

PRE-GATEWAY REVIEW – Information Assessment and Recommendation Report

LGA:	City of Parramatta Council	
Amended LEP:	The Hills Local Environmental Plan 2012	
Address:	241-245, Pennant Hills Road, Carlingford Lots 1, 2, 5 and 6 DP 805059	
Reason for review:	☐ Council notified proponent it will not support proposed amendment	☒ Council failed to indicate support for proposal within 90 days
Is a disclosure statement relating to reportable political donations under s147 of the Act required and provided?	☐ Provided ☒ N/A Comment: No donations or gifts to disclose.	

SUMMARY OF THE PROPOSAL

On 1 April 2016, Triple Eight Corporation Pty Ltd (proponent) submitted a pre-Gateway review application as the Hills Shire Council had failed to indicate support the proposal within 90 days of submission to Council.

However since council amalgamations occurred on 12 May 2016, site now falls with the City of Parramatta Local Government Area.

The planning proposal seeks to amend *The Hills Local Environmental Plan 2012* for land at 241-245 Pennant Hills Road, Carlingford (Lots 1, 2, 5 and 6 DP 805059, Figure 1) to facilitate a mixed use residential and commercial development on land zoned B2 Local Centre and on small fragments of SP2 zoned land, by:

- increasing the maximum building height for the site from 9m to a range of 15m to 57m; and
- increasing the maximum floor space ratio from 1.0:1 to 2.8:1.

The proponent's masterplan and accompanying studies, seek to enable the redevelopment of the site to enable:

- 135 dwellings;
- three buildings (Buildings 1,2, and 3) with heights of 5 to 18 storeys;
- total FSR of 2.8:1 across the site; and
- approximately 975m² of communal space at ground level with additional communal roof top space (which will include child Care Centre with 90 places and gymnasium).

City of Parramatta staff have indicated it could potentially support the proposal subject to amendments. The Department supports Council's comments regarding the bulk and scale of the proposal, that is, the site could potentially accommodate a smaller built form of an FSR of no more than 1.5:1 and height of 8 storeys, and that the proponent should provide further testing at these reduced parameters to:

- determine the exact FSR and height that can be accommodated on the site; and
- include updated concept modelling (3D massing).

Background

A previous planning proposal for the site was lodged in August 2014 which sought to redevelop the site as a mixed use commercial and residential development consisting of three buildings ranging in height from three to nine storeys with 119 residential units. Council was briefed on the proposal on 7 October 2014 and feedback was provided to the proponent on concerns regarding height, density, amenity impacts and traffic. Based on the feedback received, the planning proposal was subsequently withdrawn in January 2015.

On 23 December 2015, the proponent lodged the current application to Council.

THE SITE

The subject site is a corner allotment, located along Pennant Hills Road and is bounded by Felton Road and Pennant Hills Road, with existing detached dwellings to its west. The site comprises of 4 lots with a total site area of approximately 6,330m² (of which 5,765m² is zoned B2 Local Centre with the remaining 565m² zoned SP2 Infrastructure, reserved for road widening). The surrounding area is characterised by a mix of uses with low density residential dwellings located along the western edge and the Carlingford Transmission Substation situated north of the site (see following Figures 1, 2 and 3).

The site falls within the walkable 400m catchment of Carlingford Station, and is located along the Strategic Rapid Bus route from Parramatta to Macquarie Park (M54) (Figure 2).

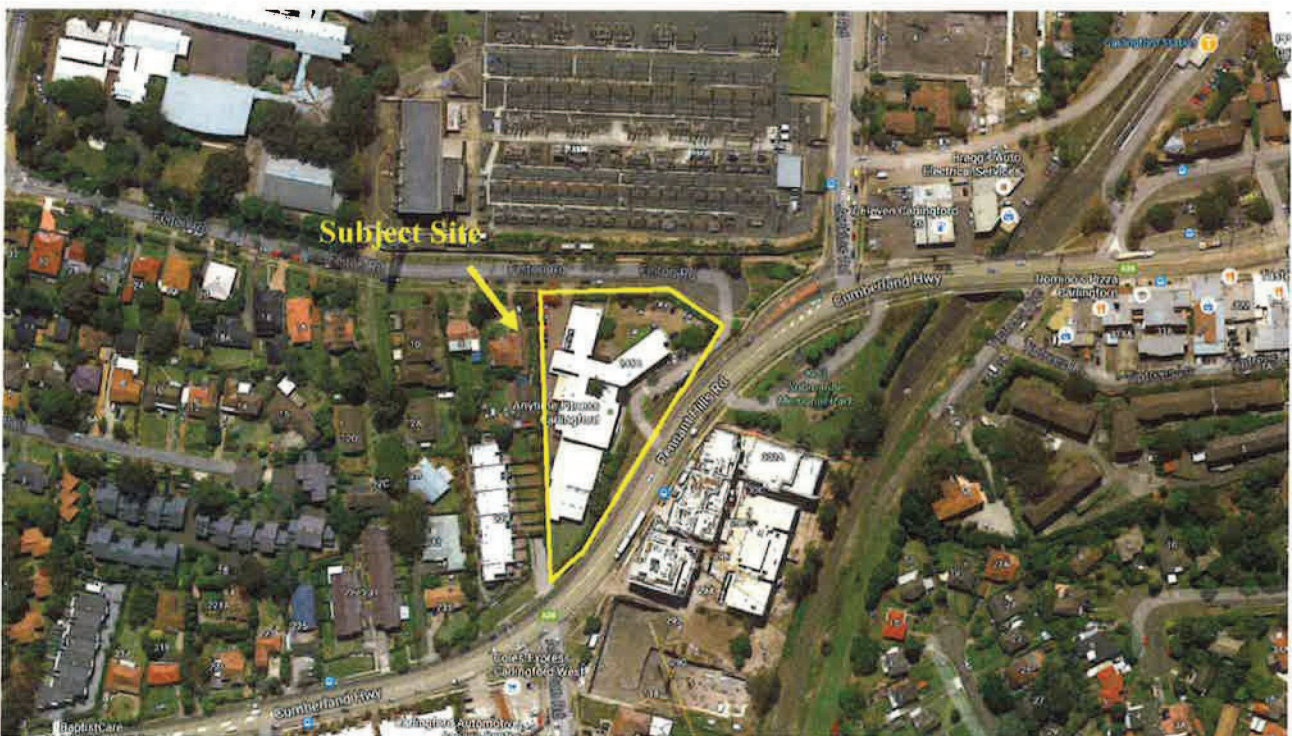


Figure 1. Aerial photo of site and surroundings.

