9. The detailed planning history of the site is provided at **Attachment 7**.

## SITE DESCRIPTION

10. The subject site (**Figure 1**) is known as 263-281 Pennant Hills Road, Carlingford (previously known as 263-273 Pennant Hills Road and 18 Shirley Street, Carlingford) and comprises of seven lots which are legally described in **Table 1**.

**Table 1 – Property Address - Lots and DPs**

Property Address	Lot and DP
	Lot 22, DP 21386
	Lot 2, DP 9614

263-281 Pennant Hills Road, Carlingford	Lot 3, DP 9614
	Lot 4, DP 9614
	Lot 62, DP 819136
	Lot 61, DP 819136
	Lot 1, DP 1219291



**Figure 1 - Subject Site**

11. The site is irregular in shape and has a total area of approximately 27,987 sqm, made up of 6,050 sqm of RE1 Public Recreation zoned land and 21,880 sqm of R4 High Density Residential zoned land and 57 sqm of SP2 Infrastructure zoned land.
12. The site is located on the western side of Pennant Hills Road (classified road) and the southern and eastern sides of Shirley Street (local road). The site is predominately undeveloped and cleared of vegetation.
13. The site is located approximately 220 metres east from the Carlingford Light Rail stop and 60 metres to the south of the Carlingford Village shopping centre (**Figure 2**).

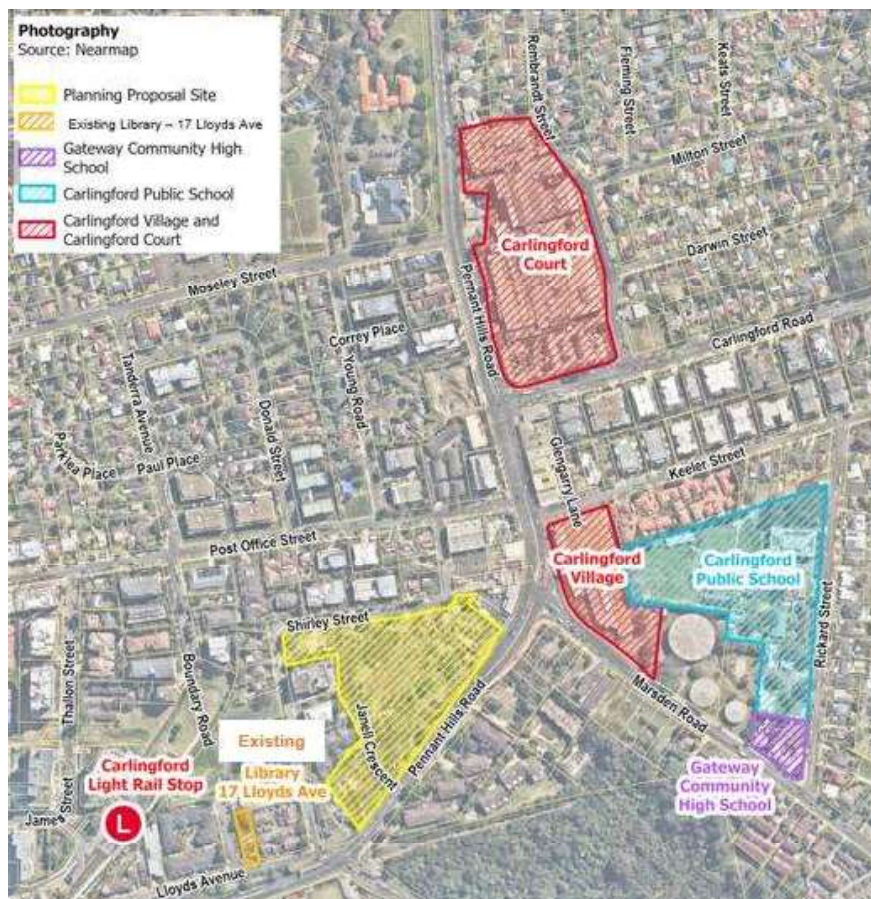


Figure 2 – Local Context Map

## PLANNING PROPOSAL

14. The Planning Proposal seeks to facilitate a higher density mixed use development scheme (**Figure 3**) on the site than is allowed under the current planning controls by increasing the Floor Space Ratio and Height of Building controls and reconfiguring the layout of R4 High Density Residential and RE1 Public Recreation zoned land. The proposal also includes a substantial public benefit offering including a community hub (library and community centre) and reconfigured open space. Further details are outlined in the Planning Proposal at **Attachment 1**.

