



Sydney Central City Planning Panel
COUNCIL ASSESSMENT REPORT

Panel reference	PPSSCC-614
DA No.	DA/555/2024
LGA	City of Parramatta Council
Proposal	Addition of 16, 16 and 15 storeys respectively (additional 301 units) to Buildings A, B and C along Pennant Hills Road to the existing approved mixed use development consent DA/53/2022.
Street address	263-281 Pennant Hills Road Carlingford
Property Description	Lot 2, 3 and 4 in DP9614; Lot 22, DP21386; Lots 61 & 62, DP819136; (part of) Lot 1 DP1219291
Applicant	Karimbla Properties (No. 61) Pty Ltd
Owner	Karimbla Properties (No. 61) Pty Ltd
Date of Lodgement	12 March 2025
Regional Development Criteria	Pursuant to Clause 2 of Schedule 6 of the State Environmental Planning Policy (Planning Systems) 2021, the development has an estimated development cost of more than \$30 million.
Submissions	3 submissions
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none">• Environmental Planning and Assessment (EP&A) Act 1979• Environmental Planning and Assessment Regulations 2021• State Environmental Planning Policy (Planning Systems) 2021• State Environmental Planning Policy (Housing) 2021 & Apartment Design Guide (ADG)• State Environmental Planning Policy (Sustainable Buildings) 2022• State Environmental Planning Policy (Transport & Infrastructure) 2021• State Environmental Planning Policy (Biodiversity & Conservation) 2021• State Environmental Planning Policy (Resilience & Hazards) 2021• Parramatta Local Environmental Plan 2023• Parramatta Development Control Plan 2023
Attachments	Attachment 1- Architectural Drawings (selected plans) Attachment 2 – Landscape Report (selected plans) Attachment 3 – Design Excellence Advisory Panel Report
Clause 4.6 Requests	Nil
Summary of key submissions	<ul style="list-style-type: none">• Solar access• Traffic and parking• Pressure on services
Recommendation:	Approval, subject to conditions
Report by:	Bianca Lewis, Executive Planner
Report Date:	12 June 2025

Summary of s4.15 matters Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report.	Yes
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised in the Executive Summary of the assessment report ?	Yes
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard has been received, has it been attached to the assessment report?	N/A
Provision of Regional Infrastructure Does the DA require a Housing and Productivity Contribution towards regional infrastructure condition (s7.24)?	Yes
Conditions Have draft conditions been provided to the applicant for comment.	Yes

1. Executive summary

The proposal provides for the construction of additional storeys (16, 16 and 15 respectively) on Buildings A, B and C along Pennant Hills Road to the approved mixed-use development under DA/53/2022, adding 301 residential units. As a result of the application, Buildings A, B and C will become 22, 29 and 30 storeys respectively with a total of 532 units.

The proposal is envisaged by Amendment 10 of the Parramatta Local Environmental Plan (PLEP) 2023 which was made on 13 September 2023. The Amendment provided for an increase in FSR on the site from 2.3:1 to 3.6:1, an increase in height of buildings from 27m to a maximum height of 86 and 110 metres and rearrangement of the RE1 Public Recreation and R4 High Density zones. The proposal complies with both maximum height and floor space ratio under PLEP 2023.

The development will result in additional housing stock close to the Parramatta Light Rail, bus services and Carlingford Village and Court Shopping Centres.

The development was subject to review from Council's Design Excellence Advisory Panel (DEAP) and is considered to have addressed the majority of the DEAPs concerns', including variation of heights and articulation of the buildings.

The key issues relating to the addition of storeys on the existing approved development include consistency with the base application, the shadowing of surrounding properties, wind impacts and noise impact from Pennant Hills Road.

The development is generally consistent with State Environmental Planning Policy (Housing) 2021 – Chapter 4 Design Quality of Residential Apartment Development and the Apartment Design Guide (ADG), providing future occupants with good amenity.

The application has been assessed relative to section 4.15 of the Environmental Planning and Assessment Act 1979, taking into consideration all relevant State and local planning controls. On balance, the proposal has demonstrated a satisfactory response to the objectives and controls of the applicable planning framework. Accordingly, consent is recommended subject to conditions.

2. Key Issues

Consistency with 'Base' Consent DA/53/2022 - The subject 'amending' development application has the effect of modifying the existing development consent (the 'base' consent

DA/53/2022). Therefore, it is recommended that the consent for DA/53/2022 will be required to be modified by way of condition in relation to car parking, waste management, wind mitigation measures, roof top plans and BASIX Certificate.

SEPP (Housing) 2021 & Apartment Design Guide - Daylight / Solar Access: The proposed extrusion of towers on Buildings B and C causes additional overshadowing on the 4 apartment buildings at 346 and 362 Pennant Hills Road as anticipated by the height of building controls as part of the LEP Amendment. As per ADG requirements the additional reduction in solar access is no more than 20%. It is noted that the proposal complies with the maximum height of buildings and the ADG requirement.

Natural Ventilation and Acoustic Treatment - It is challenging to provide ADG compliant natural ventilation to those apartments facing Pennant Hills Road that are noise-affected. Both the SEPP (Housing) and SEPP (Transport and Infrastructure) references the guideline - *Development near Rail Corridors and Busy Road – Interim Guidelines*. The guideline recommends that units may need alternative measures to meet ADG requirements, such as mechanical ventilation. On this basis, a condition of consent is recommended that noise-affected apartments are to be mechanically ventilated.

3. Site location, description and related applications

3.1 Site location and description

The subject site is 18,404sqm in area and is shown in yellow dash line **Figure 1**. It forms part of a larger landholding of Meriton (refer red line Figure 1) measuring 27,987 square metres. It is located approximately 400 metres east from the planned Carlingford Light Rail stop and 60 metres to the south of the Carlingford Village shopping centre along Pennant Hills Road. It is one of the largest land holdings within the Carlingford precinct undergoing redevelopment for high density development.



Figure 1: Site area subject to this application

The site is intended to be redeveloped in full over 3 stages (refers **Figure 2 & 3**). The area subject to first consent DA/53/2022 for Buildings A, B, C, D and G is known as Stage 1, with Stage 2A (referred to by the applicant) is subject of this application (DA/555/2024) and is the extrusion of towers of Buildings A, B and C.

DA/545/2022, which is currently with Council for assessment, is known as Stage 2B (**Figure 2**),

adjacent to Shirley Street, and it is proposed to construct Buildings E and F. Stage 3 will be the construction and embellishment of the 'Central Park', the large RE1 zoned land.



Figure 2: Proposed staging of the site (Source: applicant)

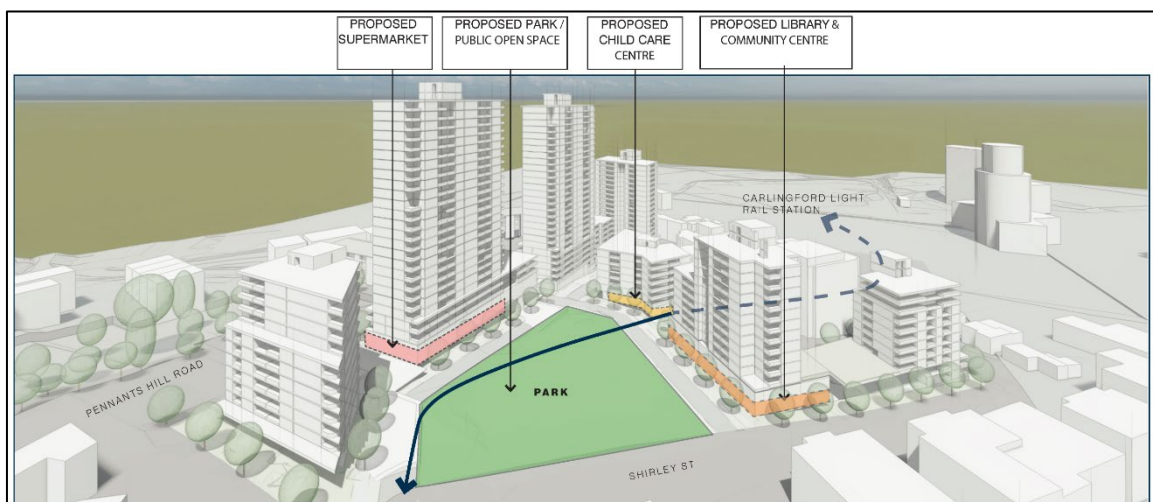


Figure 3: Indicative future-built form on the subject site (Source: applicant)

The site is currently cleared for the entire landholdings (as approved for under DA/57/2024 & DA/32/2025) and the construction of the basements has commenced for the Stage 1 site under Buildings A, B, C, D, G (as approved under DA/53/2022 & DA/57/2024). Refer **Figure 4** for extent of site clearing and works commenced.



Figure 4: Existing condition (Source: Nearmaps 3 April 2025)

3.2 Related applications

The site has an extensive history as summarised in Table 1. It is noted that the site was formerly within The Hills Council, prior to 12 May 2016 Council amalgamations.

Table 1: Summary of related matters

Application	Details
LEP Amendment 20. Baulkham Hills LEP 2012	Amendment 20 of the Baulkham Hills LEP 2005 was made on 3 March 2011 pertaining to the rezoning of the Carlingford Precinct (including the subject site), namely land bounded by Jenkins Road, Pennant Hills Road and Moseley Street, Carlingford, to increase FSR and height of buildings, create open space and underground powerlines. An associated DCP and Contributions Plan came into force on 15 March 2011.
DA/1103/2011/JP (The Hills) + various modifications (A, B, C, D) + Planning Agreement	<p>This application was approved (deferred commencement) by the Sydney West JRPP on 11 April 2012 for the demolition of existing dwellings and construction of 5 apartment buildings 9-11 storeys containing 450 units and basement carparking containing 662 car parking spaces. Note the site area of the application only applied 18 Shirley Street. The deferred commencement conditions relate to the registration of drainage easements. The application was subsequently activated by the demolition and other early works.</p> <p>Modifications B-D were approved. Modification A was withdrawn.</p> <p>A Planning Agreement operates in connection with DA/1103/2011/JP (April 2015). The Planning Agreement was transferred from Hills Shire Council to City of Parramatta on 12 May 2016, when the land moved into the City of Parramatta LGA.</p>