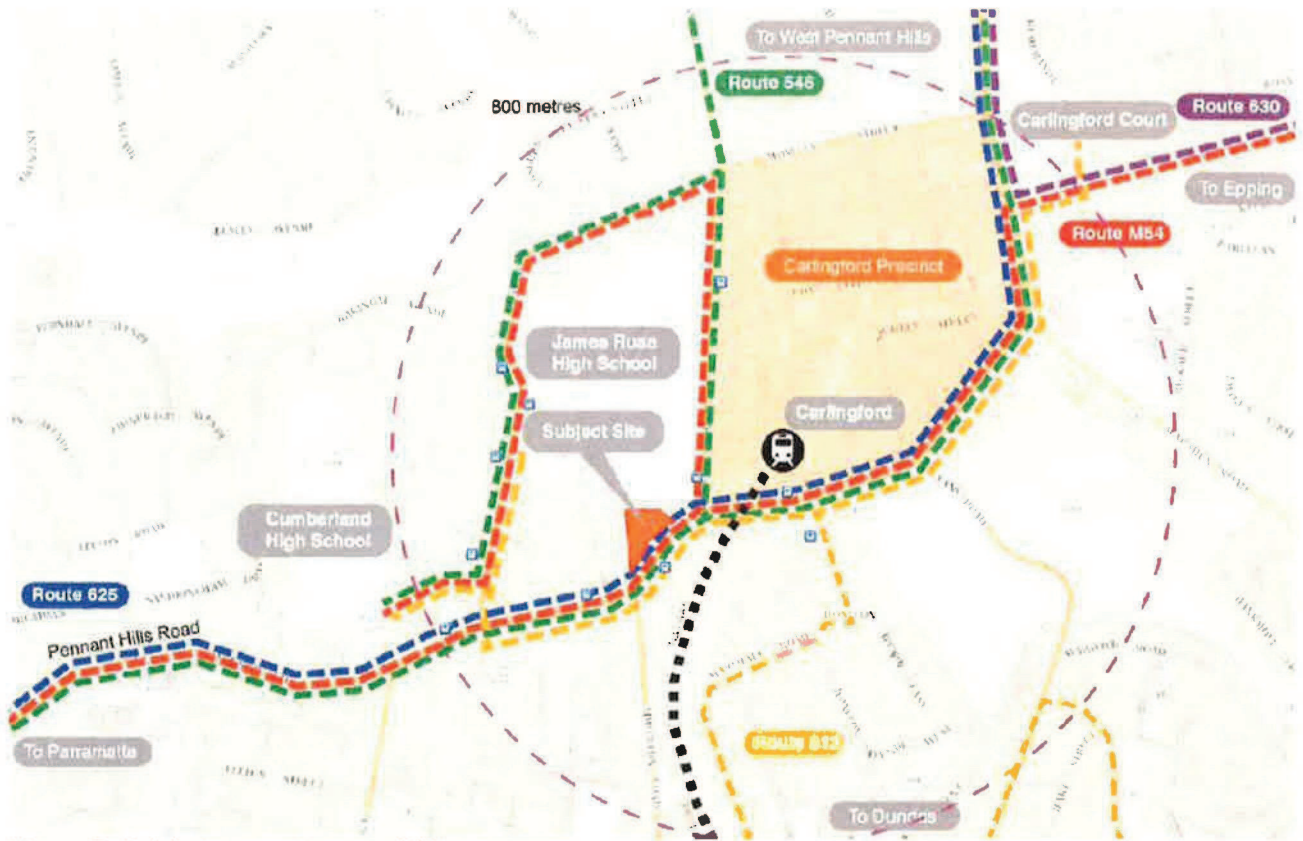


Figure 2. Public transport accessibility

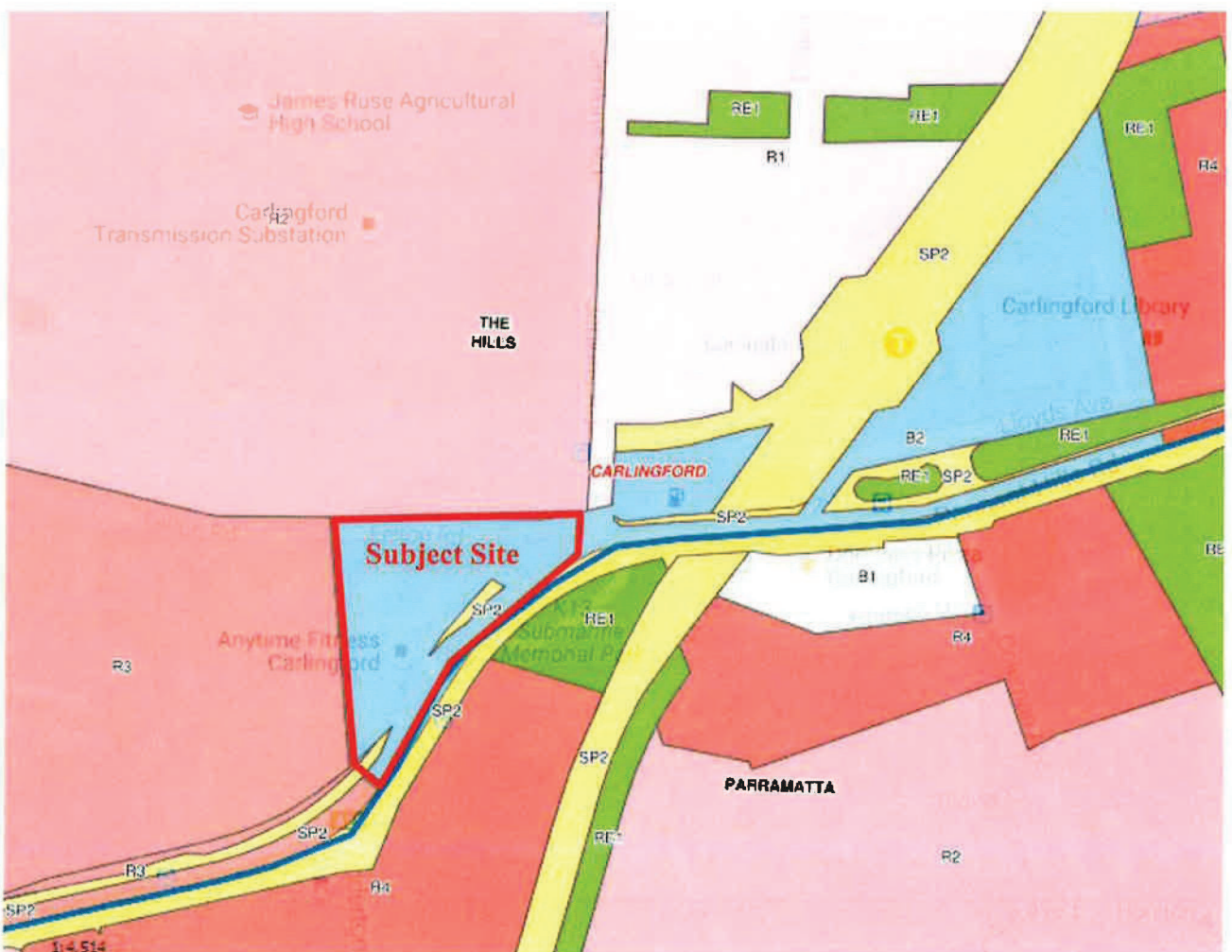


Figure 3. Current Land Use Zonings (source: NSW Planning Portal).