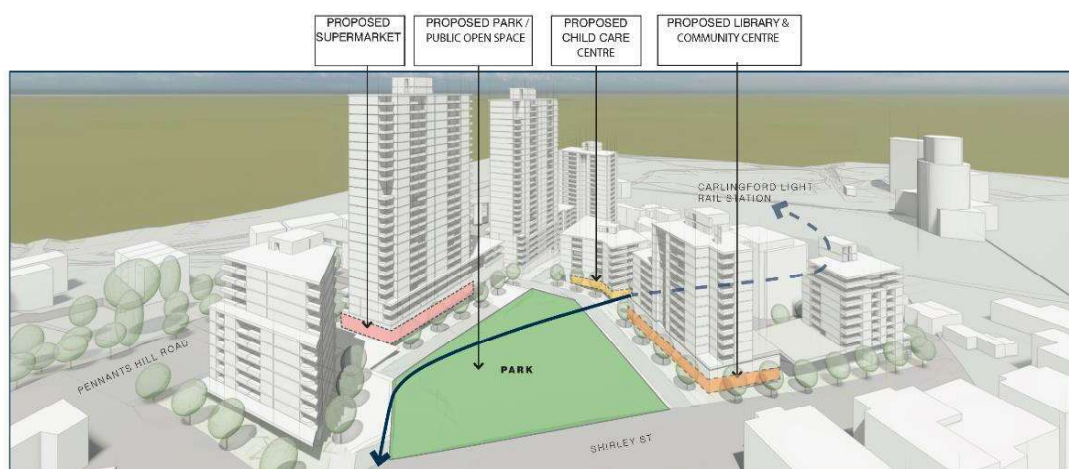


Figure 3 – Reference Scheme

15. **Table 2** describes the instrument changes being sought under the Planning Proposal compared with the current controls under PLEP 2023. Refer to the Planning Proposal (**Attachment 1**) for mapping changes.

**Table 2 – Proposed PLEP 2023 Amendments**

	Existing as per PLEP 2023	Dyldam DA – <u>existing consent</u> (Excludes the 6 small lots facing Pennant Hills Road)	Proposed changes to PLEP 2023 – As exhibited	Proposed changes to PLEP 2023 – Proposed Post Exhibition Amendments
<b>Zoning</b>	Part R4 High Density Residential, Part RE1 Public Recreation and Part SP2 Infrastructure	Part R4 High Density Residential, Part RE1 Public Recreation, Part SP2 Infrastructure	Reconfigured part R4 High Density Residential and RE1 Public Recreation.  Existing SP2 Infrastructure to remain as is.	<u>Change to Zoning</u> Reconfigured part R4 High Density Residential and RE1 Public Recreation.  Existing SP2 Infrastructure to remain as is.  The RE1 Public Recreation land is proposed to be reduced by 170 sqm from 5,585 sqm to 5,415 sqm as there is a portion that overlaps with what will be a privately owned road. This 170 sqm portion will be zoned R4 High Density Residential.
<b>Site Area</b>	27,987 sqm	23,482 sqm	27,987 sqm	<u>No change proposed</u> 27,987 sqm
<b>Dwelling Yield</b>	526	450 on Dyldam site	723	<u>No change proposed post exhibition</u> 723
<b>GFA</b>	50,454 sqm residential	Total GFA 53,069 sqm residential	Total GFA 80,305 sqm - 74,655 sqm residential - 2,500 sqm Community Hub - 550 sqm childcare centre - 2,600 sqm non-residential	<u>No change proposed</u> Total GFA 80,305 sqm - 74,655 sqm residential - 2,500 sqm Community Hub - 550 sqm childcare centre - 2,600 sqm retail/commercial
<b>HoB</b>	Part 33m (11 storeys) and part 27m (9 storeys)	Part 27m (9 storeys) on Pennant Hills Road and Part 33m (11 storeys) on the remainder of the site.	Part 110m (29 storeys) on Pennant Hills Road frontage Part 56m (14 storeys) on the remainder of the R4 part of the site.	<u>Change to proposed heights</u> Part 0m, Part 65m (17 storeys), Part 84m (22 storeys), and Part 110m (29 storeys) on the Pennant Hills Road frontage.

				Part 0m, Part 33m (8 storeys), Part 46m (11 storeys). Part 56m (14 storeys) and part no height limit on the remainder of the site.
<b>FSR</b>	2.3:1	3:1 (excluding open space)	3.6:1	<u>No change proposed</u> 3.6:1
<b>Additional Permitted Uses</b>	As per Schedule 1 of PLEP 2023 shops, food and drink premises and business premises and recreation facilities (indoor) on the R4 High Density Residential zoned part of the site - maximum GFA of 2,000 sqm on the R4 High Density Residential zoned part of the site.	NA	Schedule 1 of PLEP 2023 to shops, food and drink premises, business premises and recreation facilities (indoor) on the R4 High Density Residential zoned part of the site - maximum GFA of 2,600 sqm on the R4 High Density Residential zoned part of the site.	<u>No change proposed</u> Schedule 1 of PLEP 2023 to shops, food and drink premises, business premises and recreation facilities (indoor) on the R4 High Density Residential zoned part of the site - maximum GFA of 2,600 sqm on the R4 High Density Residential zoned part of the site.
<b>Land Reservation Acquisition (LRA)</b>	A small sliver of SP2 Classified Road land on the southern part of the site along Pennant Hills Road is already marked on the Land Reservation Acquisition Map.	N/A	A portion of RE1 Public Open space (4,760 sqm) land known as the Central Park was added to the proposed Land Reservation Acquisition Map as it is to be dedicated to Council as part of the Planning Agreement.	<u>Change to amount of land to be added to the LRA Map</u> 5,415 sqm of RE1 Public Open space land on the site has been added to the proposed Land Reservation Acquisition Map as it will be dedicated to Council, as part of the Planning Agreement, to include the Central Park (4,760 sqm) and Community Link (655 sqm).