Application	Details
Planning Proposal (Ref: RZ/4/2021)	Amendment to the Parramatta Local Environmental Plan (PLEP) 2023 was made on 30 June 2023 to allow on the subject site, the addition of shops, food and drink premises, business premises and recreational facility (indoor) as additional permitted uses (limited to a maximum of 2,000sqm) to Schedule 1.
DA/53/2022	<p>A development application was lodged by Karimbla (Meriton), on 21 January 2022 seeking consent for the construction of a mixed-use development comprising seven (7) separate buildings with 620 residential units, a childcare centre, 1,735sqm neighbourhood shops and 864 car parking spaces and 5,382sqm of new public parks dedicated to Council. The application applied to the entire landholdings at 18 Shirley Street and 263-271 Pennant Hills Road Carlingford. On 7 December 2022, the Sydney Central City Planning Panel determined to refuse the application.</p> <p>On 5 June 2023 the applicant lodged a Class 1 appeal with the NSW Land and Environment Court. The Court held a conciliation conference under s34 of the Land and Environment Court Act 1979.</p> <p>An agreement was reached between Council and the applicant and on 7 June 2024 and as such, a consent was issued by the Land and Environment Court to Development Application DA/53/2022 for the "Construction of five 6-18 storey buildings comprising 336 residential units, 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, landscaping, and tree removal on the Site (not including early works approved under Development Consent No. DA/57/2024)". The consent relates to Stage 1 site area of the total land holdings.</p>
Planning Proposal (ref: RZ/5/2023)	<p>A Planning Proposal was lodged by the applicant in September 2023 seeking to amend the PLEP 2023 to increase density on the site and reconfigure the existing R4 High Density Residential and RE1 Public Recreation zoning. The Planning Proposal applies to the entire landholdings of the applicant at 263-281 Pennant Hills Road.</p> <p>The proposed changes sought to allow:</p> <ul style="list-style-type: none"> - Reconfiguring the existing R4 High Density Residential and RE1 Public Recreation Zones; - Increase the maximum floor space ratio (FSR) as it applies to the R4 zone from 2.3:1 to 3.6:1. - Amending the maximum height of buildings along the Pennant Hills Road frontage from 27m (9 storeys) to part 65m (18 storeys), 84m (22 storeys) and 110m (29 storeys); - Amend the maximum height of buildings along Shirley St from part 33m (11 storeys) to part 33m (8 storeys), 46m (11 storeys) and 56m (14 storeys); and - Amend the land reservation acquisition map to include the RE1 Public Recreation zoned land so to be dedicated to Council. <p>An associated Planning Agreement is described in Section 10 of this report. Amendment 10 to the Parramatta LEP 2023 was made on 13 September 2024. The associated site specific DCP was made on 18 September 2024. The associated Planning Agreement was executed by Council on 28 August 2024.</p> <p>The subject application responds to the planning controls enabled by this LEP amendment.</p>
DA/57/2024	An application was approved via delegation on 9 May 2024 for early site works including bulk earthworks and excavation, site clearing, tree removal to accommodate storey two basements at 6 and 7 levels and associated shoring, retaining walls and drainage works. The proposal was integrated development

Application	Details
	under the Water Management Act 2000. The approved site area of DA/57/2024 aligns with Stage 1 of the DA/53/2022.
DA/57/2024/A	A Section 4.55(1A) modification application to development consent DA/57/2024 (early works) sought to modify Condition 1 (to add specialist reports) and 13 to allow a drained basement. This modification application was approved on 20 September 2024.
DA/53/2022/A	A Section 4.56 Modification to development consent DA/53/2022 sought modifications to conditions to allow for groundwater dewatering, drained basement construction and groundwater reuse. This modification application was approved on 7 November 2024.
DA/53/2022/B	A Section 4.56 Modification to development consent DA/53/2022 was lodged on 24 June 2024 , seeking modifications to ventilation systems to apartments. This modification application was approved on 12 December 2024.
DA/53/2022/C	A Section 4.56 Modification to development consent DA/53/2022 sought modifications to all basement levels, including adjustments to structural columns and on-site detention, and relocation of car parking spaces and waste rooms. This modification application was approved on 28 October 2024.
DA/53/2022/D	A Section 4.56 Modification to development consent DA/53/2022 sought to delete Condition 48 requiring an integrated paint finish to allow the application of a paint finish for the external facades. This modification application was approved on 28 May 2025.
DA/53/2022/E	A Section 4.56 Modification to development consent DA/53/2022 was lodged on 31 October 2024 , seeking amendments to Building D, including amendments to structural and service elements, façade details, internal layout and an increase to on-site basement parking. This modification application is currently under assessment.
DA/53/2022/F	A Section 4.56 Modification to development consent DA/53/2022 was lodged on 31 October 2024 , seeking to add structural elements (e.g. columns) and service cupboard locations, adjustment of tower levels and increase in height of Building G, addition of sun shading devices (in accordance with Condition 47 of the consent) increasing balcony articulation. This modification application is currently under assessment.
DA/545/2024	A development application was lodged on 8 October 2024 for a mixed-use development comprising 2 residential flat buildings (12 & 15 storeys) and a new library and community facility (to be dedicated to Council), basement, a new link park (to be dedicated to Council), roads and landscaping. This application is integrated development under Section 90(2) of the Water Management Act 2000. This application is currently under assessment and will be determined by the Sydney Central City Planning Panel
DA/555/2024	The subject application
DA/32/2025	A development application for early site works including excavation and associated shoring, retaining walls and drainage works to accommodate the construction of a new mixed-use development with basement parking (subject of development application DA/545/2024). The application was approved on 13 May 2025.

4. The proposal

The subject application proposes to increase the number of units and storeys on Buildings A, B and C, as approved under DA/53/2022, as shown in Table 2 below:

Table 2: Summary of approved and proposed units

Building	Approved under DA/53/2022 (units / storeys)	Proposed DA/555/2024 (units / additional storeys)	Total Units and Storeys
A	33 units / 6 storeys	88 units / 16 storeys	121 units / 22 storeys
B	110 units / 13 storeys	110 units / 16 storeys	220 units / 29 storeys
C*	88 units / 15 storeys	103 units / 15 storeys	191 units / 30 storeys
D	60 units / 17 storeys	N/A	60 units / 17 storeys
G*	45 units / 8 storeys	N/A	45 units / 8 storeys
TOTAL UNITS	231 units	301 units	637 units

* Building C includes ground floor retail space and Building G has ground floor child care centre

The proposal would result in the following at the site:

- An additional 30,242sqm in GFA over the subject site from the approved 35,534.7sqm (DA/53/2022 approved Buildings A, B, C, D & G) resulting in a total GFA of 65,776sqm.
- An increase of 301 residential units across Buildings A, B and C (new total of 532 units), with an overall total across the subject site of 637 units (Buildings A, B, C, D & G).

No works are proposed to the base consent DA/53/2022 or adjoining Buildings D and G at 60 units (17 storeys) and 45 units (8 storeys) respectively.

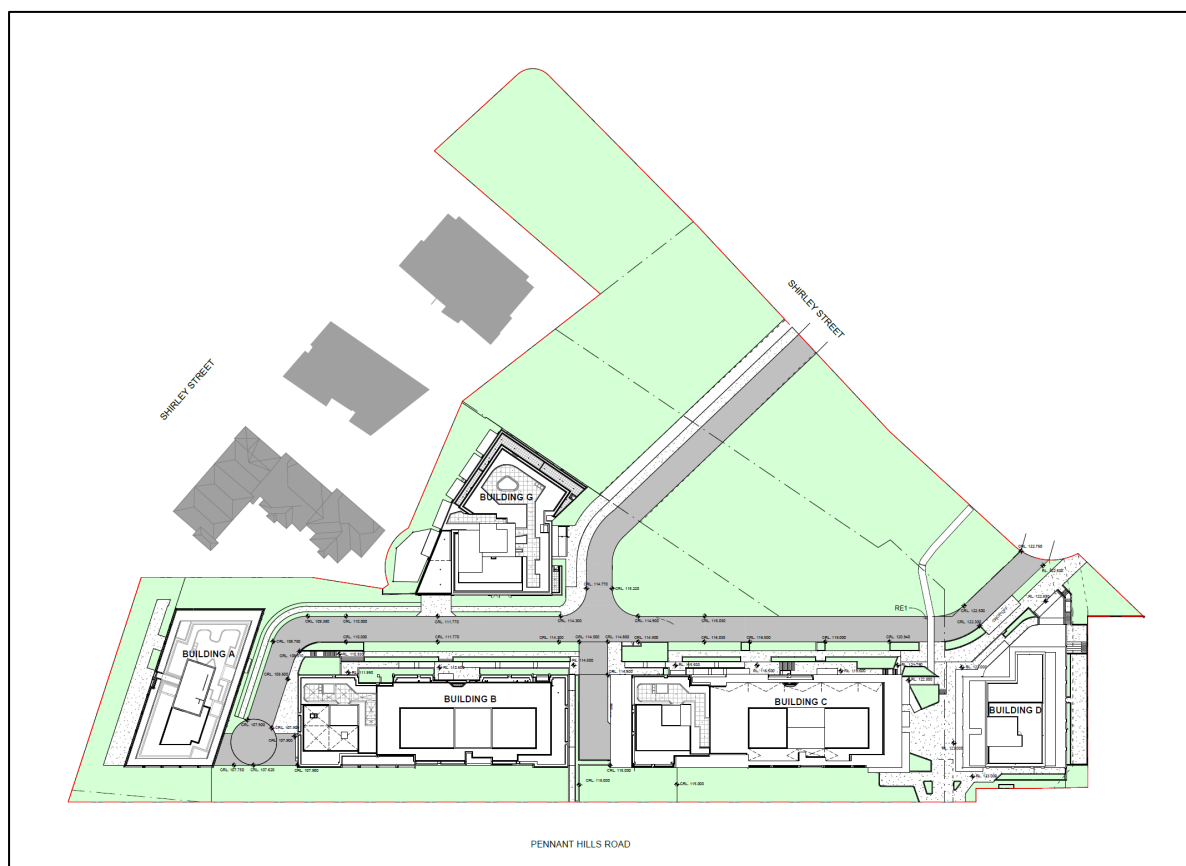


Figure 5: Subject Site Plan (Source: Crone Architects, Site Plan, CP-DA-A-1-0-0008, 30 April 2025)

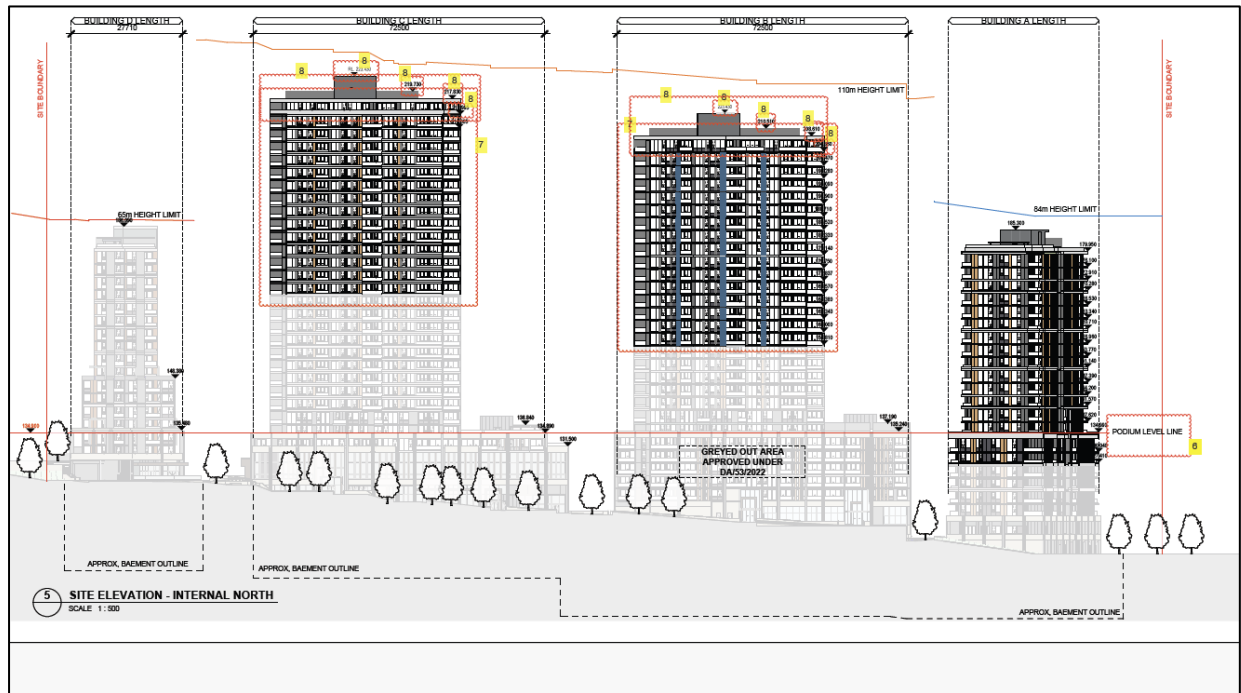


Figure 6: Site Elevation East-West (from left to right Building D (no change), Building C, B and A) (Source: Crone Architects, Site Elevation, CP-DA-A-1-0-2501, 30 April 2025)