REQUIREMENTS UNDER SECTION 55 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

1. Objective and intended outcomes:

The planning proposal (Tabs E1 - E8) seeks an amendment to the current height and FSR standards to facilitate high density residential and non-residential uses on the site.

2. Explanation of provisions:

The proposal seeks to amend the *Hills Local Environmental Plan 2012*, to:

- amend the building height control from a maximum of 9m to a range of 15m to 57m; and
- amend the maximum FSR controls from 1.0:1 to 2.8:1 to facilitate for an appropriate and well-designed development outcome for the site.

3. Justification and process for implementation (including compliance with S117 Directions):

The proposal seeks to increase density for residential uses on a site that is connected and highly accessible by existing rail and road transport.

The proponent indicates that the proposal is generally consistent with *the Hills Local Strategy 2008* and the *Hills Residential Direction 2008* as it will provide higher density housing within the walkable catchments of Carlingford Station, close to amenities, jobs, health and education facilities.

In addition the Proposal indicates that an opportunity exists for a Voluntary Planning Agreement (VPA) for upgrades to the streetscape, improve pedestrian connectivity to amenities, and services of Carlingford Town Centre and the Station.

The Hills Shire Council has identified inconsistencies with Section 117 Direction 1.1 – Business. This inconsistency is minor, and discussed on page 5 over.

4. Mapping:

The proposal provides existing and proposed floor space ratio and height of building for the subject site (Tab E1 pages 18-19 and 38-39).

5. Community consultation:

The Department is unaware if consultation with agencies has been undertaken for this proposal. However the proponent has notified all relevant owners and obtained land owners consent for the proposal.

PROPOSAL ASSESSMENT

Summary

The primary planning concerns are as follows:

- the change in the nature of the employment land;
- the appropriate scale and FSR to be applied to the site considering the surrounding infrastructure and character of the precinct; and
- potential impact on traffic and roads.

1. Strategic merit assessment

A Plan for Growing Sydney

The planning proposal identifies the strategic location of the subject site within Sydney's Global Economic Arc, and in close proximity to Parramatta CBD and Rydalmere Education Precinct.

The site is generally well situated, adjoining Carlingford Town Centre and within a 400m catchment of Carlingford Station. The site and surrounding area is serviced by the rapid bus route from Parramatta to Macquarie Park (M54). The site is also serviced by several other routes to neighbouring suburbs.

In December 2015 the State Government announced the potential for a Parramatta to Strathfield Light rail corridor. The subject site presents an opportunity to provide for homes and supporting non-residential uses such as a child care centre, gym and other retail and employment uses (as the land is still zoned B2). This proposal therefore potentially provides employment within Sydney's Global Economic Corridor with good connections to other emerging centres.

Overall this proposal could contribute to the urban renewal of the Pennant Hills Road transport Corridor which includes high frequency strategic bus routes between Parramatta and Macquarie Park; as well as the Carlingford Town Centre.

Although the proposal would result in a reduction in the amount of potential commercial floor space (from 2,940m² to 1,659m²) which is contrary to A Plan for Growing Sydney, in general the proposal is considered to be generally consistent with *A Plan for Growing Sydney*.

2. Local Strategy

The Hills Shire Council

The planning proposal is generally consistent with the principles of Council's Local Strategy as it seeks to accommodate population growth and respond to changing housing needs in close proximity to the Carlingford station and other services.

The proposal is inconsistent with the intention of the Local Strategy in so far as it would not retain or intensify the commercial use of the site to provide jobs within this business zone.

City of Parramatta Council

Council acknowledges that an increase in density on the site is generally appropriate, however not to the scale proposed. The exact amount will need to be informed by a precinct based study that takes into account the future light rail corridor. This study will inform any future uplift within the broader area and allow for a strategic approach to this centre in its entirety.

3. Section 117 Directions

The planning proposal is generally consistent with the relevant Direction with the exception of Direction 1.1 – Business.

This Direction requires that a planning proposal must retain the areas and locations of existing business zones and not reduce the total potential floor space area for employment uses in a business zone. While the proposal does not reduce the area of land zoned B2 Local Centre, it is nonetheless inconsistent with this Direction given it would result in a reduction in the amount of floor space area for employment uses on the site. Although the proposal is aimed at predominantly residential high density development, there will be a commercial component and therefore the inconsistency with this Direction is minor.

4. Site-Specific merit assessment

The site-specific merit assessment has been undertaken as follows:

- surrounding context;
- building height and built form;
- natural environment;

- existing, approved, likely future use of land;
- transport infrastructure; and
- accessibility issues.

Surrounding context

Current context

The site is currently occupied by a 1-2 storey commercial building with associated car parking. The site is adjacent to an Endeavour Energy transmission substation to the north, service station to the south and low to medium density residential development to the east and west (see Figure 1). Carlingford Railway Station and the Carlingford Precinct are located to the north-east.

The site is heavily constrained as it is situated along Pennant Hills Road and is bounded by Felton Road to its north-east, Pennant Hills Road to the south-east and existing detached dwellings to its west.

Development surrounding the site

The Carlingford Precinct is bounded by Pennant Hills Road, Moseley Street and Jenkins Road and as a result of the Council amalgamations is now located in the City of Parramatta Local Government Area (previously was part of the Hills Shire Council). Site specific planning controls will allow for a significant increase in dwellings within the precinct in mostly mixed use and residential flat building forms. The precinct currently contains some commercial uses but is dominated by a range of housing including dwellings houses, town houses and residential flat buildings. Mixed use developments up to 18 storeys at 2-8 James Street and 7-13 Jenkins Road, Carlingford are also currently under construction.

Opposite the subject site 4 storey buildings are under construction at 114-16 Adderton Road, 118 Adderton Road and 290-292 Pennant Hills Road and 294-302 Pennant Hills Road, Carlingford (see Figure 4).

A planning proposal located at 264-268 Pennant Hills Road and preliminary planning proposal at 258-262 Pennant Hills and 17 & 20 Azile Court were submitted to City of Parramatta seeking an increase in density (see Figure 4). On 14 June 2016 Council resolved that these proposals not proceed until further planning analysis of the broader area is undertaken.