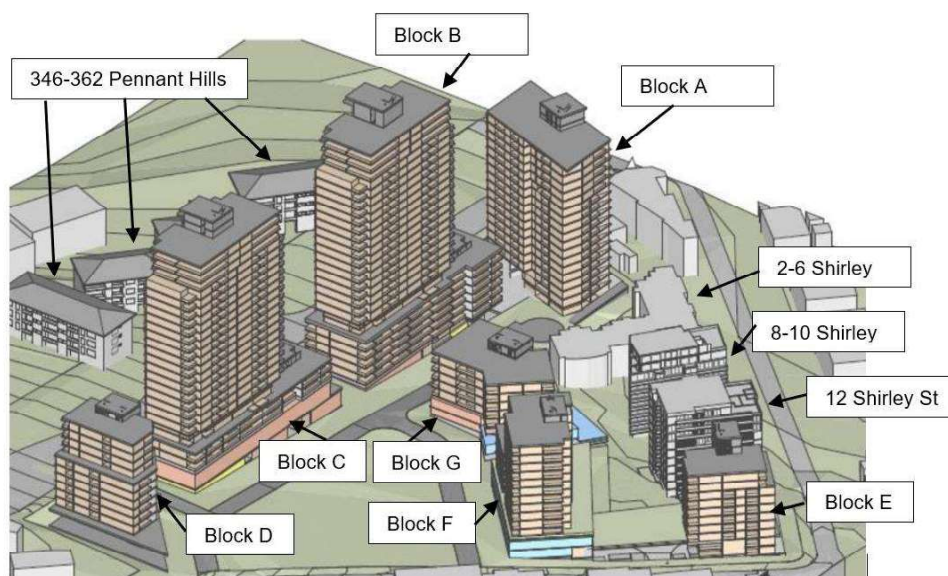
16. The Dyldam development consent only applies to the larger lot on Shirley Street allows a 30% increase in the floorspace currently permitted on that site (as the RE1 Public Open Space land was included in the calculations of floor space ratio) to 53,069 sqm which equates to an FSR of 3:1 for that site. The subject Planning Proposal seeks a total floorspace of 80,305 sqm which equates to an FSR of 3.6:1 when the six lots fronting Pennant Hills Road are added to the site and public open space is excluded from the calculation of FSR.
17. It is noted that a development application (DA) that was refused by the Sydney Central City Planning Panel on 7 December 2022 for 263-281 Pennant Hills Road, Carlingford, was granted development consent on appeal to the Land and Environment Court on 7 June 2024 for the construction of five, 6-18 storey buildings comprising 336 residential apartments, childcare centre for 75 children, 1,906sqm of 18 neighbourhood retail shops, 548 basement car parking spaces,

publicly accessible open spaces and through site links, and roads and landscaping.

18. On 19 February 2024, DPHI issued a Gateway Determination (**Attachment 6**) for the Planning Proposal which authorised Council to be the local plan-making authority and allowed the public exhibition of the Planning Proposal to proceed.
19. The Gateway Determination required that prior to public exhibition, the Planning Proposal be updated to:
  - Identify the proposed changes to the Land Reservation Acquisition (LRA) map;
  - Update the site address of the proposal;
  - Include further justification on the overshadowing impacts to properties south of Pennant Hills Road, particularly to demonstrate compliance with this aspect of the Apartment Design Guide can be achieved; and
  - Include discussion on the public amenity and proposed overshadowing of heritage item I032 – Carlingford.

All of these conditions were met prior to public exhibition of the Planning Proposal. Refer to the Planning Proposal at **Attachment 1** for details.

20. Council staff requested the Applicant provide additional information regarding compliance with the Apartment Design Guide (ADG) regarding overshadowing impacts on 346-362 Pennant Hills Road and 2-6, 8 and 12 Shirley Street, Carlingford. As detailed in the Planning Proposal (**Attachment 1**) the additional analysis provided by the applicant indicates that the subject proposal is able to satisfy the ADG requirements in this regard. In relation to 2-6 Shirley Street, the Applicant has demonstrated that this property would already be overshadowed by the previously approved development for the subject site and the property would primarily be impacted by Building G which is within the currently applicable maximum height of building control (refer **Figure 4**). Further analysis will be undertaken at Development Application stage.



**Figure 4 – Location of Adjoining Properties and Proposed Scheme**

21. In order to respond to issues raised in public submissions regarding height, overshadowing impacts and visual impact, it is proposed that the maximum