Figure 7: 3D view along Pennant Hills Road (Source: Meriton 3D Views Render 02, Drawing CP-DA-A-1-0-3103, 30 April 2025)

Notwithstanding, the two following modifications applications are relevant to this application:

- DA/53/2022/D sought to modify the main works DA/53/2022 and was approved on 28 May 2025. It relates to the finishes and articulation of the façade of Buildings A, B, C, D and G. These finishes and articulation now match the proposal for additional floors proposed under DA/555/2024.

- DA/53/2022/F seeks to modify the main works DA/53/2022 in order to accommodate the proposal under DA/555/2024. These include seeking to add structural elements (e.g. columns) and service cupboard locations, adjustment of tower levels and addition of sun shading devices (in accordance with Condition 47 of the consent) increasing balcony articulation.

4.2 Application Assessment History

A summary of the application assessment history is detailed in **Table 3** below:

Table 3: Summary of the application history

Date	Action
10 October 2024	The application was lodged on the Planning Portal
15 October 2024	The application was formally lodged, following receipt of DA fees
24 October to 14 November 2024	Application was publicly notified.
7 November 2024	A letter requesting further information was sent to the applicant on based on a preliminary assessment of the application on a range of matters.
14 November 2024	The application was considered by the Design Excellence Advisory Panel (DEAP).
18 December 2024	Council Officers issued a request for design amendments via letter to the applicant, with the recommendations of the Design Excellence Advisory Panel (DEAP) included.
23 January 2025	A meeting was held with the applicant and their consultant team relating to design matters raised by the DEAP.
12 March 2025	The applicant submitted amended plans and documents in response to DEAP and design comments and other technical matters via the Planning Portal. Pursuant to Section 37 & 38 of the EP&A Regulation 2000, a formal amendment to the application was made and therefore the date of lodgement of the application is taken by Council as this date.
2 April to 29 April 2025	Application was publicly notified.
17 April 2025	Council Officers issued a request for further information amendments relating to ADG compliance matters, wind assessment and sustainability via letter to the applicant.
2 and 27 May 2025	The applicant submitted revised plans via the Planning Portal.
3 June 2025	The applicant submitted final BASIX Certificate and BASIX stamped plans via the Portal.

5. Referrals

The following referrals were undertaken during the assessment process:

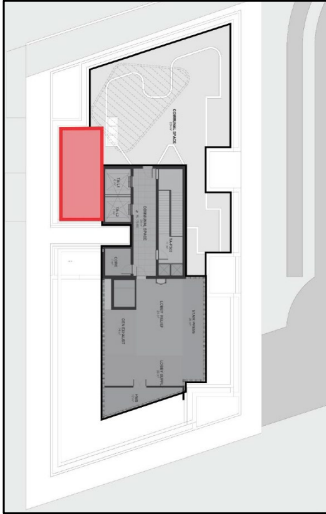
5.1 Design Excellence Advisory Panel

Council's Design Excellence Advisory Panel (DEAP) considered the application at its meetings on 14 November 2024. **Table 4** summarises the DEAPs key concerns and the current proposal's response.

Table 4: Summary of DEAP key comments and response

Panel Comments	Current Proposal and Council Officer response
Provide more height variation between Buildings B and C and provide a stepping down effect of the buildings along Pennant Hills Road.. In order to reduce the visual impression of continuous bulk it is	In response, the height of Building B has been reduced by 1 storey and the height of Building C has increased by 1 storey. The applicant contends that further changes in building height would trigger unreasonable structural changes to the building.

Panel Comments	Current Proposal and Council Officer response
recommended to increase Building C by two storeys and reduce Building B by two storeys.	This is considered to be an improvement to reduce visual bulk and scale and therefore supported.
A two-metre tower setback for Building A to create a break between the podium and tower as per the Parramatta DCP 2023.	Building A tower has been setback 2 metres from the podium in accordance with DCP requirements.
Further detail to demonstrate how shading and glazing will be incorporated in the tower extrusions as per the Conditions 15, 16 and 47 of DA/53/2022.	<p>An updated urban heat island and shading assessment report and reflectivity report was submitted.</p> <p>The nominated glass is considered adequate (consistent with the base consent DA/53/2022) and recommended conditions of consent are included.</p> <p>The material submitted to indicate compliance with Condition 47 of DA/53/2022 Western Sun Shading Devices does not demonstrate compliance. As such the condition is recommended to apply to DA/555/2022 for Buildings B and C (as opposed to stamped plans).</p>
Deeper articulation of vertical element of Buildings B and C in order to reduce of visual bulk.	<p>Refinements were made to the facades of Buildings B and C to accentuate the verticality of the buildings and assist with facade breakup in the form of:</p> <ul style="list-style-type: none"> • new horizontal, coloured bands on the facade to break the building form. These bands are alternated between the two buildings so that the buildings are offset against each other, • differentiation between the colour of the horizontal panels on the north-west façade of each building, reduced thickness of horizontal banding on the side facades of the balconies on Building B. <p>Refer Figure 7 demonstrates design of the façade. It is noted that modification to the base application (DA/53/2022/D) reflect these façade amendments also. These amendments are an improvement and can be supported.</p>
Refinement of Building A long corridors to create improved amenity and alternative layouts be tested to reduce number of apartments with bedrooms opening directly onto living areas.	No change. The applicant contends that changes to the internal floor layouts approved under DA/53/2022 will would have major consequences for structural and other engineering design details that in some cases cannot be successfully addressed considering construction has already started on the site.
Provision of overshadowing diagrams showing full length of shadow.	Full shadow diagrams have been provided.
Roof top communal open space of Building A to include a WC, address wind impacts.	<p>A wind assessment was submitted with the application (Pedestrian Wind Environment Study, Windtech, 23 May 2025) and concluded that the south eastern corner of the roof top communal open space fails the comfort criteria and as such should not be trafficable (as shown in Figure 8). This area is approximately 34sqm (16% of the total area).</p> <p>It is recommended that a condition of consent requiring that the area identified as non-trafficable should include an enclosed or semi enclosed space,</p>

Panel Comments	Current Proposal and Council Officer response
	<p>with an accessible toilet so to ensure that the total useable space for residents to interact is not reduced.</p>  <p>Figure 8: Extract from Figure E.5 Roof Top of Building A, Wind Environment Study (Windtech 23 May 2025)</p>

5.2 External

Table 5: External referrals

Authority	Comment
Transport for NSW	No objection (no conditions). It is noted that two referral letters were provided. Matter discussed further in Section 7.6 – SEPP (Transport and Infrastructure) 2021.
Sydney Water	Supported, subject to conditions.
Ausgrid	Supported, subject to conditions.

5.3 Internal

Table 6: Internal referrals

Area	Comment
Urban Design	Generally supportive of design amendments in response to DEAP comments, however, recommend further vertical articulation to Buildings A and B.
Landscape	No objection, subject to conditions.
Development Engineer	No objection, subject to retention of conditions on DA/53/2022.
Traffic	No objection, subject to conditions.
Environmental Health (Waste)	No objection, subject to conditions.
Accessibility	Supported, subject to conditions.
Contributions	No objection, subject to conditions.
External Quantity Surveyor	Concluded that estimate development cost (EDC) works was higher than original submitted. Applicant agreed to higher EDC and as such paid additional development application fees.

Area	Comment
External ESD consultant	No objection, subject to conditions.
Reflectivity	No objection, subject to conditions.
External wind consultant	No objection, subject to conditions.

6. Environmental Planning and Assessment Act 1979

The sections of this Act which require consideration are addressed below:

6.1 Section 1.7: Significant effect on threatened species, populations or ecological communities, or their habitats

The site is in an established urban area with low ecological significance. No threatened species, populations or ecological communities, or their habitats are impacted by the proposal.

6.2 Section 4.15(1): Evaluation

This section specifies the matters which a consent authority must consider when determining a development application, and these are addressed in the **Table 7** below:

Table 7: Matters for consideration

Provision	Comment
Section 4.15(1)(a)(i) - Environmental planning instruments	Refer to section 7 below
Section 4.15(1)(a)(ii) - Draft planning instruments	Refer to section 8 below
Section 4.15(1)(a)(iii) - Development control plans	Refer to section 9 below
Section 4.15(1)(a)(iiia) - Planning agreements	Refer to section 10 below
Section 4.15(1)(a)(iv) - The Regulations	Refer to section 11 below
Section 4.15(1)(b) - Likely impacts	Refer to section 12 below
Section 4.15(1)(c) - Site suitability	Refer to section 13 below
Section 4.15(1)(d) - Submissions	Refer section 14 below
Section 4.15(1)(e) - The public interest	Refer to section 15 below

6.3 Section 4.17 – Imposition of Conditions requiring modification of a consent

The subject application is an ‘amending’ development application in that it is a separate development application that has the consequence of effecting a significant modification of an existing development consent (the ‘base’ consent DA/53/2022). In considering the subject amending application, modifications are required to the base consent. Section 4.17 of the Act can be utilised to impose conditions of consent relating to both the base application and subject application to ‘harmonise’ the two inter-related applications so the overall development can be given effect in a coherent and appropriate manner.

As outlined in the assessment of this application, due to the addition of 301 units to Buildings A, B and C, the consent for DA/53/2022 will be required to be modified in the following ways:

- a) Removal of approved roof plans;
- b) Addition of residential, visitor, motorcycle and bicycle parking;

- c) Wind mitigation measures that are to be located on approved plans for ground or upper levels; and
- d) Revised BASIX Certificate for DA/53/2022 to reflect new Certificates that were created for (i) Buildings A, B, C and G; and (ii) Building D.