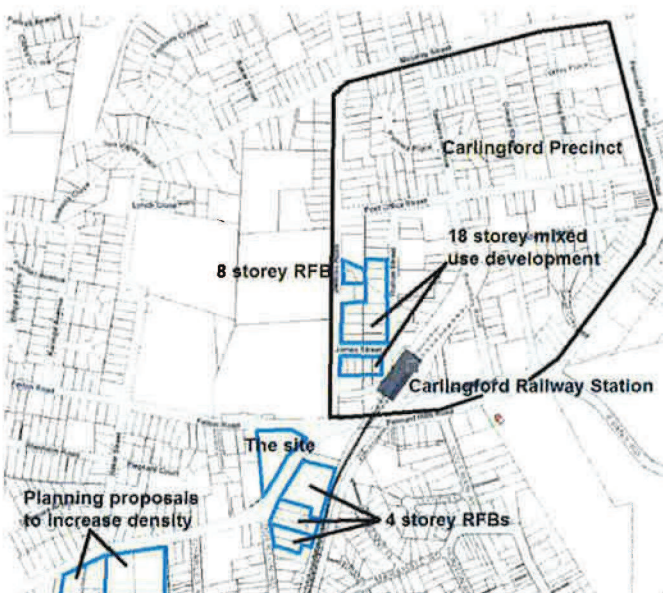


Figure 4. Recent developments in City of Parramatta and The Hills LGA (Source: Council's GIS)

Department response

The Department notes that the proposal is located within the walking catchment of the current Carlingford Station. Although the current rail service is limited, the proposal is consistent with providing additional population growth and responds to changing housing needs in close proximity to the Carlingford station and other services.

The State Government recently announced an intention to build a new light rail corridor linking Carlingford to Parramatta. Whilst the exact route has not been confirmed, it is expected that the new light rail would sit within the existing heavy rail corridor between Camellia and Carlingford. The exact location of future light rail stops is yet to be determined.

Though the proposal does have some strategic merit by proposing greater residential density within a rail stop, the proposal does pre-empt a potential light rail station along the heavy rail route.

City of Parramatta would like to undertake precinct based study to look at the future catchment for the light rail as well the potential planning controls for this site, but it is not appropriate to make the potential development wait for that light rail related process which may take some time.

The Department supports this process as this will allow for potential development to occur concurrent to broader strategic assessment. The Department supports City of Parramatta's comments regarding the bulk and scale of the proposal, that is, the site could potentially accommodate a smaller built form of an FSR of no more than 1.5:1 and height of 8 storeys, and that the proponent should provide further testing at these reduced parameters to:

- determine the exact FSR and height that can be accommodated on the site; and
- include an updated concept modelling design.

Building height and built form

The proposal contains a masterplan for the site, indicating three residential towers of with heights of five to 18 storeys. Refer Table 1.

Department response

The proposed Height of Building map (see Figure 5) illustrates the development standards of 15m to 57m applying to the B2 zone which the proponent considers to be consistent with maximum height controls in Carlingford Town Centre, whilst maintaining a transition to a lower density development west of the site (refer to Figure 7).

	The Hills LEP 2012	Planning Proposal
Land zoning	B2 and SP2	B2 and SP2
Height of building	9M	15m – 57m
FSR	1.0:1	2.8:1

Table 1. Proposed Heights and Floor Space Ratio Table – extract from planning proposal.

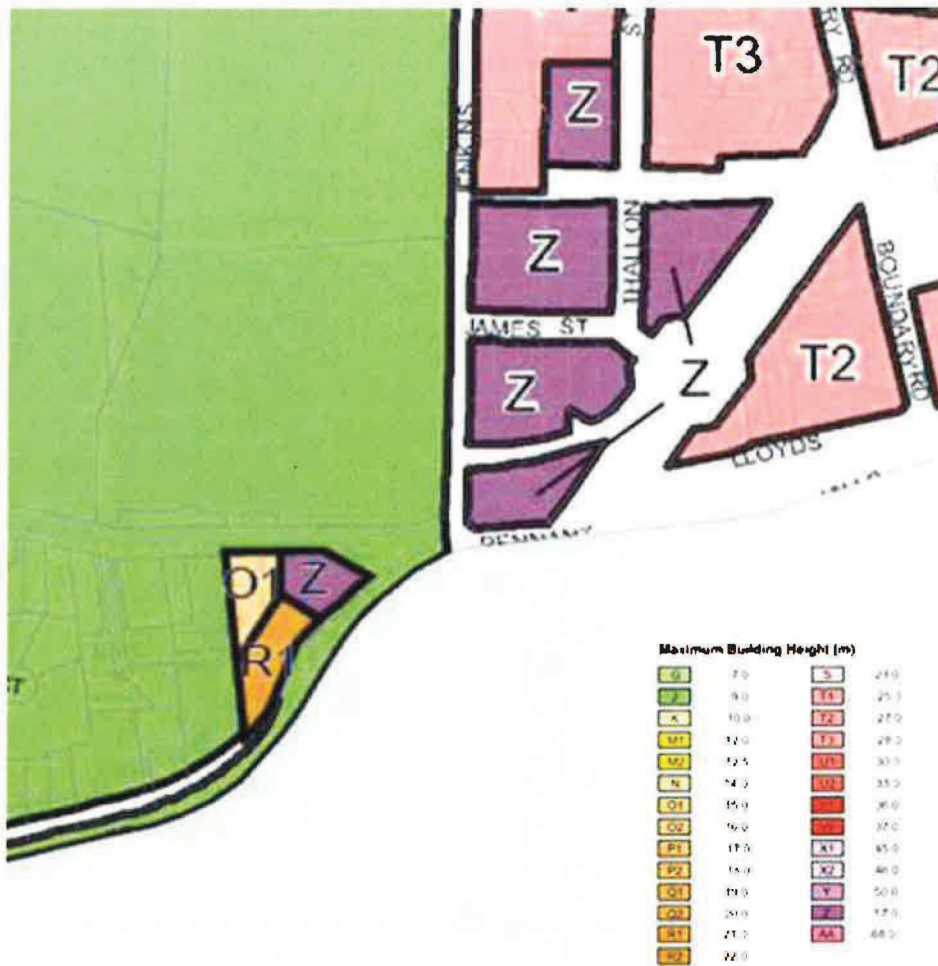


Figure 5. Maps from planning proposal (proposed heights of O1 = 15m, R1 = 21m, and Z = 57m)