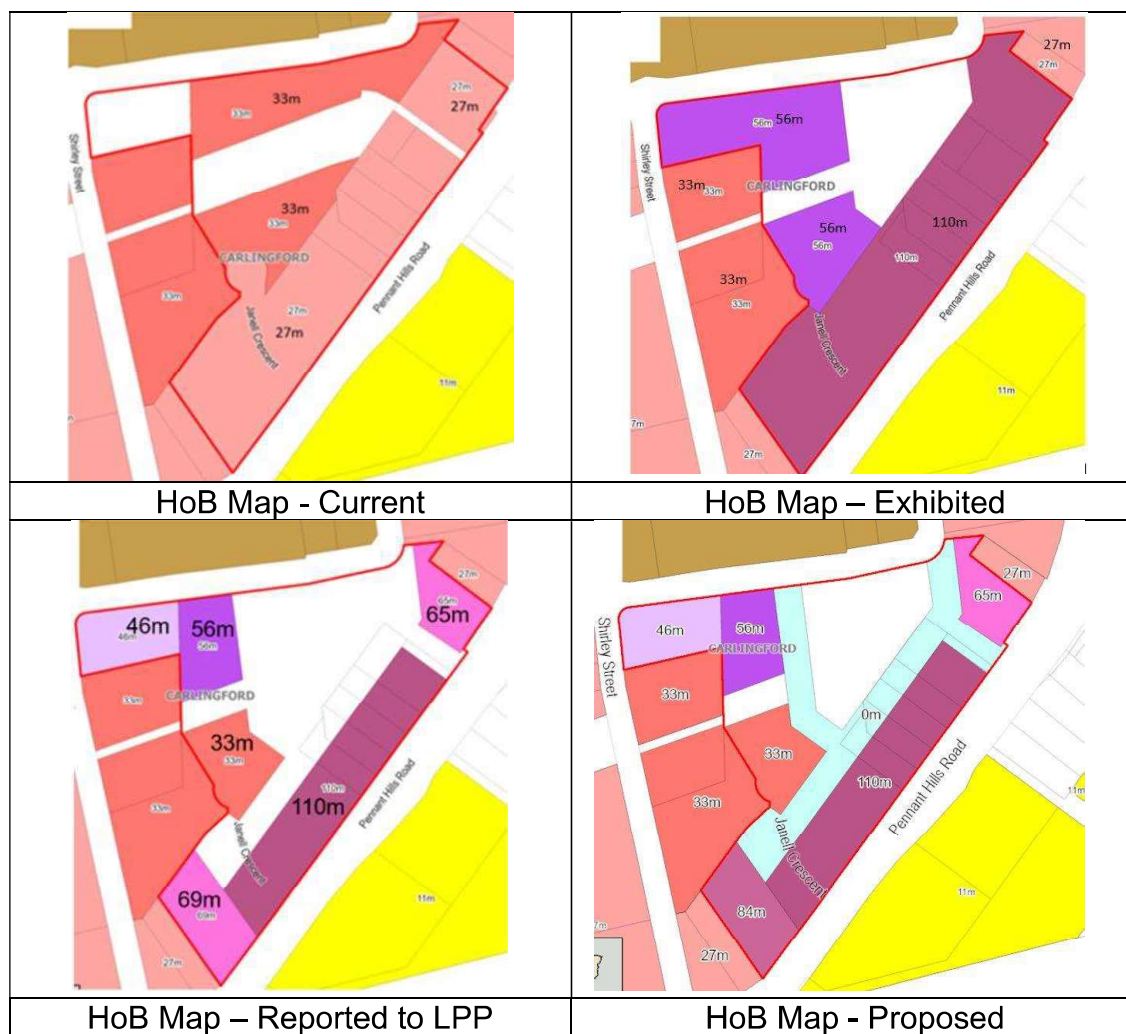
exhibited heights of part no height limit, part 110 metres on Pennant Hills Road and part 56 metres on the remainder of the site have been amended to:

- Part 0 metres, part 65 metres, part 84 metres and part 110 metres on the Pennant Hills Road frontage; and
- Part 0m, part 33 metres, part 46 metres, part 56 metres and part no height limit on the remainder of the site (refer **Figure 5**).

**Paragraphs 34 and 35** of this report outline issues raised in submissions and reasoning for the proposed decrease in height post exhibition. It is noted that no height limit does not mean unlimited height, rather it is where there is intended to be no development on RE1 Public Open Space land. This is considered in detail later in the Key Issues section of the LPP Report (**Attachment 5**) and in the Community Engagement Report (**Attachment 4**).

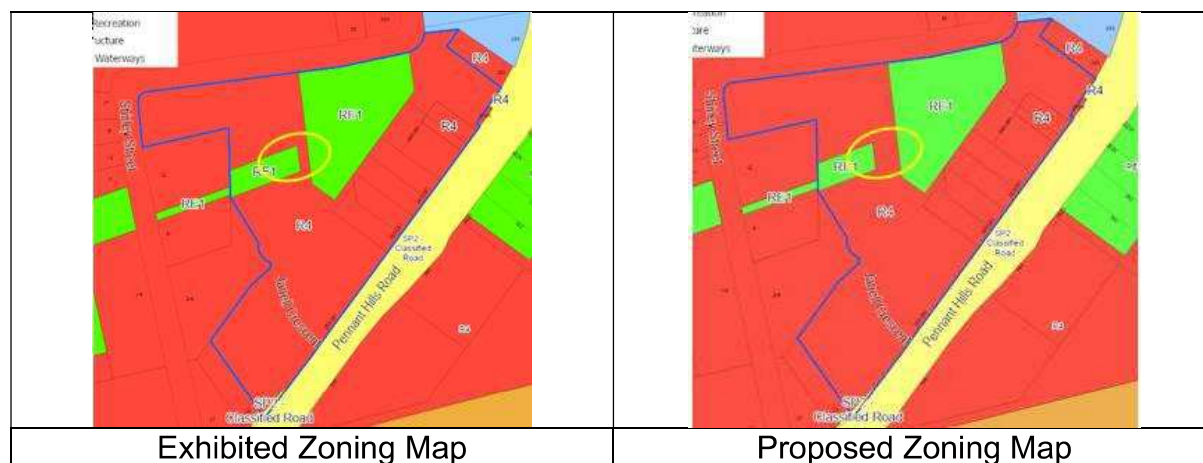
22. It is noted that there has been an amendment to the proposed Height of Building Map from that which was reported to the LPP on 24 May 2024:

- The height for the internal roads and pedestrian link on Pennant Hills Road is proposed to be 0m and not a no height limit. This is because they are proposed to be zoned as R4 Height Density Residential land which will remain in private ownership.
- The height of Block A is proposed to be increased from 69m to 84m to accommodate the required setbacks and lift overrun based on detailed design modelling that has been carried out since the LPP meeting.



**Figure 5 – Height of Building Maps**

23. Whilst it is considered that the proposed revised and reduced Height of Building controls (refer **Figure 5**) will ensure a suitable form of development in this location, it should also be noted that the Minister's letter to Council concerning the housing crisis (**Attachment 8**) asks Councils to prioritise *the opportunity to deliver homes as part of merit considerations where, on balance, dwelling numbers may warrant a scale or built form that is different to or greater than the outcome originally anticipated*.
24. As noted in Table 2 the exhibited LRA Map is proposed to be amended post exhibition to include all RE1 Public Open Space rather than only the Central Park. This is a result of further negotiations between Council staff and the applicant in relation to the Planning Agreement. This is discussed in more detail in the Planning Agreement section of this report.
25. As noted in **Table 2** there is a proposed 170 sqm reduction in RE1 Public Recreation land post exhibition from 5,585 sqm to 5,415 sqm as there is a small portion of RE1 Public Open Space land overlapping with the internal road in the exhibited zoning map. As the road reserve will remain in private ownership, and potentially have basement underneath, it is proposed to zone this 170 sqm portion of land to R4 High Density Residential (Refer **Figure 6**).



**Figure 6 – Exhibited and Proposed Zoning Maps**

## PLANNING AGREEMENT

26. There is a draft Planning Agreement linked to the Planning Proposal which proposes to deliver the following public benefits at a value estimated by the applicant to be \$27.5 million. Items included in the draft Planning Agreement are listed below (also refer to **Figure 7**):

- Construction and dedication of a library (1,800 sqm net leasable area) and community facility (700 sqm net leasable area) known as the community hub.
- Construction, embellishment and dedication of the proposed RE1 Public Open Space land (5,415 sqm) on the site in the form of a Central Park and a Community Link.
- Embellishment of pedestrian easement and provision of 24-hour access. The area of the easement is 595 sqm.
- An additional monetary contribution equivalent to Section 7.11 Contributions for allocation to the fit-out of the community hub and embellishment of open space within the vicinity of the site estimated at approximately \$12 million.



**Figure 7 – Proposed VPA Items**

27. As a result of negotiations between Council staff and the applicant, there have been some agreed minor amendments to the draft Planning Agreement since the Letter of Offer was reported to Council pre-exhibition, and the agreement to accept dedication of additional open space in the form of the Community Link. Council officers initially declined the offer of dedication of the Community Link to Shirley Street due to its limited recreational capacity. Council staff have reviewed this position and consider that the Community Link can be adequately designed and constructed and should form part of the Library and Community Facility, providing green space attached to the facility.

### **SITE-SPECIFIC DEVELOPMENT CONTROL PLAN**

28. A draft DCP (**Attachment 3**) was prepared by Council officers and the applicant to accompany the Planning Proposal. The draft DCP provides details on site arrangement, road layout, envelope controls and open space for the site and seeks to guide the future development of the site. The draft DCP includes objectives and controls concerning requirements for:
- Site-specific built form and public domain.
  - Community hub and library design.
  - Sustainability and water management.
  - Open space and pedestrian connections.
  - Vehicle access and parking.
29. In response to issues raised during the exhibition process and further review of the draft DCP, several post-exhibition changes are proposed to ensure the intended development outcomes can be achieved. The changes include additional controls including a water management section, rewording of some controls to reflect their initial intent, typographical corrections, consolidation of sections, and removal of text to prevent duplication with the existing controls of

Parramatta DCP 2023. Refer to **Attachment 9** for a list of key changes. These changes are not considered to be of a nature that require the draft DCP to be re-exhibited.

## EXHIBITION OF THE PLANNING PROPOSAL

30. The Planning Proposal, draft Planning Agreement and DCP were publicly exhibited from 25 March to 24 April 2024.
31. A total of one hundred and thirty-two (132) submissions were received comprising one hundred and twenty-seven (127) from the community, with the remaining five (5) from government agencies and other organisations (breakdown provided in **Table 3**). This total does not include where multiple submissions are made by the same person which are then counted as one submission.