7. Environmental Planning Instruments

7.1 Overview

The instruments applicable to this application comprise:

- SEPP (Planning Systems) 2021
- SEPP (Housing) 2021
- SEPP (Sustainable Buildings) 2022
- SEPP (Transport and Infrastructure) 2021
- SEPP (Resilience and Hazards) 2021
- SEPP (Biodiversity and Conservation) 2021
- Parramatta Local Environmental Plan (LEP) 2023

Compliance is addressed below.

7.2 State Environmental Planning Policy (Planning Systems) 2021

As this proposal has an estimated development cost of more than \$30 million, Part 2.4 and Schedule 6 of this Policy provides that the Sydney Central City Planning Panel is the consent authority for this application.

7.3 State Environmental Planning Policy (Housing) 2021

This Policy aims to improve the design quality of residential flat development. This proposal has been assessed against the following matters relevant to SEPP for consideration:

- Design Excellence Advisory Panel;
- Nine (9) Design Quality Principles; and
- The Apartment Design Guide (ADG).

7.3.1 Design Quality Principles

Schedule 9 of the SEPP sets out nine (9) design quality principles for residential development. These principles do not generate design solutions but provide a guide to achieving good design and the means of evaluating the merits of proposed solutions. A response to those design principles, prepared by the project architect, supports the application as required by the Environmental Planning and Assessment Regulation.

Table 8 provides an assessment of the proposal against those principles having regard to the comments of the Design Excellence Panel and assessment by Council's officers:

Table 8: Response to SEPP (Housing) design principles

Principle	Comment
Context and neighbourhood character	The Parramatta LEP 2023 nominates Carlingford as a high-density residential precinct and the additional residential units respond to this desired future character.
Built form and scale	The bulk, scale and height of the development is consistent with the LEP and DCP controls for the site. The revised proposal has improved the articulation of the

Principle	Comment
	towers and all buildings provide a consistent podium / tower form. The proposal is compliant with the Apartment Design Guide for apartment mix, balcony and bedroom sizes and storage thereby creating internal amenity.
Density	The density proposed was realised through a recent PLEP 2023 Amendment. The site is well located by the existing Parramatta Light Rail and bus services, existing shopping centres and in proximity to a future large open space and community centre and library.
Sustainability	The proposal has demonstrated compliance with SEPP (Sustainable Buildings) 2022.
Landscape	The proposal includes the revision of the roof top level communal open space at Building A. The roof top space provides residents with the opportunity for social interaction and useability. The landscaping on the roof top is adequate, subject to conditions, to ensure tree growth and longevity.
Amenity	The proposal has demonstrated good amenity for residents, with compliant rooms and balcony sizes, solar access, protection from road noise for those apartments affected by noise from Pennant Hills Road and visual privacy.
Safety	The communal open space has been designed for useability and safety. No public domain is proposed in this application.
Housing diversity and social interaction	Apartment mix and sizes are achieved, with a good proportion of 3 and 4 bedrooms to cater for larger families. The roof top space on Building A provides residents with the opportunity for social interaction and useability.
Aesthetics	The proposed facades of Buildings A, B and C have been improved in response to the DEAP comments, with further articulation and better-quality stained paint finishes.

7.3.2 Apartment Design Guide (ADG)


In accordance with Chapter 4, clause 147(1)(b) of the SEPP Housing the relevant provisions of the ADG are considered within the following assessment at Table 9:

Table 9: Response to ADG provisions

Standard	Requirement	Proposal	Compliance
Part 3 – Siting the Development			
3B: Orientation	<p>The orientation of the three towers will remain as previously approved as no changes are proposed that will require any alterations from the approved horizontal building footprints. The towers continue maintaining provisions for separation between buildings both within the site as well as within adjoining areas.</p> <p>Whilst the overall building heights are proposed to be increased, natural site amenities including visual privacy and solar access are not expected to be unreasonably compromised. Furthermore, the height of each building allows for a stepping down approach between from north to south which is reflective of and sympathetic to the natural typography and constraints of the site.</p>		
3C: Public Domain Interface	N/A. The proposal is limited to additional floor levels on top of previously approved buildings and no change is proposed to the public domain.		
3D: Communal & Public Open Space	<p>Min. 25% of site area (or 5,617.5m²)</p> <p>Min. 50% direct sunlight to main communal open space for min. 2hrs 9am & 3pm, June 21st (2,808.7m²)</p>	The proposal does not change any requirements for the provision of additional communal open space than that provided under the consent of DA/53/2022.	Yes, as considered under DA/53/2022

Standard	Requirement	Proposal	Compliance
		Building A roof top communal open space is moved from the roof top on the 7 th floor to the roof top of the 23 rd floor and receives compliant solar access.	Yes
	Refer Section 7.3.2.1 in relation to solar access impact on surrounding properties.		
3E: Deep Soil	Min. 7% with min. dimensions of 6m for sites of 1500m ² or greater (1,959m ²)	The proposal does not result in a change to requirements for minimum deep soil areas.	Yes , considered under DA/53/2022
3F: Visual Privacy	9 storeys and above (over 25m): <ul style="list-style-type: none"> 24m between habitable rooms/balconies 18m between habitable and non-habitable rooms 12m between non-habitable rooms 	The extrusion of towers provides for the following separation: Buildings C & D – 28 metres Buildings C & B – 43 metres Buildings B & A – 40+ metres	Yes
3G: Pedestrian Access and Entries	Pedestrian access to each of the affected buildings will remain unchanged as the proposal is limited to the placement of additional storey's over previously approved buildings. No changes are proposed within portions of the buildings addressing the public domain and includes each respective lobby area.		
3H: Vehicle Access	Whilst the proposed additional floor levels will require additional carparking demand and has resulted in changes to the approved basement carparking, vehicle entry and access points are to remain unaltered.		
3J: Bicycle and car parking	As provided for in Section 8.5.11 of the Parramatta DCP 2023.	The subject application does not specifically change any requirements for the provision of additional bicycle and vehicle parking than that provided under the consent of DA/53/2022. It is expected that a modification application to DA/53/2022 will be submitted to accommodate additional car and bicycle parking.	N/A
Part 4 Designing the Building			
4A: Daylight / Solar Access	Min. 2hr for 70% of apartments living & POS 9am & 3pm mid-winter (210)	241 apartments (80.1%)	Yes
	Max 15% apartments receiving no direct sunlight 9am & 3pm mid-winter (46)	29 apartments (9.6%)	Yes
	Refer Section 7.3.2.1 in relation to solar access to surrounding sites.		
4B: Natural Ventilation	Min. 60% of apartments below 9 storeys naturally ventilated. Building A – min. 12/ 20 units	Building A	No , as apartments are noise affected and require mechanical ventilation. Refer to discussion in Section 7.6

Standard	Requirement	Proposal	Compliance
4F: Common circulation & spaces	Max. apartments –off circulation core on single level: 8 - 12	Maximum apartments off circulation core: Building A: 8 Building B: 7 Building C: 7	Yes
	Max. apartments sharing single lift: 40	Maximum apartments sharing single lift: Building A: 60.5 Building B: 55 Building C: 47.75 A statement from KONE certifying the lift service will be maintained is provided. A condition is recommended requiring a minimum level of service.	No, but acceptable.
	Corridors >12m length from lift core to be articulated.	Maximum corridor length from lift core: Building A: 16.5m Building B: 16m2 Building C: 16m A majority of apartment entries measure less than 12m from core lift areas while a minor portion of apartments measure in excess. Due to lobby areas being of reasonable width and all corridors including a window to external areas, sufficient amenity is considered to be maintained.	No ,but acceptable
4G: Storage	1B – Min 6m ³ 2B – Min 8m ³ 3B+ – Min 10m ³ Min. 50% required in Basement	Storage is provided at 50% of minimum area requirements within the apartment.	Yes, 50% capacity demonstrated within unit. A condition is recommended which requires amendment to base consent (DA/53/2022) so that the basement plans includes storage cages to meet standard.
4H: Acoustic Privacy Noise sources >3m distance from bedrooms	The location of A/C plant rooms on the floors of Buildings A, B and C are generally located adjacent to bedrooms, or within 3 metres from bedrooms or living rooms. Refer Figure 9 below.		

Standard	Requirement	Proposal	Compliance																								
	 <p>Figure 9: Extract from Building C floor plan (Level 14-27 typical)</p> <p>An Acoustic Report prepared by Acoustic Logic, dated 26 August 2024 has been prepared and submitted to support the proposal. Section 6.2 and 7.1 of the report tests the impact of the mechanical plants through the development. It recommends that plant selection, location and if necessary, standard acoustic treatments such as duct lining, acoustic silencers and enclosures. It further recommends that further acoustic review by undertaken at construction certificate stage to determine acoustic treatments to control noise emissions.</p> <p>In order to reduce acoustic conflict, a condition of consent is proposed which requires compliance with the recommendations of the Acoustic Report, including the addition of acoustic treatments to meet EPA Noise emission criteria.</p>																										
4J: Noise and pollution	<p>An Acoustic Report (Acoustic Logic, dated 26 August 2024) has been prepared and submitted to support the proposal. The report identifies residential development is affected by significant environmental noise source from the traffic along Pennant Hills Road. As the road carries over 40,000 AADT the requirements of SEPP (Transport and Infrastructure) 2021 applies. This matter is discussed in detail under the provisions of the SEPP (Transport and Infrastructure).</p>																										
4K: Apartment Mix	<p>The subject development provides a suitable mix of 1-, 2- and 3-bedrooms apartments. It is also noted when considering each Building as an entirety, the dwelling mix is also appropriate, noting a high proportion of 3 and 4 bedroom units in the subject application.</p> <table border="1"> <thead> <tr> <th></th><th>1 bedroom</th><th>2 bedrooms</th><th>3+ bedrooms</th></tr> </thead> <tbody> <tr> <td>Building A</td><td>22 apartments (25%)</td><td>38 apartments (43%)</td><td>28 apartments (32%)</td></tr> <tr> <td>Building B</td><td>15 apartments (13.6%)</td><td>61 apartments (55.4%)</td><td>34 apartments (30%)</td></tr> <tr> <td>Building C</td><td>14 apartments (13.5%)</td><td>57 apartments (55.3%)</td><td>32 apartments (30%)</td></tr> <tr> <td>DA % of 301 units</td><td>17%</td><td>52%</td><td>31%</td></tr> <tr> <td>% overall total of Buildings A, B, C (532 units)</td><td>22%</td><td>51%</td><td>27%</td></tr> </tbody> </table>				1 bedroom	2 bedrooms	3+ bedrooms	Building A	22 apartments (25%)	38 apartments (43%)	28 apartments (32%)	Building B	15 apartments (13.6%)	61 apartments (55.4%)	34 apartments (30%)	Building C	14 apartments (13.5%)	57 apartments (55.3%)	32 apartments (30%)	DA % of 301 units	17%	52%	31%	% overall total of Buildings A, B, C (532 units)	22%	51%	27%
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% overall total of Buildings A, B, C (532 units)	22%	51%	27%																								
4M: Facades	<p>The proposal has been modified to respond to the concerns raised by the DEAP and includes reasonable articulation and materials in the composition of the facades which serves to break up the visual scale and bulk of the development and visually reduces the apparent building mass.</p>																										
4N: Roof design	<p>The roof designs of each building will be reflective of each overall building design. Building services that protrude within the roof have been designed to avoid appearing as dominating or overly bearing. Building A has been complimented with integration of communal open space within the roof level.</p>																										