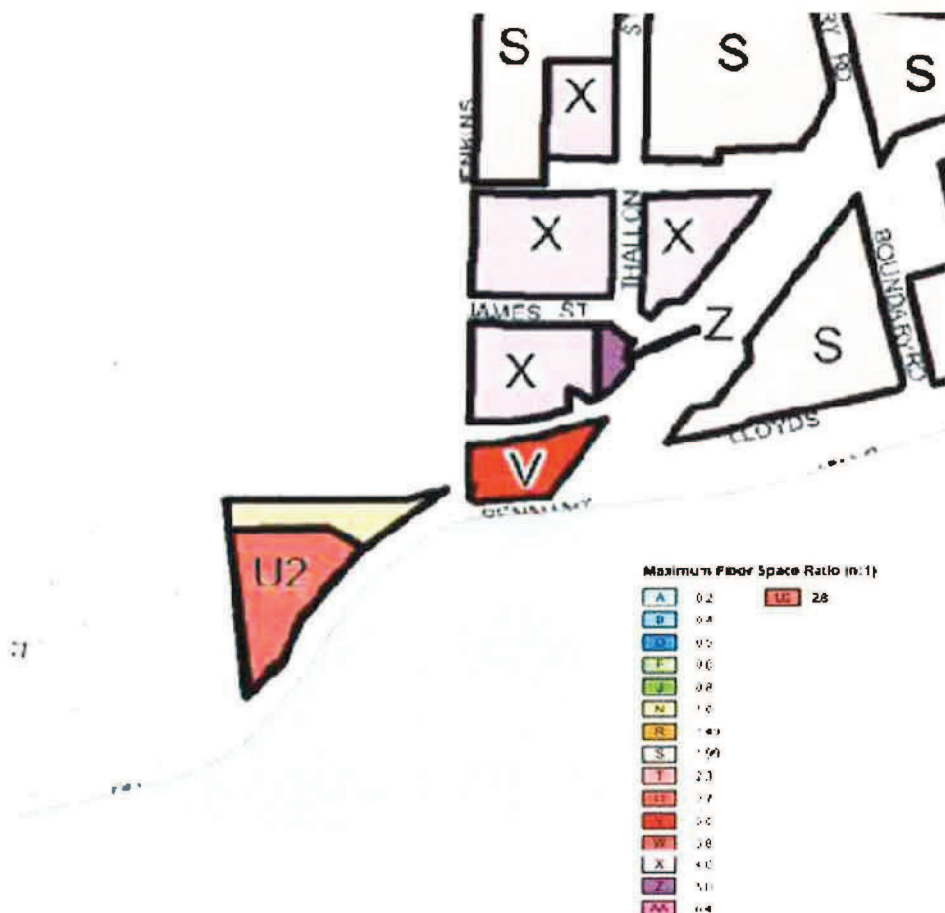


Figure 6. Maps from planning proposal (proposed FSR U2 = 2.8:1)

Though the surrounding area to the west of the site is predominately low density residential with height limits of 9m, the areas are zoned as R3 Medium Density Residential. It is possible, and in keeping with a potential light rail station, that these areas may achieve higher densities. However this may be identified in Parramatta Council's processed precinct plan for the area.

Though the site is adjacent to the Carlingford Precinct, centred around Carlingford Railway Station. The Precinct is identified for higher density under the Hills LEP 2012 and has precinct specific controls under the Hills Development Control Plan 2012 (DCP). Accordingly, Carlingford Precinct has begun to evolve with a number of recent Development Applications seeking consent for development of up to 18 storeys in height. However it should be noted that one of the key difference between the current proposal and the Carlingford Precinct is the topography of the areas.

The Urban Design Report includes a topographic map that demonstrates the natural ground level of the subject site is approximately 10m higher than the most dense area located at the south west quadrant of the Carlingford Precinct. The topography enhances the visual prominence of the subject site. If the subject site were to achieve a comparable height to the Carlingford Precinct (up to 18 storeys around the railway station) the resulting built form would stand taller in the skyline than that in the Precinct (refer to Figure 8).

The permissible heights and FSRs in the Carlingford Precinct peak around the railway station. There are a number of physical barriers such as roads between the densest areas around the train station and the nearby low to medium density residential development. The subject site does not have any physical barriers that form a transition to the lower density neighbouring residential forms to the west and south-east.