**Table 3 – Breakdown of submissions received.**

Submitter Type	Number	Breakdown	Support	Not Support	Neither Support nor Not Support
<b>Individuals, residents, and landowners</b>	127	Various individuals, residents, and landowners	11 (9%)	104 (82%)	12 (9%)
<b>Public Agencies</b>	2	Transport for NSW Schools Infrastructure NSW	0 (0%)	0 (0%)	2 (100%) Advisory Comments
<b>Other Organisations Businesses and Strata Committees</b>	3	<ul style="list-style-type: none"> <li>Vicinity Centres</li> <li>Epping Civic Trust</li> <li>Strata Management Committee for 2-6 Shirley Street, Carlingford</li> </ul>	0 (0%)	2 (67%)	1 (33%)
<b>Total</b>	<b>132</b>		<b>11 (8%)</b>	<b>106 (81%)</b>	<b>15 (11%)</b>

*\*Calculations rounded to nearest whole number*

32. A submission from Transport for NSW was received which did not raise any objection to the proposal. A submission from the Department of Planning, Housing and Infrastructure (Crown Lands) is outstanding as it has not been received at the time of finalising this report. If the submission is received late, it will be presented at the Council meeting. The Schools Infrastructure (SINSW) response was not reported to the LPP because it was received after the LPP considered the report. This late submission does not raise any objections to the proposal but has requested:

- That Council monitor and consider the cumulative impact of population growth on schools planning in the locality.

- That the transport planning for the proposal be guided by the NSW Governments Movement and Place Framework (MAPF) and its Built Environment Performance Indicators.

Council Officer Response:

33. The SINSW comments are noted. Council staff will continue to liaise closely with SINSW on school capacity planning in the Carlingford locality when considering and further Planning Proposals and from the outset when considering future precinct planning for Carlingford. The NSW Government's MAPF will be considered at the development application stage of the subject proposal.
34. A detailed summary of the submissions received and Council officer responses to the issues raised, as reported to the LPP, are provided in the Community Engagement Report (**Attachment 4**) and responses to the key issues listed below are outlined in the LPP Report (**Attachment 5**). The key issues raised in the submissions are summarised below.
- a) Concerns regarding the density of development proposed by the Planning Proposal, the growing density of Carlingford and impacts on infrastructure provision, in particular the ability of local facilities, shopping facilities and health services and schools to accommodate the proposed increase in density.
  - b) Potential traffic impacts of the proposal and existing traffic congestion on the local road network and pedestrian safety.
  - c) Concerns regarding the suitability of the proposed carparking controls.
  - d) Concerns regarding the proposed building heights, being that they are excessive and out of context given the existing character of the area, and concerns regarding the potential overshadowing/privacy impacts on neighbouring properties.
  - e) Suggestions that the associated proposed local infrastructure, in particular the proposed community hub-is not needed.
35. As a result of issues raised in public exhibition and further review Council staff recommend reducing the proposed maximum building heights as outlined in paragraph 21 and 22 of this report to help mitigate potential privacy/overshadowing issues. Additionally, Council staff recommend increasing the proposed maximum residential parking rates as outlined in **Table 5** of the LPP report (**Attachment 5**) to address submissions related to the suitability of the exhibited car parking controls and to minimise on street parking.
36. Whilst acknowledging the objections and concerns raised in submissions during the public exhibition, Council officers consider that the issues raised in the exhibition responses have, where appropriate, been addressed by the Planning Proposal and supporting documentation and, with the minor amendments recommended, that the Planning Proposal, DCP and Planning Agreement should proceed to finalisation.

**PARRAMATTA LOCAL PLANNING PANEL**

37. The LPP considered a detailed post exhibition assessment report (**Attachment 5**) at its meeting of 23 May 2024. The LPP recommended that Council approve the Planning Proposal, as recommended by Council Officers, subject to consideration of the following:

*The panel notes that the architects who prepared the architectural plans which were before the panel are no longer retained by the applicant as their project architects. The panel is concerned to ensure that this significant site exhibits design excellence including but not limited to:*

- i. Variety of building form and articulation*
- ii. Ecologically sustainable design*
- iii. The use of high quality materials and finishes*

*The panel is of the view that further consideration should be given to reducing the maximum number of parking spaces associated with the residential units given the proximity of the site to the Carlingford Light Rail Station and the availability of car share spaces within the development. Consideration should be given to a higher number of car share spaces.*

*The panel is of the view that the draft Development Control Plan should be amended to incorporate the matters set out above.*

**Council Officer Response**

38. In relation to the LPP advice regarding concerns that the site should exhibit design excellence it is important to note that the Parramatta DCP 2023 and the draft site-specific DCP contain controls which will deliver a variety of building form and articulation, ecologically sustainable design, and the use of high-quality materials and finishes. These are identified in **Table 4**. Therefore, it is not proposed to add further controls to the site-specific DCP to address the LPP concerns.