Standard	Requirement	Proposal	Compliance
4O: Landscape Design	Due to the nature of the proposal which is limited to building extensions for approved buildings A, B and C, the overall landscape design will predominantly remain unaltered.		
4P: Planting on structures	The communal open space area located on the roof of Building A includes provisions for appropriate landscaping which is considered to genuinely support amenity objectives and has been reviewed and Supported by Council's Landscape Officer		
4Q: Universal Design	20% Liveable Housing Guidelines Silver Level design features (>60)	An Access Report has been submitted by ABE Consulting identifying that compliance is readably achievable. It is noted that the architectural plans do not incorporate the recommendations of the Access Report.	No, however compliance with Access Report is recommended to be included as a draft condition of consent
4S: Mixed Use	The makeup of the proposed building alterations and additions exclusively concern residential development only.		
4T: Awnings and Signage	No awnings or signage is included as part of the proposed additions.		
4U: Energy Efficiency	The proposal meets the requirements of the SEPP (Sustainable Buildings) 2022.		
4V: Water management	The proposal meets the requirements of the SEPP (Sustainable Buildings) 2022.		
4W: Waste management	The waste facilities have been provided for under the consent issued for DA/53/2022 and will be assessed as part of a forthcoming modification application.		
4X: Building maintenance	Appropriate high quality building materials are selected and incorporated into the proposal to assist with reasonable building upkeep. The overall building design as well as design of specific units allow reasonable maintenance for future residents.		

7.3.2.1 Solar Access

The ADG requires that:

- Part 4A "Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in Sydney" and "a maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter"; and
- Part 3B Orientation states that "where an adjoining property does not currently receive the required hours of solar access, the proposed building ensures solar access to neighbouring properties is not reduced by more than 20%.".

Solar access controls are also contained in Parramatta DCP 2023 contained in Section 3.2.1 requiring that:

- Dwellings within development and adjoining sites are to receive a minimum 3 hours sunlight to primary living areas between 9am-3pm on 21 June
- Private open space within site and adjoining sites are to receive a minimum 3 hours sunlight to atleast 50% of area between 9am-3pm on 21 June.

The extrusion of towers of Buildings A, B and C causes additional overshadowing impact to buildings to its south west, south and south east. The impacted sites are identified in **Figures 9 and 10 below.**

Carlingford Uniting Church, 27 Lloyds Ave

Between 9am and 11am the site is fully or majority in shadow from the approved base development DA/53/2024 and 'new' tower. By 12 midday less than 50% of the site is impacted.

Noting the ADG and DCP requirements only apply to residential uses, nevertheless the site receives the required hours of solar access in accordance with the DCP between 12 and 3pm at midwinter.

29 Lloyds Avenue, single dwelling

Between 9am and 11am the site is fully or majority in shadow from the approved base development DA/53/2024. At 12 midday additional overshadowing to less than 50% of the site is caused by both the base consent and the proposed towers. Between 12pm and 3pm the rear of the property and the rear private open space receives solar access. It is understood the internal area is to the rear of the house, adjacent to the rear private open space.

It is noted that 27 and 29 Lloyds Ave are zoned R4 High Density Residential development (with a maximum height of 27 metres and FSR of 2.3:1) under the PLEP 2023 and have potential for redevelopment.

346 Pennant Hills Road (2 apartment blocks)

The shadow diagrams submitted show that the apartment blocks are not overshadowed by the base or proposed development between 9am and 10am. Between 11am and 3pm the apartment blocks and surrounding private open space is in shadow caused by both the base application and proposed towers.

The proposed development causes additional overshadowing to the apartment blocks between 12 and 2pm. As part of the Planning Proposal process, a solar study was undertaken by the proponent's architect (Solar Access Study, Crone Architects, 13 May 2024). The Study analysed the impact on living rooms and bedrooms within the apartment blocks against the requirements of 3B and 4A of the ADG. As per existing condition, of the 30 units across the 2 apartment blocks, 18 of the 30 units (60% of units) receive the required 2 hours between 9am and 3pm of solar access at midwinter. Noting that this does not meet the ADG requirement of 70% of units receiving 2 hours of solar access. The proposal reduces the number of units that receive the 2 hours of solar access from 18 units to 12 of the 30 units (noting as per ADG is not reduced by more than 20%). This solar access impact was anticipated by the height of building controls as part of the LEP amendment. The proposal complies with the maximum height of buildings and the ADG requirement.

In relation to the private open space to 346 Pennant Hills Road, the proposal causes additional overshadowing at 12pm and 1pm, and from 2pm the overshadowing is caused by the approved base consent. The private communal open space currently experiences overshadowing. The two apartment blocks overshadow the rear open space themselves, and the gardens have existing dense tree canopy cover (refer **Figure 11**).

362 Pennant Hills Road (2 apartment blocks)

The shadow diagrams submitted show that the apartment blocks are not overshadowed by the base or proposed development between 9am and 11am. For the southernmost apartment block at 9am, 10am, 11am and 3pm no shadow impacts the building itself.

The solar study (Solar Access Study, Crone Architects, 13 May 2024) analysed the impact on living rooms and bedrooms within the apartment blocks against the requirements of 3B and 4A of the ADG. It concluded that the existing condition of the two apartment blocks is that 18 of the 30 units (60% of units) receive the required 2 hours between 9am and 3pm of solar access at midwinter. The proposal reduces the amount of units that receive the 2 hours to 14 of the 30 units. In accordance with the ADG requirement, the proposal does not reduce the solar access by more than 20%. This solar access impact was anticipated by the height of building controls as part of the LEP amendment. The proposal complies with the maximum height of buildings and the ADG requirement.

The private open space experiences solar access between 9am and 11am and by 12 midday some shadow from the base consent and proposal occurs. The private communal open space currently experiences overshadowing. The two apartment blocks overshadow the rear open space themselves and the gardens have existing dense tree canopy cover (refer **Figure 11**).

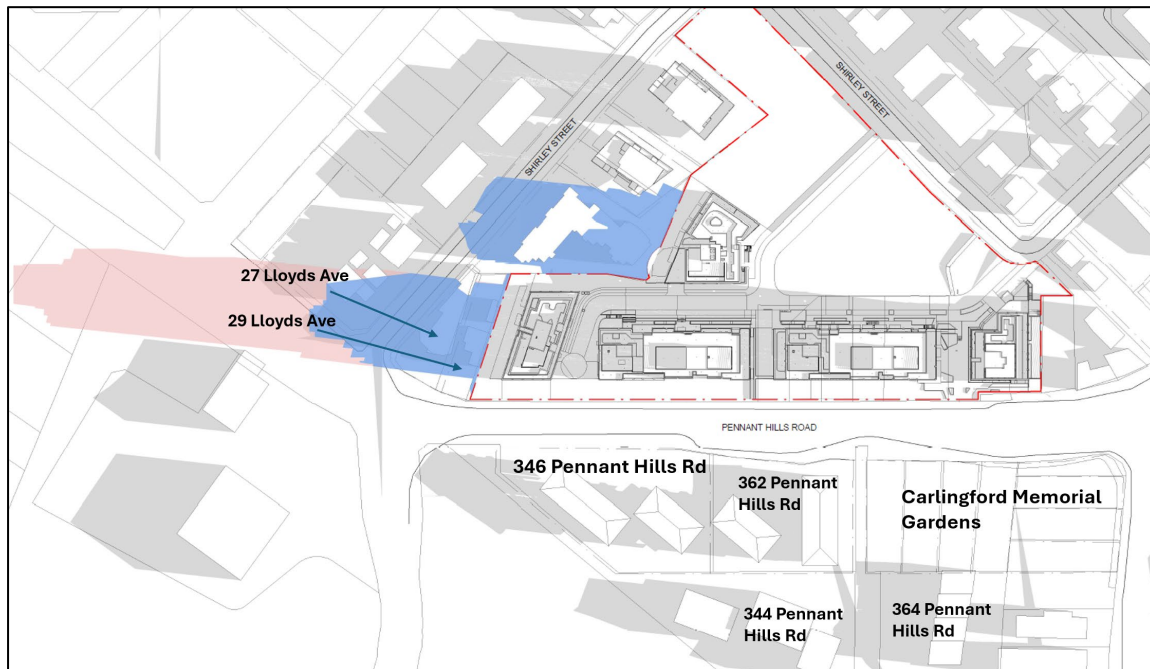


Figure 9: Extract from 9am 21 June Shadow Diagram, with surrounding property labeled (Prepared by Council Planner, June 2025)

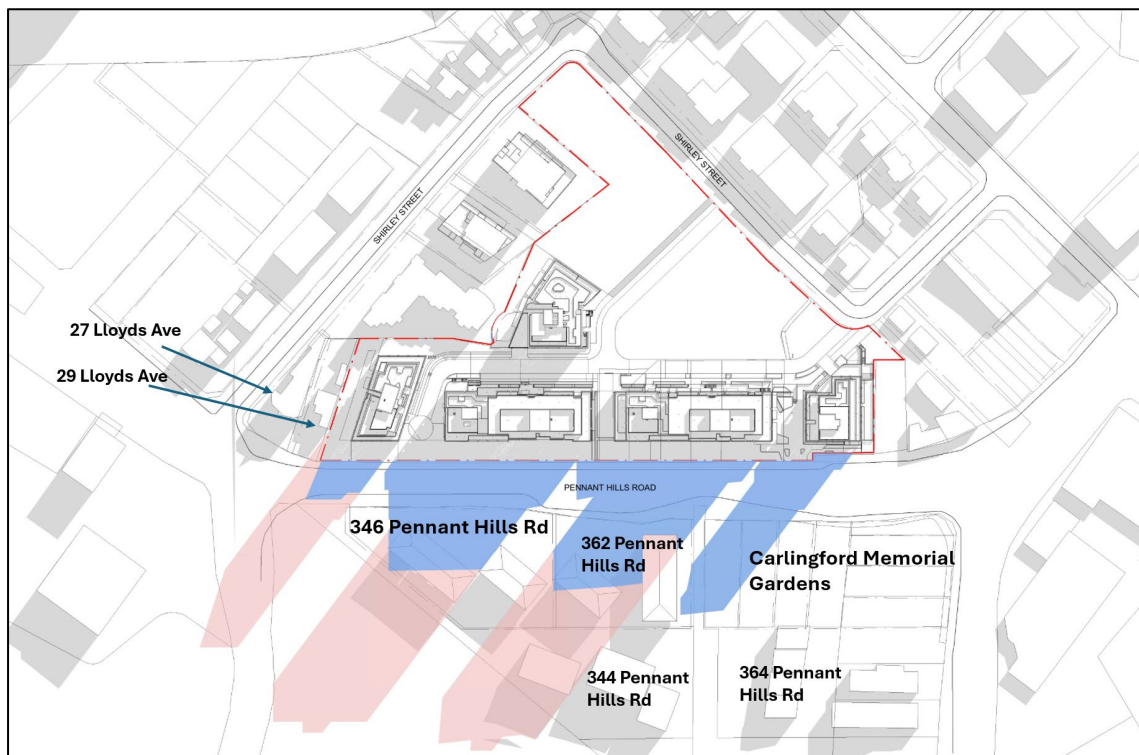


Figure 10: Extract from 1pm 21 June Shadow Diagram, with surrounding property labeled (Prepared by Council Planner, June 2025)



Figure 11: Aerial of 346 and 362 Pennant Hills Road (Source: Nearmaps 28 May 2025)

7.4 State Environmental Planning Policy (Sustainable Buildings) 2022

The purpose of this Policy to reduce household electricity and water use by setting minimum sustainability targets for new and renovated homes. Evidence of compliance is to be demonstrated through the provision of a Certificate.