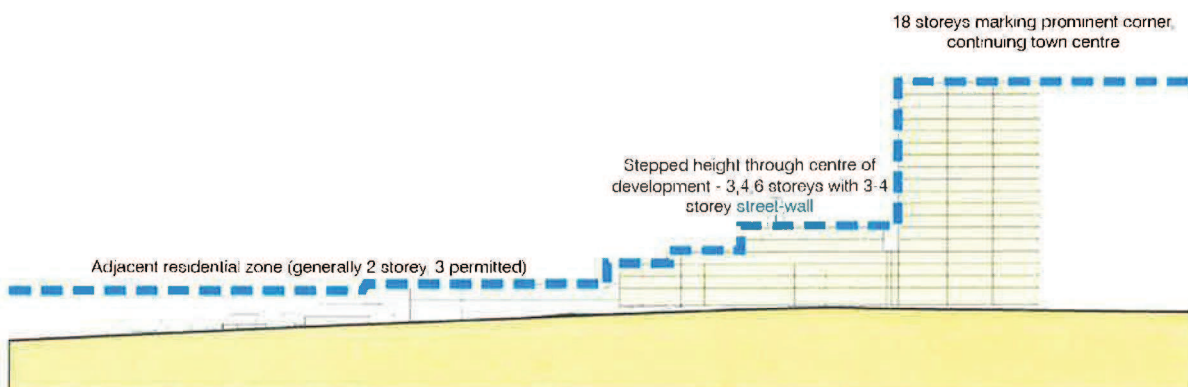


Figure 7. Proposed Stepped heights through development providing transition

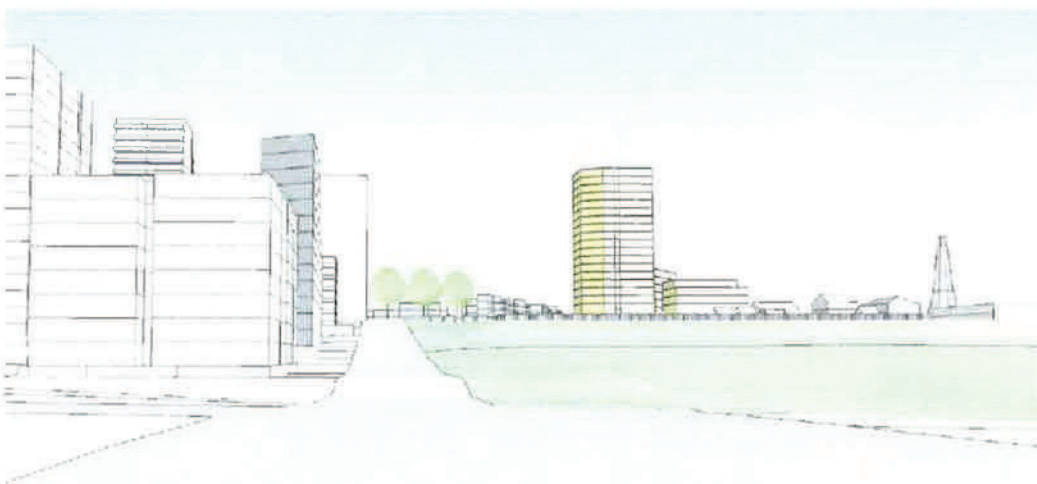


Figure 8. Looking south from along Jenkins Road

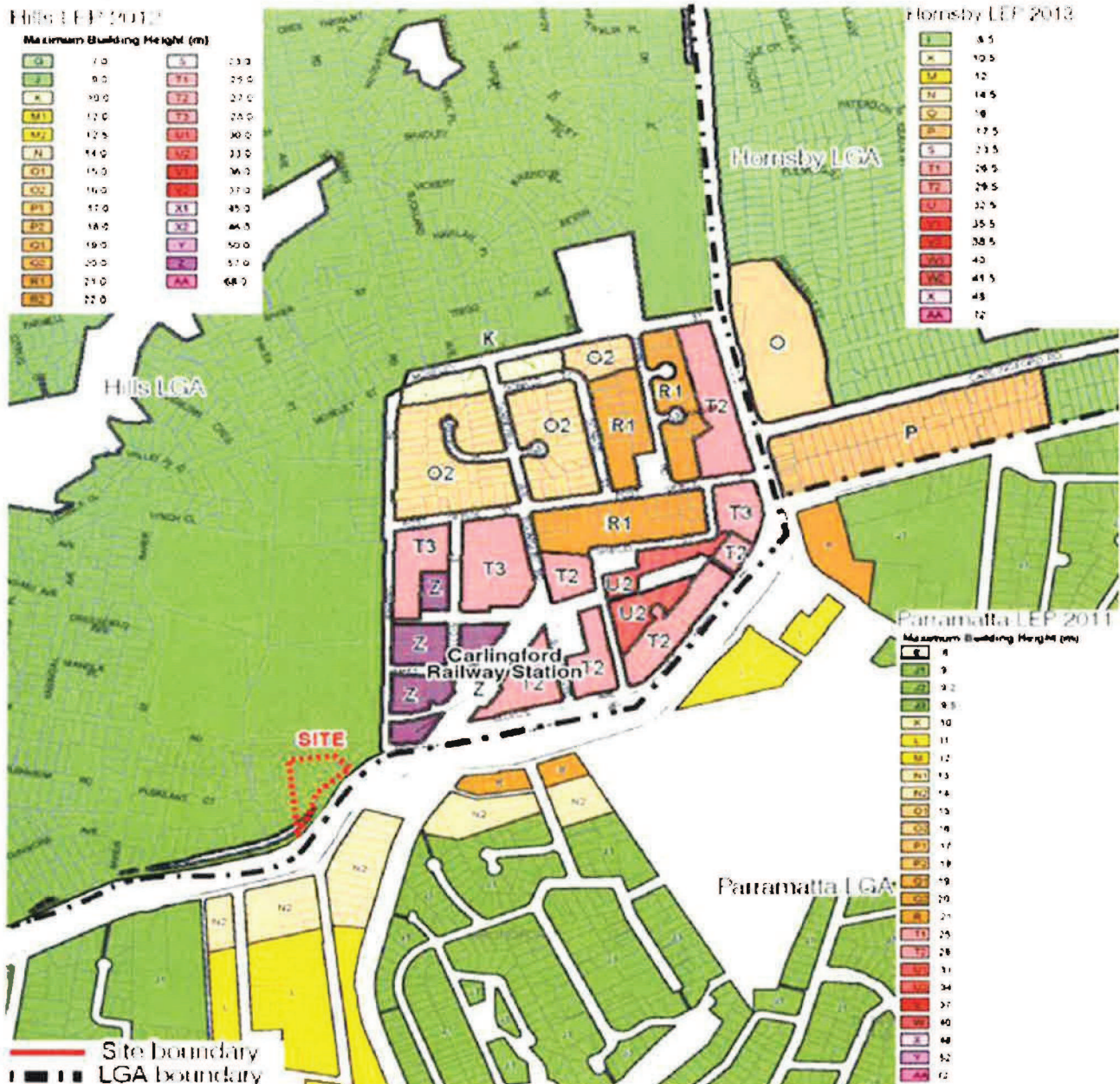


Figure 9. Existing Height Controls (9m)

Natural environment

The Planning Proposal site is located in a built up area with existing development. Currently, trees and shrubs located on the site. Future Development Applications will be required to be accompanied by Arborist Reports assessing the significance of vegetation on each site.

Existing, approved, likely future use of land

The existing built form within the site is oriented to address Pennant Hills Road and Includes a two storey commercial development predominantly used as office space; and an indoor gymnasium facility.

The site is currently occupied by a 1-2 storey commercial building with associated car parking. The site is adjacent to an Endeavour Energy transmission substation to the north, service station to the south and low to medium density residential development to the east and west (see Figure 1). Carlingford Railway Station and the Carlingford Precinct are located to the north-east.

The Hills Council indicated in its submissions that this proposal is a missed opportunity to retain and intensify the commercial use of the site to provide jobs close to homes within this business zone.

However as the site now falls within the City of Parramatta Council LGA, Council indicated that a revised lower and reduced building envelope that makes an appropriate transition and has lesser adverse visual and amenity impact to the surrounding low rise context should be considered. Council also raised concerns about the loss of commercial floor space and requests that the proponent provide 2 storeys of commercial floor space with the remaining 6 storeys to be utilised by residential.

City of Parramatta also advised a FSR of no more than 1.5:1 and height of 8 storeys/ 28m should be considered for the subject site. Council did note that the proponent should be required to provide further testing at these reduced parameters to determine the exact FSR and height that can be accommodated on the site.

However with a potential light rail station in close proximity to the site and surrounding areas, there could further opportunity for increased densities.

Transport infrastructure

Transport

The subject site is located within 400m walking distance to the existing Carlingford railway station and possibly within the walking catchment of a potential light rail station (only the light rail corridor has been announced by the State Government). The Carlingford rail line currently experiences a limited service with trains running every 30 -45 minutes in peak and every hour in non-peak times.

Services and amenities

The site is located in close proximity to a primary and high school, and within a 1km walk of Carlingford shopping village.

Traffic

A traffic report has been submitted as part of the proposal. A supplementary traffic report was also submitted in respond The Hills Shire Council concerns. Vehicle access to the existing commercial car parking spaces is currently available from both Pennant Hills Road (entry and exit via a single driveway) and Felton Street via two entry and exit driveways.

Overall the proposal is estimated to generate 148 trips and 133 trips AM and PM peak hour trips respectively. Should the proposal proceed, the morning peak hour generated would be an additional 121 trips compared with the current use (27 trips) of the site and an additional 91 trips compared with a commercial outcome for the site if redeveloped under current controls. Accordingly, while redevelopment of the site for a commercial outcome under current controls would result in a marginal increase in traffic generation, the scale of the proposed development would dramatically increase traffic generation.

The 148 vehicle trips during the morning peak hour would include 72 trips from the childcare centre, 36 trips from the gym, 26 trips from residents and 14 trips from the commercial space. The Proponent has advised that the 122 trips generated by the commercial components will enter and leave the site via Pennant Hills Road, with the 26 trips generated by the residential component to enter and leave the site via Felton Road. Compared with the existing situation, this represents 113 additional trips via Pennant Hills Road and 8 additional trips via Felton Road.

The Hills Shire Council advised that local roads are already in excess of the environmental capacity, largely due to the proximity of James Ruse High School and Carlingford West Public School and the development would represent a significant increase in traffic volumes (Pennant Hills Road is a State road and therefore an environmental capacity measure is not applicable).