**Table 4 – Draft Site-Specific DCP and Parramatta DCP 2023 Controls Addressing LPP Concerns**

<b>LPP concerns related to design excellence</b>	<b>Controls already in the Site-Specific DCP</b>	<b>Controls already in the Parramatta DCP 2023</b>
Variety of Building form and Articulation	<u>Section 2.5 Building Design</u> C.05 Buildings are to have a high level of articulation at both podium and tower levels. C.06 Buildings shall implement a variety of high quality, sustainable, durable and coherent materials in a range of compatible colours and textures.	<u>Part 8.2.8.1.8 Building Design (Carlingford Local Centre)</u> <i>Facades</i> C.01 Compose facades with an appropriate scale, materials and finishes, rhythm, and proportion, which response to the building use and the desired contextual character. Design should include but are not limited to: articulating building entries with awnings, porticos, recesses, blade walls and rejecting bays.

		C.04 Express important corners by giving visual prominence to parts of the facade, for example, a change in building articulation, material or colour, roof expression or increased height.
Ecologically Sustainable Design	<p><u>Section 6 Sustainability</u></p> <p>O.01 To increase energy efficiency.</p> <p>O.02 To reduce reliance on potable water.</p> <p>O.03 To deliver built forms and public open spaces which respond to winter sunlight and cooling summer breezes.</p> <p>O.04 To reduce waste and increase the reuse and recycling of materials.</p> <p>O.05 Encourage the use of electric vehicle car charging.</p>	<p><u>Part 8.2.8.1.16 Ecologically Sustainable Development (Carlingford Local Centre)</u></p> <p>O.05 Promote the following during the design, construction and operation of any development:</p> <ul style="list-style-type: none"> <li>• The use of energy efficient materials and designs.</li> <li>• Utilisation of renewable energy and materials.</li> <li>• Energy efficient technology.</li> </ul> <p>Controls</p> <p>C.01 As part of the Statement of Environmental Effects required to be submitted with all Development Applications a summary of the action taken in order to achieve these objectives must be included.</p> <p>C.02 To improve the air quality of the locality, the installation of wood heaters is not permitted.</p>
The use of high-quality materials and finishes	<p><u>Section 2.5 Building Design</u></p> <p>C.06 Buildings shall implement a variety of high quality, sustainable, durable and coherent materials in a range of compatible colours and textures.</p> <p><u>Section 2.11 Community and Library Facility</u></p> <p>C.10 Building design should incorporate high quality materials and finishes and be of high sustainability value.</p> <p><u>Section 4.3 Public Open Space and Pedestrian Connections</u></p> <p>C.02 The designs for the public open spaces are to be developed in consultation with Council. They are to be designed to: a) Incorporate a palette of high quality and durable materials, and robust and drought tolerant landscaping species.</p>	<p><u>Part 8.2.8.1.8 Building Design (Carlingford Local Centre)</u></p> <p><i>Facades</i></p> <p>C.01 Compose facades with an appropriate scale, materials and finishes, rhythm, and proportion, which response to the building use and the desired contextual character.</p> <p><u>Part 8.2.8.1.14 Public Domain (Carlingford Local Centre)</u></p> <p><i>Fences and Walls</i></p> <p>C.04 The following fencing materials or finishes are not acceptable because of their poor visual appearance:</p> <ul style="list-style-type: none"> <li>• Pre-painted, profiled metal sheeting.</li> <li>• Rendered finishes when the entire fence is rendered.</li> </ul>

39. The LPP concerns regarding car parking and car share spaces are acknowledged and have been discussed with Council's Traffic Engineer. As a result, whilst noting the proximity of the site to the Carlingford Light Rail Stop, it is concluded that:

- The suggested parking rates are sufficient to minimise on-street parking within the site and the surrounding road network whilst also ensuring an appropriate parking rate for the proposed dwelling mix.
  - The proposed parking rates are maximum rates, any additional provision would be counted as Gross Floor Area (GFA) and would contribute to Floor Space Ratio (FSR) and would be unlikely to be supported at DA stage.
  - Constrained destination parking will significantly reduce peak hour traffic generation, similar to the Parramatta CBD with its limits on employee parking.
  - The subject site is well connected with access to Pennant Hills Road, Carlingford Road and Marsden Roads and North Rocks Road which are major collector roads and will reduce potential for congestion on local roads.
  - The proposal is of a sufficient size to provide sufficient flexibility to accommodate car share spaces in the future to suit demand.
40. It is therefore not proposed to amend the proposed residential parking or car share rates from what was reported to the LPP noting that Council Officers recommended an increase in maximum parking post exhibition as part of its report to the LPP.

## HERITAGE ADVISORY COMMITTEE

41. The City of Parramatta Council's Heritage Advisory Committee considered the Planning Proposal at its meeting of 13 June 2024. It is noted that without a quorum at the meeting a formal position on the proposal from the Committee could not be resolved. However, the following feedback was provided by participants who attended the meeting:

*Committee Members raised concerns regarding the impact of increased residential traffic on access to Carlingford Memorial Park.*

### Council Officer Response

42. The Applicant's Traffic Assessment has not identified concerns with accessing the Carlingford Memorial Park, and potential intersection signalisation by Transport for NSW should improve access opportunities for pedestrians accessing the Park.

## CONSULTATION AND TIMING

43. As noted above, the Planning Proposal, draft Planning Agreement and DCP have been subject to public and agency consultation. Details of the consultation results are in the LPP report (**Attachment 5**) and the Community Engagement Report (**Attachment 4**). This section outlines consultation with other relevant stakeholders.
44. Extensive consultation has been undertaken to date with the applicant to develop the draft planning provisions, draft DCP and draft Planning Agreement.