The application is accompanied by a BASIX certificate that lists sustainability commitments by the applicant as to the manner in which the development will be carried out. The requirements outlined in the BASIX certificate have been satisfied in the design of the proposal. Nonetheless, a condition will be imposed to ensure such commitments are fulfilled during the construction of the development.

It is noted that the challenge of obtaining a BASIX certificate for the proposed development were twofold (as advised by DPHI):

- the BASIX model does not allow for more than 600 units to be on any one certificate.
- The BASIX model recognises buildings, not the addition of floors.

Therefore the applicant was required to produce a revised BASIX Certificate which grouped Buildings A, B, C and G together (which share a common basement) and Building D separately. Therefore, the base consent DA/53/2022 will be required to be amended in the future to reflect the revised BASIX certificate and a condition has been recommended accordingly.

Furthermore the mechanical ventilation proposed to address noise affected units will generate small energy demand and will be required to be accounted for in the BASIX Certificate. The applicant has demonstrated that this can be offset by an increase in PV Solar panels. Council's external ESD Consultant is satisfied that this can be conditioned accordingly.

7.5 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4.6 of this Policy requires that the consent authority must consider if land is

contaminated and, if so, whether it is suitable, or can be made suitable, for a proposed use.

It is noted that this application is for additional floors on Buildings A, B and C on already approved buildings. Therefore, the matter of contamination was considered as part of early works DA/57/2024 and base building application DA/53/2022. These applications concluded, that subject to conditions, the site was suitable for the intended use.

7.6 State Environmental Planning Policy (Transport and Infrastructure) 2021

7.6.1 Traffic Generating Development

Following review of the application, Transport for NSW responded via letter on 15 November 2024, recommending a condition of consent which required the applicant, *“Prior to the release of any Occupation Certificate, the signal and civil works at the intersection of Evans Street and Pennant Hills Road shall be fully completed to the satisfaction of TfNSW.”*

Subsequently, TfNSW wrote to Council (dated 13 December 2024) and reconsidered its recommendation for the delivery of the signals in line with development as it concluded that the provision of the Traffic Control Signals (TCS) was a broader precinct requirement and not a direct nexus with the DA, and therefore determined that the applicant was not required to deliver signals at Pennant Hills Road and Evans Road, rather *“explore the potential for the delivery...via the Housing Productivity Contribution framework”*.

Council Officers subsequently wrote to TfNSW and DPHI on 24 March 2025 to advocate for the delivery of signals for the following reasons:

- TfNSW has long recognised the need for signals and associated works at this intersection. In 2018 TfNSW committed in writing to deliver the upgrades as part of the State-led Stage 1 rezoning of Telopea Precinct, recognising the upgrade is critical in managing traffic associated with the significant population growth planned in Telopea.
- It is Council's view that the intersection currently presents a pedestrian safety risk, as well as causing significant delays for motorists. It is extremely unsafe for pedestrians to cross Pennant Hills Road at Evans Road to access nearby bus stops and recreational facilities, which will be further exacerbated when the above-mentioned site is fully constructed. The future development will cause a significant increase in pedestrian traffic to access the retail offerings, supermarket and community centre and library.

Council specifically requested written assurance from TfNSW and DPHI that the traffic control signals and associated improvement at the intersection of Pennant Hills and Evans Road are delivered associated with the timeframes of completion of this development. No confirmation of this has been received from TfNSW.

7.6.2 Impact of road noise or vibration on non-road development

Clause 2.120 of SEPP requires *appropriate* measures to be undertaken if the following internal noise levels are not exceeded for residential accommodation fronting a road with an annual daily traffic volume of more than 20,000 vehicles (as published in the traffic volume data on the website of TfNSW):

- a) *in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am,*
- b) *anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.*

Pennant Hills Road currently carries in excess of 20,000 vehicle annual average daily trips (refer Traffic Volume Map 12A of the SEPP).

An Acoustic Assessment was submitted with the application (Acoustic Logic, 26 August 2024) which identified each additional unit which was predicted to experience 'window open internal' noise levels in excess of the standard.

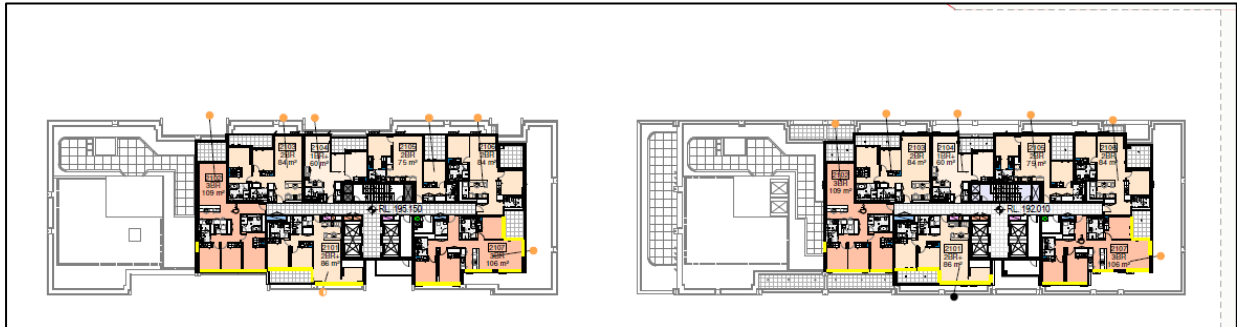


Figure 8: Appendix D showing in yellow those noise affected apartments in Buildings B and C level 21 (Source: Acoustic Logic, 26 August 2024)

Clause 2.120 (2) of the SEPP (Transport and Infrastructure) 2021 requires a consent authority to consider any guidelines that are issued for the purpose of this section. As such, the *Development near Rail Corridors and Busy Road – Interim Guidelines (Interim Guidelines)* should be considered. Section 3.6 of the Interim Guideline states that where 'internal noise levels with the windows or doors open exceed the criteria by more than 10dBA, the design of ventilation for these rooms should be such that occupants can leave windows closed, if they so desire'. Section 3.8.3 of the Interim Guideline recommends that "rooms on the noisy side of the block may need heavy insulation and mechanical ventilation".

Schedule 9(6) of the SEPP (Housing) 2021 requires that apartment units are designed with good amenity, including provision of natural ventilation. Part 4J Noise and Pollution of the Apartment Design Guide states that properties located near major roads or rail lines must be carefully designed to help improve quality of life in affected apartments by minimising potential noise and pollution impacts. Part 4J of the ADG notes the *Development near Rail Corridors and Busy Road – Interim Guidelines* as called up by the SEPP (Infrastructure and Transport) 2021 and provides the following design guidance's (underlined for emphasis):

"Achieving the design criteria in this Apartment Design Guide may not be possible in some situations due to noise and pollution. Where developments are unable to achieve the design criteria, alternatives may be considered in the following areas:

- *Solar and daylight access*
- *Private open space and balconies*
- *Natural cross ventilation*"

Part 4J, Objective 4J-2 also requires that appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission. On this basis, it is considered that noise-affected apartments in the development that are proposed to be mechanically ventilated meet the requirements of both the SEPPs - Transport and Infrastructure and Housing. A condition of consent is recommended.

7.7 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 10 of this Policy, which applies to the whole of the Parramatta local government area,

aims to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways by establishing planning principles and controls for the catchment as a whole.

The nature of this project and the location of the site are such that there are no specific controls which directly apply, except for the objective of improved water quality. That outcome would be achieved through the imposition of suitable conditions to address the collection and discharge of stormwater water during construction, and upon completion.




7.8 Parramatta Local Environmental Plan 2023

The relevant objectives and requirements of LEP have been considered in the assessment of the development application and are contained within the following table.

The site is subject to the provisions of the Parramatta Local Environmental Plan 2023, noting that LEP controls pertaining to the site were finalised in September 2024.

Table 10: Summary of Parramatta (The Former Hills) LEP 2011 compliance

Development Standard	Proposal	Compliance
2.3 Zoning		
Permissible uses within the R4 High Density Residential.	The proposal is for additional residential units on residential flat buildings (Building A and B) or shop top housing (Building C) within the R4 High Density Residential zoned land. Residential flat buildings and shop top housing are permissible with consent within the R4 zone.	Yes
Zone Objectives – R4 High Density Residential		
Zone objectives	<p>The proposal is considered to be consistent with the R4 objectives, namely:</p> <ul style="list-style-type: none"> Provides a high-density development within the Carlingford town centre, in proximity to existing and planned shops, existing and planned open space and Parramatta Light Rail. To provide a variety of housing types within a high density residential environment. 	Yes
4.3 Height of Buildings		

Development Standard	Proposal	Compliance
 <p>Maximum Height of Buildings Building A – 84m; Building B – 110m; Building C – 110m</p>	<ul style="list-style-type: none"> - Building A – 80.6m - Building B – 106m - Building C – 108m 	<p>Yes</p>
4.4 Floor Space Ratio		
 <p>Figure X: Extract from PLEP 2023 FSR Map (site outlined in red) Maximum FSR - 3.6:1</p> 	<p>Site Area (inclusive of Buildings A, B, C, D & G): 18,404sqm*</p> <p>Gross Floor Area Approved (DA/53/2022): 35,534.70sqm Proposed (DA/555/2024): 30,252sqm <u>Total GFA: 65,776.7</u></p> <p>FSR: 3.57:1</p> <p><i>Note: For the purposes of the calculation of GFA the site area of DA/555/2024 will be used. DA/53/2022 consent was based on former mapped FSR of 2.3:1. All GFA approved under DA/53/2022 is counted in the overall total.</i></p>	<p>Yes</p>
Clause 5.10 Heritage Conservation		

Development Standard	Proposal	Compliance
(2) Development consent is required for any of the following— (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)— (i) a heritage item, (ii) an Aboriginal object,... (c)disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed, (d) disturbing or excavating an Aboriginal place of heritage significance,	The subject site does not contain any heritage items and does not sit within a heritage conservation area.	N/A
Clause 6.17 Underground Power Lines at Carlingford		
Clause 7.8 requires that in relation to 18 Shirley Street “(2) In determining whether to grant development consent to development on land identified as “Area A” on the Key Sites Map, the consent authority must consider whether all 132kV double circuit electricity power lines in relation to that development will be placed underground.”	This was satisfied as part of the commencement of the development consent for DA/1103/2011/JP. Council Officers understand from records from Ausgrid undergrounding occurred in 2016.	Yes
Schedule 1 – Additional Permitted Uses		
24. Use of certain land at 263-281 Pennant Hills Road Carlingford. Maximum GFA for business premises, food and drink premises, recreational (indoor) or shops is 2,600sqm.	No non-residential uses are proposed as part of this application.	N/A

8. Draft Environmental Planning Instruments

No draft environmental planning instruments currently relate to the site.