However, the Proponent currently does not have approval from the RMS to access the site via Pennant Hills Road. If this access is not achievable or approved by RMS, all traffic exiting the site would be via Felton Road (which already exceeds environmental capacity). The Hills Shire Council indicates these traffic impacts are unacceptable with respect to the volumes, flow and amenity on Felton Road and would trigger a requirement for further traffic infrastructure to be provided (including, but not limited to, the signalisation of the intersection of Pennant Hills Road and Baker Street).

In addition, it is acknowledged that both Councils raised concerns that the traffic report does not extend beyond the intersection of Felton Road and Baker Street (Figure 10). Therefore it does not include the intersection of Pennant Hills Road and Baker Street which, as was raised in The Hills Council's assessment of the planning proposal is the critical intersection that the proposed development would impact upon.

Additional traffic analysis was prepared by Traffic Solutions dated 30 March 2016, which advised that the intersection performance was not considered necessary due to the low number of vehicle trips that would result from the proposed development.

The Department agrees with Parramatta Council that further analysis is required that considers the cumulative impact of increasing the density to a number of sites in the area on the intersection at Pennant Hills Road and Baker Street.

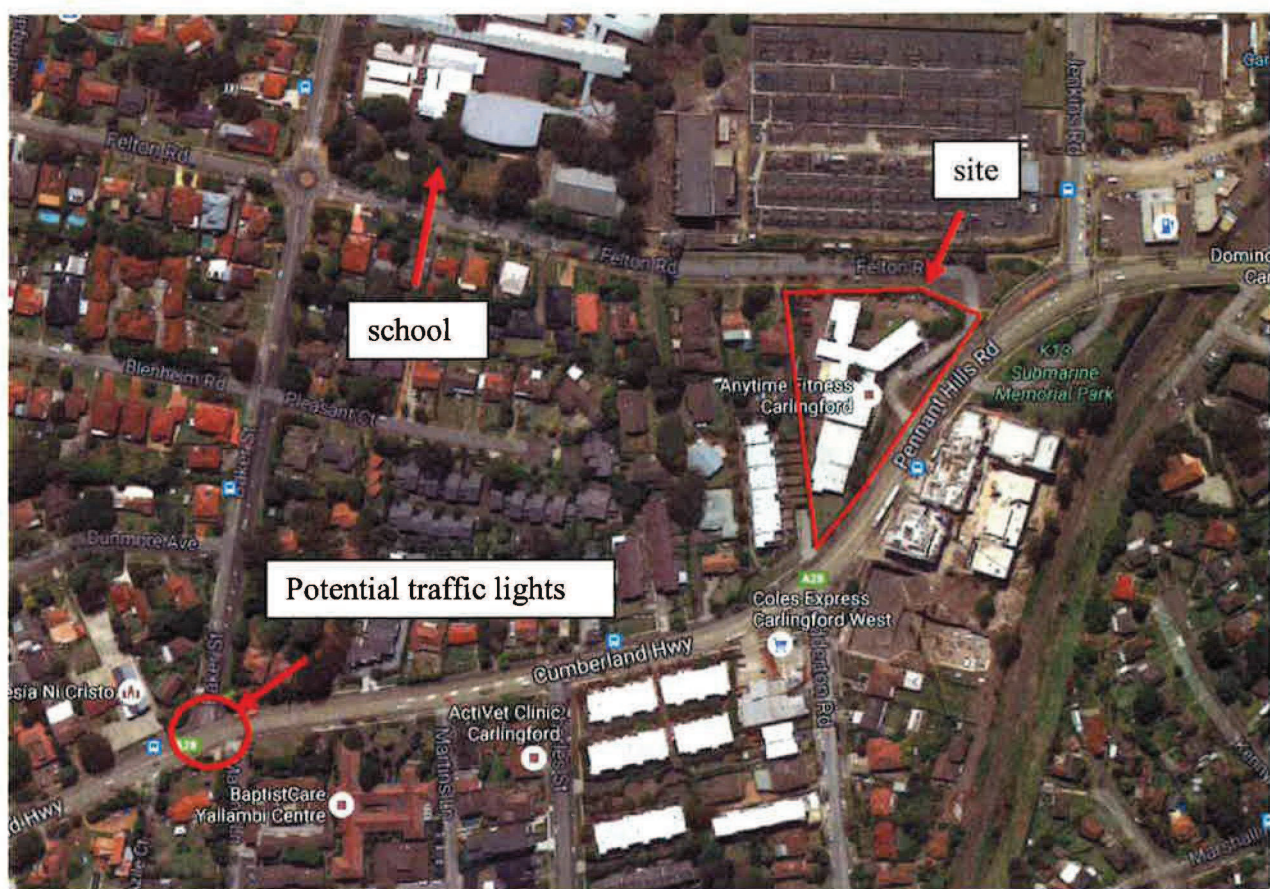


Figure 10. Traffic concerns

VIEWS OF COUNCIL

The Hills Shire Council

On 1 April 2016, the proponent lodged a pre-Gateway review application as The Hills Shire Council failed to indicate its support 90 days after the proponent submitted the proposal to Council on 23 December 2015.

Council provided its comments on 19 August 2016 (Tab F1 - F2).

The Hills Shire Council indicated that the planning proposal is inconsistent with the strategic planning framework on the basis that it represents a significant net loss of employment generating uses and proposes high density residential that is not needed in this location and given the surrounding uses and context, is not appropriate. Residential development beyond that already envisaged for the Carlingford Precinct is difficult to support. The site is disconnected and isolated from the Carlingford Precinct and its intended primary town centre.

The vehicle movements that would be generated, and proposed connections, would put unacceptable levels of traffic on local roads which are already over capacity during peak periods, and would potentially delay and conflict with traffic flow along Pennant Hills Road. The development is likely to require the signalisation of the intersection of Pennant Hills Road and Baker Street for which there is no plans, nor any provision for funding.

Council has also advised the Department that a previous planning proposal for the site was lodged in August 2014 which sought to facilitate redevelopment for a mixed use commercial and residential development consisting of three (3) buildings ranging in height from 3 to 9 storeys with 119 residential units. Based on the feedback received, the planning proposal was subsequently withdrawn in January 2015.

Council's assessment of the proposal to date has identified the following issues with the proposal:

1. Inconsistent with A Plan for Growing Sydney

A key principle for growth includes increasing the housing choice around centres by accelerating the housing supply and renewal, and by improving housing choice. The planning proposal seeks to facilitate the delivery of housing close to Carlingford Town Centre and Carlingford train station. However, the proposal would result in a reduction in the amount of potential floor space area for employment uses which is contrary to A Plan for Growing Sydney and in particular, inconsistent with the Plan's Direction to "grow strategic centres and provide more jobs closer to home".

Department response

The current masterplan may reduce the amount of potential floor space area for employment uses. It is considered that redevelopment of the site presents an opportunity to retain existing employment use on site by co-locating residential uses with a mix of complimentary non-residential uses, consistent with the site's B2 Local Centre zoning. This mix of uses can benefit the broader residential community of Carlingford and the future occupants of the site.