Councillor Consultation

45. See **Table 5** for an overview of Councillor consultation that has been undertaken in relation to this matter:

**Table 5 – Councillor Consultation**

<b>Date</b>	<b>Councillor</b>	<b>Councillor Comment</b>	<b>Council Officer Response</b>	<b>Responsibility</b>
16 October 2023 – Councillor Workshop	All invited	Various questions relating to density and infrastructure provision.	Response provided to Councillors regarding the need for the Community Hub	Group Manager Major Projects and Precincts
27 November 2023 – Councillor Briefing Session	All invited	Questions regarding development applications on the site.	Responses provided to Councillors about the existing approval and current development application.	Group Manager Major Projects and Precincts
4 December 2023 – Council Meeting	All invited	Questions about Planning in Carlingford.	Response about the need to undertake a review of the planning controls and Planning Proposal was forwarded to DPHI seeking a Gateway determination.	Group Manager Major Projects and Precincts
3 April 2024 – Meeting with Councillor Valjak	Councillor Valjak	Various questions about the Planning Proposal and supporting infrastructure.	Clarification on issues and explanation of need for supporting infrastructure.	Group Manager Major Projects and Precincts
19 June 2024 – Meeting with Councillor Valjak	Councillor Valjak	Questions about issues raised in public submissions and other community feedback.	Responses to key issues and other community feedback.	Group Manager Major Projects and Precincts
15 July 2024 – Councillor Briefing	All invited	Not available at time of finalising this report	Not known at time of finalising this report	Group Manager Major Projects and Precincts

**PLAN MAKING DELEGATIONS**

46. DPHI granted Council plan-making delegations in the Gateway Determination (**Attachment 6**) issued on 19 February 2024. This means that if the Planning Proposal is endorsed for finalisation by Council, Council officers will deal directly with the Parliamentary Counsel Office on the legal drafting and mapping of the

amendment. The LEP amendment is then signed by the CEO before being notified on the NSW Legislation website.

## LEGAL IMPLICATIONS FOR COUNCIL

47. The legal implications associated with this report relate to the Planning Agreement that is proposed to be entered into between Council and the landowner.
48. An external legal advisor assisted in drafting the Planning Agreement (**Attachment 2**) that is based upon the Letter of Offer and Council resolution dated 4 December 2023. The draft Planning Agreement is considered appropriate for finalisation.

## FINANCIAL IMPLICATIONS FOR COUNCIL

49. A Planning Agreement delivering the public benefits outlined above will be entered into between Council and the landowner.
50. **Table 6** below summarises the financial impacts on the budget arising from approval of this report and finalisation of the Planning Agreement. The delivery of the community hub stratum within Building F to Council will be upon issuing of the first Occupation Certificate for the building in accordance with the process set out in the Planning Agreement. The budget implications for the receipt of the asset will be addressed in Council's future forward budget planning.

**Table 6 – Financial Impacts on the budget**

	FY 23/24	FY 24/25	FY 25/26
<b>Revenue Contribution</b>			
<b>Operating Result</b>	Nil	Nil	Nil
External Costs			
Internal Costs			
Depreciation			
Other			
<b>Total Operating Result</b>	Nil	Nil	Nil
<b>Funding Source</b>			
<b>CAPEX</b>	Nil	Nil	Nil
CAPEX			
External			
Internal			
Other			
<b>Total CAPEX</b>	Nil	Nil	Nil
<b>Funding Source</b>			

## CONCLUSION AND NEXT STEPS

51. It is recommended that Council endorse the finalisation of the Planning Proposal (**Attachment 1**) for 263-281 Pennant Hills Road, Carlingford for Council to exercise its plan-making delegations as granted by the Gateway Determination.

52. It is also recommended that Council endorse the finalisation and execution of the draft Planning Agreement (**Attachment 2**) and the approval of the DCP (**Attachment 3**) for insertion into Part 8 of the Parramatta DCP 2023 as referred to in this report.



Rafael Morrissey  
**Project Officer Land Use**

Jennifer Concato  
**Executive Director City Planning and Design**

John Angilley  
**Executive Director Finance & Information**

Gail Connolly  
**Chief Executive Officer**

#### **ATTACHMENTS:**

<b>1</b>	<a href="#"></a> 	Carlingford Planning Proposal and Links to Appendices	56 Pages
<b>2</b>	<a href="#"></a> 	Draft Voluntary Planning Agreement	93 Pages
<b>3</b>	<a href="#"></a> 	Draft Site-Specific Development Control Plan	40 Pages
<b>4</b>	<a href="#"></a> 	Community Engagement Report	94 Pages
<b>5</b>	<a href="#"></a> 	LPP Minutes & Report - 23 May 2024	25 Pages
<b>6</b>	<a href="#"></a> 	Gateway Determination	2 Pages
<b>7</b>	<a href="#"></a> 	Site History	4 Pages
<b>8</b>	<a href="#"></a> 	Letter from the Minister of Planning & Public Spaces	2 Pages
<b>9</b>	<a href="#"></a> 	Amendments to the Site-Specific Development Control Plan	3 Pages

#### **REFERENCE MATERIAL**