9. Parramatta Development Control Plan 2023

The proposed development has been assessed having regard to the relevant desired outcomes and prescriptive requirements within Parramatta DCP 2023. **Table 11** provides an evaluation against the relevant controls. Note where there is conflict between PDCP 2023 and the SEPPs listed above, the SEPP controls prevail to the extent of the inconsistency and as such are not included in the evaluation.

Table 11: PDCP 2023 Compliance Table

Development Control	Proposal	Comply
Part 2 – Design in Context		
2.11 Access for people with a disability	The application was referred to Council’s Accessibility Officer who raised no objections, subject to the imposition of conditions of consent.	Yes
2.13 Culture and Public Art	Site specific DCP provisions require provision of public art within the public domain, therefore subject to future development applications.	N/A
Part 3 – Residential Development		

Development Control	Proposal	Comply																								
3.1 Housing Diversity & Choice 10-20% 3+ bed 60-75% 2 bed 10-20% 1 bed/studio	<div>The subject development provides a suitable mix of 1-, 2- and 3-bedrooms apartments. When considering the buildings as an entirety, the dwelling mix is also appropriate, noting a high proportion of 3 or more bedroom units in the subject application.</div> <table><tr><td></td><td>1 bed</td><td>2 bed</td><td>3+ bed</td></tr><tr><td>Building A</td><td>22 (25%)</td><td>38 (43%)</td><td>28 (32%)</td></tr><tr><td>Building B</td><td>15 (13.6%)</td><td>61 (55.4%)</td><td>34 (30%)</td></tr><tr><td>Building C</td><td>14 (13.5%)</td><td>57 (55.3%)</td><td>32 (30%)</td></tr><tr><td>DA % 301 units</td><td>17%</td><td>52%</td><td>31%</td></tr><tr><td>% total of Buildings A, B, C (532 units)</td><td>22%</td><td>51%</td><td>27%</td></tr></table>		1 bed	2 bed	3+ bed	Building A	22 (25%)	38 (43%)	28 (32%)	Building B	15 (13.6%)	61 (55.4%)	34 (30%)	Building C	14 (13.5%)	57 (55.3%)	32 (30%)	DA % 301 units	17%	52%	31%	% total of Buildings A, B, C (532 units)	22%	51%	27%	Yes
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DA % 301 units	17%	52%	31%																							
% total of Buildings A, B, C (532 units)	22%	51%	27%																							
15% (45 units) Adaptable dwellings	An Access Report has been submitted by ABE Consulting identifying that compliance is readably achievable. It is noted that the architectural plans do not incorporate the recommendations of the Access Report. It is recommended to include conditions of consent.	Yes, subject to conditions of consent																								
3.2.1 Solar Access and Cross Ventilation	The shadow impact of the proposal is detailed in Section 7.3.2.1 above.	No, however compliance with ADG standards.																								
3.2.2 Visual & Acoustic Privacy	Refer assessment above to ADG	Yes																								
3.5 Apartment Buildings	Refer Site Specific Controls below	N/A																								
Part 5 – Environmental Management																										
5.1 Water Management	<div>The site is not directly affected by flooding.</div> <div>As per the base consent (as modified by DA/53/2022/A) the seeks to capture, treat and re-use groundwater via a drained basement construction. The base consent requires that treated groundwater must be reused onsite via irrigation and toilet flushing via a dual piped system. Based on the water inflow rates proposed it is recommended that the dual piping is continued in the subject application.</div>	Yes																								
5.2.4 Earthworks and Development on Sloping Land	No earthworks are proposed as part of this application.	N/A																								
5.2.5 Land Contamination	Refer SEPP assessment above.	Yes																								
5.4.3 Urban Cooling	The proposal has not addressed the urban cooling requirements of the DCP. It is recommended to include a condition which requires shading from the western sun on the facades of Buildings B and C, as per the base consent. This assists with protection from heat in summer months for west facing apartments.	No, however condition recommended in relation to western shading.																								
5.4.4 Solar Light Reflectivity	The proposal has adequately addressed reflectivity and the nominated glass is recommended to form part of any condition of consent.	Yes																								
5.4.7 Wind Mitigation	Council’s consultant reviewed the submitted Pedestrian Wind Environment Study (Windtech, 23 May 2025) and noted that the report have undertaken wind tunnel studies to develop and quantify their effectiveness to address the exceedances of the target safety and comfort criteria. The proposed wind strategies consistent of screens and	Yes subject to conditions.																								

Development Control	Proposal	Comply
	<p>canopies both at ground level and podium levels of the tower (that impact of the base consent DA/53/2022) and to a portion of the Communal open space on the rooftop at Building A. Council Officers are satisfied that these mitigation measures can form part of a future modification, and recommended a condition as such.</p> <p>Furthermore, as discussed in Table 4 above (DEAP comments) the south eastern corner of the roof top communal open space of Building A fails the comfort criteria and as such the report recommends that 34sqm (16% of the total area) is not trafficable. It is recommended that a condition of consent requiring that the area identified as non-trafficable should include an enclosed or semi enclosed space, with an accessible toilet so to ensure that the total useable space for residents to interact / utilise is not reduced.</p>	
5.4.8 Waste Management	In order to meet Council's requirements to ensure buildings are designed to manage waste generated by the building occupants effectively, it is recommend to condition that the units have appropriate waste storage areas, that garbage chutes are provided and that future modifications to the base consent DA/53/2022 to accommodate waste management (DCP compliant) in the basement.	Yes, subject to conditions
Part 6 – Traffic and Transport		
6.2 Parking and Vehicular Access	Refer specific controls below.	
6.3 Bicycle Parking	Refer specific controls below.	
Part 8.5.11 – 263-281 Pennant Hills Road, Carlingford		
Desire Future Character	The proposed delivers housing mix in proximity to the Parramatta Light Rail and bus route along Pennant Hills Road.	Yes
Design Quality	The proposed extrusion of the towers have responded to the comments from DEAP. Proposed conditions of consent will ensure that the facade finishes and articulation are carried through.	Yes
Indicative Site Structure	The extrusion of towers are consistent with Figure 8.5.11.2 for site layout and tower separation.	Yes
Upper Level Setbacks - 2m (Building A only)	The extrusion of Building A created the need for a podium and tower setback. The upper level setback is 2 metres.	Yes
Building Location and Height - Height of buildings allow for an appropriate distribution of built form density and height differentiation across the site. - A consistent podium datum along the Pennant Hills Road frontage and the internal street between RL134-RL136. - Shading to western façades should be included to mitigate solar heat gain.	<p>In response to DEAP and Council Officer comments Building B and C have been adjusted to be one storey difference.</p> <p>Building A proposed podium height is at RL 134.99 (viewed from internal road) and RL135.24 (viewed from Pennant Hills Road) which are within the datum range.</p> <p>The proposal has submitted drawings in order to demonstrate western shading structures on Buildings B and C. However, the ESD consultant has reviewed and determined these drawings do not satisfactorily address the requirements for shading at 21</p>	<p>Yes</p> <p>Yes</p> <p>No, however can be conditioned.</p>

Development Control	Proposal	Comply
	December. Therefore, it is recommended to condition (as per the base consent) to provide for western shading devices on the additional levels. The blades are proposed to be located on those living areas which are impacted by the summer sun and are to be demonstrated to be integrated into the architecture of the building.	
Building Separation and Tower Slenderness	Building separation of the towers are compliant with the minimum requirements under the Apartment Design Guide.	Yes
Building Design <ul style="list-style-type: none"> - Only one step in the built form - Façade to have a high level of articulation 	<p>Building A extrusion resulted in the creation of a podium and is one step.</p> <p>The proposal has been modified to respond to the concerns raised by the DEAP and includes reasonable articulation and materials in the composition of the facades which serves to break up the visual scale and bulk of the development and visually reduces the apparent building mass.</p>	Yes
Floor to Floor Heights <ul style="list-style-type: none"> - Residential uses 3.1m 	The floor-to-floor heights are over 3.1m.	Yes
Residential Design Apartment Quality	A proportion of the one and two bedroom units include a study or multipurpose room. Balconies are designed to ensure privacy between units.	Yes
Wintergardens	No wintergardens are proposed in this application	N/A
Retaining Walls	No retaining walls are proposed in this application	N/A
Water Management Tanked	<p>A drained basement was approved under DA/57/2024/A and DA/53/2022/A and as such the reuse of treated groundwater is a consideration of this application. Refer Part 5 assessment above.</p> <p>Stormwater management was considered under base application (DA/53/2022).</p>	<p>Yes</p> <p>N/A</p>
Public Domain	No public domain is proposed as part of this application.	N/A
Landscape Design & Planting	The proposed communal open space for Building A was assessed by Council's Landscape Officer and was considered satisfactory. Conditions of consent are recommended to ensure sufficient deep soil for planting on structures and maintenance.	Yes
Vehicular Access & parking	No vehicular access and parking is proposed as part of this application. The accommodation of additional car parking space will be subject to modification application/s to DA/53/2022. Notwithstanding, Council is recommending a condition of consent which requires submission of a modification application which amends the basement plans to accommodate additional residential and visitor car parking in line with the DCP requirements. As detailed in Section 9.2 below, Council Officers are satisfied that the approved basement envelope can accommodate the maximum requirement of car parking spaces.	Yes
Sustainability	The buildings have demonstrated compliance with the SEPP (Sustainable Building) 2022	Yes

9.1 Additional Car parking

The proposal facilitates the potential for additional car parking for the residential units and associated visitor car parking. The basement servicing buildings A, B and C is one large basement that also services Building G.

During the Planning Proposal process (Amendment 10 of the PLEP 2023) a Reference Scheme was submitted which associated car parking requirements (in accordance with the then Draft site specific DCP controls) and number of units. Table 12 below summaries the car parking requirements of both DA/53/2022 and DA/555/2024 and that was anticipated under the Planning Proposal.

Table 12: Car parking and basement levels DA/53/2022 s34 scheme and Planning Proposal (draft LEP)

Basement (Buildings A, B, C, D & G)	DA/53/2022 approved	Additional car parking spaces required as a result of additional 301 units (as per DCP)	Planning Proposal/ Draft LEP (Reference Scheme) estimated car parking spaces
Site Specific DCP requirements – maximum car parking 1 & 2 bed – 1 space 3 & 4 bed – 2 spaces Visitor – 0.1 spaces	476 spaces over 7 levels (includes 284 residential, 56 visitor, 103 retail and 33 child care centre parking space). This number includes Building G also.	1 bd – 51 spaces 2 bd – 156 3 & 4 bd – 188 Residential Total: 395 Visitor total: 40 Total additional: 435	893 spaces over 7 levels
Totals	911 car parking spaces		~893 car parking spaces

Council Officers are satisfied that the excavation for the basement approved under DA/57/2024 (early works) and the basement of the base consent (DA/53/2022) will have the capacity to accommodate the addition of the maximum car parking permitted under the DCP. This estimated maximum car parking spaces for the basement is approximately 911 car parking spaces (dependent on final retail/non-residential type and mix). Therefore, it is recommended that a condition of consent is included pursuant to s4.17 of the *Environmental Planning and Assessment Act 1979* that the applicant is required to submit a modification application (s4.56) if they wish to pursue an amendment to DA/53/2022 to increase the number of residential car parking and visitor spaces.

10. Planning Agreements and Contributions

10.1 Planning Agreements

The proposed development is subject to two planning agreement entered into under Section 7.4 of the EPA Act and registered on title of the subject application:

- A planning agreement entered into in 2023 (ref: VPA/61/2023 – Dealing No. AR78718) associated with the LEP Amendment 20 of Parramatta LEP 2011 which provides additional permitted non-residential uses up to 2,000sqm.
- A planning agreement entered into in 2024 (ref: VPA/17/2024 – Dealing No. AT839852) associated with Amendment 10 of Parramatta LEP 2023 which increased the heights and floor space ratio and reconfiguration of RE1 zoned land.

The implications of the two Planning Agreements upon this (and other) development applications are addressed within **Table 13** below.

Table 13: Planning Agreements applying to the site

Column 1	Column 2	Column 3	Implications for this Application
Planning Agreement	Manner & Extent	Timing	
VPA/61/2023	A raised pedestrian crossing with cycle lane over Shirley Street; rectification works to the footpath in Shirley Street; and a footpath, landscaping strip and cycle path within Shirley Street Reserve lighting and provision for utilities.	Completed prior to the issue of an Occupation Certificate for the development or any part of the development which contains a residential dwelling.	Applies to this application.
VPA/17/2024	A Community Hub of a minimum 2,500 sqm (net lettable area) including a minimum 1,800 sqm (net lettable area) warm shell 'library' and minimum 700 sqm (net lettable area) warm shell 'community centre' with provision for 20 car parking spaces;	To be completed prior to the issue of an Occupation Certificate for that development or any part of that development that contains a residential dwelling	Delivered as part of the development application DA/545/2024.
VPA/17/2024	A Community Link (687 sqm) which is a portion of land adjacent to the Community Hub;	To be completed prior to the issue of an Occupation Certificate for that development or any part of that development that contains a residential dwelling.	Delivered as part of the development application DA/545/2024.
VPA/17/2024	Construction, embellishment and dedication of the RE1 Public Recreation land (5,455 sqm) on the site in the form of a Central Park (4,768 sqm).	To be completed prior to the issue of an Occupation Certificate for that development or any part of that development that contains a residential dwelling.	Delivered as part of a future development application.
VPA/17/2024	Embellishment of a minimum of 595 sqm of open space to be made publicly accessible via a pedestrian easement and provision of 24-hour access.	To be completed prior to the issue of an Occupation Certificate for that development or any part of that development that contains a residential dwelling.	Delivered as part of DA/53/2022
VPA/17/2024	Monetary contributions at DA applications.	Prior to Occupation Certificate for the relevant Development.	Applies to this application.

A condition of consent is proposed regarding compliance with these planning agreements with the timing and provisions of all deliverables under these planning agreements needing to be met in accordance with the requirements of that planning agreement.

10.2 Development Contributions – Local Infrastructure

Contributions are required to be paid on the additional residential units in line with the *City of Parramatta (Outside CBD) Development Contribution Plan 2021*.

It is noted that both Planning Agreement associated with the subject development requires that contributions are paid. In line with VPA/17/2024 – Dealing No. AT839852, contributions money will be allocated by Council towards the further fit-out of the Community Centre and Library, with any residual contributions to be directed towards the provision of recreation facilities and/or land for recreation purposes within the locality. Therefore, a condition to this effect is included in the draft conditions.

10.3 Development Contributions – Regional Infrastructure

In accordance with Subdivision 4, Clause 7.24(4) of the *Environmental Planning and Assessment Act 1979* and Ministerial Planning Order dated 30 June 2024, a Housing Productivity Contribution is required to be paid on the additional units of this application. Therefore, a condition to this effect is included in the draft conditions.

11. The Regulations

Applicable Regulation considerations including demolition, fire safety, fire upgrades, compliance with the Building Code of Australia, compliance with the Home Building Act, PCA appointment, notice of commencement of works, sign on work sites, critical stage inspections and records of inspection are addressed as part of recommended conditions of consent.

12. The Likely Impacts of the Development

The likely impacts of the development have been considered in this report and it is considered that the impacts are consistent with those that are to be expected given the applicable planning framework. The impacts that arise can be managed and are acceptable.

13. Site suitability

The site is not flood affected and does not contain significant contamination, biodiversity or heritage items. The site is one of the largest landholdings in Carlingford and is considered suitable for residential development.

14. Submissions

The application was notified and advertised in accordance with Council's Community and Engagement Strategy 2024-2028 - Appendix 1 – Consolidated Notification Requirements.

The application was exhibited during the following periods:

- period between 24 October and 14 November 2024; and
- period between 2 April to 29 April 2025 (following receipt of revised application).

Three (3) submissions were received. The public submission issues are summarised and commented on in **Table 14** as follows:

Table 14: Issues raised in submissions and Council Officer response

Issue Raised (times raised)	Council Officer Response
Solar Access blocked to adjoining property at 27 Lloyds Avenue (1 x Carlingford Uniting Church)	As detailed in Section 9, solar access is maintained to this property in accordance with requirements of the Parramatta DCP 2023.
Street parking will become a significant issue which is needed for	Council will monitor the traffic and parking conditions in Shirley Street both during and following the Meriton development. It is

Issue Raised (times raised)	Council Officer Response
church and lessening of parking restrictions along Shirley Street should not occur and explore potential changes with Council (1 x Carlingford Uniting Church)	noted that the section of Shirley Street between Lloyds and No. 17 has existing No Parking restrictions. Council recently expanding the restrictions to have No Stopping up to Post Office Street to allow for safe traffic flow noting that the road is narrow. Further parking restrictions or lessening of the existing restrictions are not proposed at this stage and Council acknowledges the need for on-street parking in this area for various users, including the Church and existing residents.
Solar Access blocked to adjoining property at 2-6 Shirley Street (1 x Management Committee 2-6 Shirley St)	Additional overshadowing at 9am to 12pm midday to 2-6 Shirley Street is caused by Building G which was approved by the Land and Environment Court on 7 June 2024 (DA/53/2022). The proposed extrusion of towers does not directly overshadow 2-6 Shirley Street.
Shirley Street is inadequate to cope with additional cars generated by development (2)	<p>The site specific DCP contains a requirement to widen a section of Shirley Street which will ensure sufficient width in the road for two-way traffic flow and parking on one side of the road.</p> <p>Furthermore, the development is in close proximity to the Parramatta Light Rail services and bus routes which will reduce its traffic generation. In accordance with the modelling undertaken, there is sufficient capacity in the surrounding local roads to cater for the additional traffic.</p>
Traffic congestion will increase (2)	<p>The Traffic Impact Assessment submitted as part of the application indicates that the surrounding local roads will perform at an adequate Level of Service (LoS). However, it is acknowledged that there is congestion within the nearby state road network, particularly at Evans Road and Pennant Hills Road.</p> <p>Furthermore, Transport for NSW (TfNSW) have been consulted as part of the development application. They have not raised any objection nor conditions of consent. As noted in Section 7 above, Council has written to TfNSW requesting that the intersection Pennant Hills Road and Evans Road be upgraded, as it is</p>
Consider having the development exit and entry point along Pennant Hills Road to divert traffic from Shirley Street	<p>Transport for NSW does not generally support entry and exit points of new developments onto classified roads (a main road / highway etc). As per s2.119 of the SEPP (Transport and Infrastructure) 2021 development with frontage to a classified road must not compromise the effective and ongoing function of a classified road.</p> <p>Having an entry and exit from Pennant Hills Road will result in an increased rear end collision risk due to vehicles having to slow down to enter the site.</p>
What is the parking provided for the development?	The parking rates for the subject development are set out in Section 8.5.11.26 of the Parramatta DCP 2023.
Object to retail being proposed as part of the development. The area is sufficiently serviced.	The proposed development compromises additional levels of residential development. The retail uses were approved by the Land and Environment Court consent for DA/53/2022.
The public transport will be overcrowded due to additional population	Transport for NSW (TfNSW) have been consulted as part of the development application. They have not raised any objection nor conditions of consent.
The shopping facilities will be congested due to additional population.	The proposed development approved under DA/53/2022 has provision for retail use and potential for a supermarket. The proposed development is located in close proximity (walking distance) of both Carlingford Village and Court shopping

Issue Raised (times raised)	Council Officer Response
	centres. Furthermore, the Parramatta Light Rail is in close proximity and has direct services to the regional centre of Parramatta CBD.
The schools facilities could not cope with the large increase in population in the area	As part of the planning proposal process (rezoning) of which this application responds, Schools Infrastructure NSW was consulted and raised no specific concerns.
Utilities (water and electricity) and medical services will be affected by large increase in population	Ausgrid and Sydney Water were consulted as part of the application and have raised no specific issue in relation to pressure on existing services.

15. Public interest

Subject to implementation of conditions of consent outlined in the recommendation below, no circumstances have been identified to indicate this proposal would be contrary to the public interest.

16. Disclosure of Political Donations and Gifts

No disclosures of political donations or gifts have been declared by the applicant or any organisation/persons that have made submissions in respect to the proposed development.

17. Summary and Conclusion

For the reasons outlined in this report, the proposal is considered to satisfy the relevant considerations under s4.15 of the Environmental Planning and Assessment Act 1979.

In summary having regard to the assessment within this report, the proposal is considered to be suitable for approval for the following reasons.

- The proposal is in accordance with the type of development envisaged for the site under Parramatta Local Environmental Plan 2023;
- The proposal will contribute to the overall housing supply of the local government area;
- The proposal is located within a highly accessible location so as to maximise public transport patronage and encourage walking and cycling; and
- The likely impacts of the development are considered acceptable.

18. Recommendation

- A. That the Sydney Central City Planning Panel, as the consent authority, approve Development Application No. DA/555/2024 for the addition of 16, 16 and 15 storeys respectively (additional 301 units) to Buildings A, B and C along Pennant Hills Road to the existing approved mixed use development consent at 263-281 Pennant Hills Road Carlingford (Lot 2, DP9614; Lot 3, DP9614; Lot 4, DP9614; Lot 22, DP21386; Lot 61, DP819136; Lot 62, DP819136; (part of) Lot 1 DP1219291) for a period of five (5) years from the date on the Notice of Determination subject to conditions under **Appendix 1**.
- B. **That** submitters be notified of the decision.