2. Section 117 Directions

The planning proposal is generally consistent with the relevant Direction with the exception of Direction 1.1 – Business. This Direction requires that a planning proposal must retain the areas and locations of existing business zones and not reduce the total potential floor space area for employment uses in a business zone. While the proposal does not reduce the area of land zoned B2 Local Centre, it is nonetheless inconsistent with this Direction

given it would result in a reduction in the amount of *potential* floor space area for employment uses on the site. Clearly the proposal is aimed at predominantly residential high density development.

Department response

The existing built form within the site is oriented to address Pennant Hills Road and includes a two storey commercial development predominantly used as office space, and an indoor gymnasium facility (approximately 2,940m² of commercial space).

The proposal will continue to provide commercial uses (approximately 1,659m²) and employment opportunities which would benefit future residents and the broader community, including retail and commercial floor space, a childcare centre, gym and other like uses.

While the proposal does not reduce the area of land zoned B2 Local Centre, it is nonetheless inconsistent with this Direction given it would result in a reduction in the amount of floor space area for employment uses on the site. Although the proposal is aimed at predominantly residential high density development, there will be a commercial component and therefore the inconsistency with this Direction is minor.

3. Inconsistent with Council's Local Strategy

Residential Direction

In general terms, the planning proposal is consistent with the principles of the Local Strategy as it seeks to accommodate population growth and respond to changing housing needs in close proximity to the Carlingford station and services. Notwithstanding this, it is noted that residential development on the site is not required to meet Council's projected housing growth targets within the Local Strategy. Further, a residential outcome of this nature has not been envisaged given the commercial zoning of the land.

Employment Lands Direction

The planning proposal would represent a significant reduction in commercial space from the 2,940m² currently located on the site and is therefore inconsistent with the objectives of the Employment Lands Direction which seeks to facilitate sustainable economic development that promotes growth in local business and employment opportunities, plan for local job opportunities and encourages redevelopment and utilisation of existing employment lands.

Notwithstanding the limited strategic justification for residential development on the site, the proposal is inconsistent with the intention of the Local Strategy and represents a missed opportunity to retain and intensify the commercial use of the site to provide jobs close to homes within this business zone.

Department response

Though the proposal is generally consistent with the principles of the Local Strategy, the Department believes there is strategic merit for potential residential development to occur on site due to its proximity to the rail station. It should also be noted that the State Government announced a potential light rail corridor along the Carlingford heavy rail route. Should the light rail proceed further and the State Government decides on the locations of the potential light rail stops, greater densities around these stops may be justified.

As noted above the proponent has committed to maintaining the ongoing uses of the site for employment uses and provide services and amenities that would benefit future residents and the broader community, including retail and commercial floor space, a childcare centre, gym and other like uses.

4. Relationship with the Carlingford Precinct

The applicant has made representations that the site should be considered as part of the Carlingford Precinct. Significant strategic planning work has been undertaken for the Carlingford Precinct to allow for approximately 3,000 additional dwellings across a range of building heights. The strategic planning work included consideration of traffic impacts and local infrastructure requirements, including the delivery of high voltage power lines and improved public domain. This work did not incorporate this site or envisage a high density residential outcome of the nature proposed.

Department response

The site is not directly connected to the Carlingford Precinct (an intended primary town centre) as is separated by an Endeavour Energy substation. Also, the intersection of Felton Road (which has no through access), Jenkins Road, and Pennant Hills Road and a bridge over the Carlingford rail line further restricts connectivity to this town centre. For these reasons, it is appropriate to consider the site as outside of, and isolated from the Carlingford Precinct.

5. Land Use and Site Context

Concern is raised that the proposed mixed use development with 135 residential units represents a significant net loss of employment floor space on the site and eliminates the future potential for intensification of commercial/retail space on the site. Further, a Residential Flat Building or a development for a predominantly residential use is inconsistent with the objectives of the B2 Local Centre zone and is not supported.

Recent development applications and development enquiries to undertake shop top housing and mixed use developments have proposed outcomes that are not in keeping with the objectives of Council's business and residential zones and are not of a scale compatible with surrounding development. Many of these have proposed relatively small amounts of retail space and higher than anticipated residential densities, compromising the retail and employment role of these centres and raising concern regarding capacity of existing infrastructure in these locations to support additional population.

Department response

It is noted that Council has identified the site as a strategic location for retail, business, entertainment and community uses to service the local area in accordance with the objectives of the B2 Local Centre zone.

The Department shares Council's view that residential flat buildings are part of mixed use development (permissible within the B2 Local Centre zone) and they must be tied to appropriate height and floor space ratio controls to ensure that they are of a scale envisaged for the location.

6. Building Height and Density

The site adjoins a two-storey townhouse development and is located in close proximity to low-rise low and medium density development to the west. The southern side of Pennant Hills Road (within the Parramatta Local Government Area) contains three, four-storey residential flat buildings currently under construction.

While it is noted that the Carlingford Precinct does contain high density development up to 18 storeys in height, it is considered that this is within an entirely different context to the site (and was the outcome of detailed and extensive precinct planning).

Department response

The Department supports Council concerns that the proposed height and density is out of character with existing and approved development within the immediate vicinity of the site and would negatively impact upon the privacy, amenity and solar access of properties to the west of the site. While the documentation provided with the planning proposal states that these impacts would be acceptable, insufficient detail has been provided to justify that this can be achieved on the relatively small site in such close proximity to lower density development.

However, the area to the west of the site is currently zoned as R3 Medium Density and is currently developed as low density housing. The Department notes that overtime and due to the proximity of the current heavy rail station and the potential light rail corridor, the locality may intensify in its densities around the key transport nodes. To determine an appropriate height, floorspace ratio and transition to adjoining land further testing should be undertaken by the proponent.

7. Transport and Traffic

Whilst the subject site is located within proximity of Carlingford railway station, to date the Carlingford rail line is providing only limited services and receives limited (is decreasing) patronage.

Council also noted concerns with the vehicle movements generated and connections proposed would put unacceptable levels of traffic on local roads which are already over capacity during peak periods and would potentially delay and conflict with movements on Pennant Hills Road.

Department response

Currently the site generates a total of 27 trips during morning peak times. The submitted traffic report indicates that a total of 148 vehicle trips during the morning peak hour (include 72 trips from the childcare centre, 36 trips from the gym, 26 trips from residents and 14 trips from the commercial space).

Council advises that if the site is developed under current controls for commercial purposes a potential 57 vehicle trips would be generated during the morning peak hour.

Overall the redevelopment of the site for a commercial outcome under current controls would result in a marginal increase in traffic generation, the scale of the proposed development would increase traffic generation from the site by more than five times the current rate.

City of Parramatta Council

City of Parramatta is now responsible for the planning controls that apply to this site, even though the controls are contained within *The Hills Local Environmental Plan (LEP) 2012*.

On 29 July 2016, Council provided the Department with comments on the proposal (Tabs G1 – G2).

Council advised that the proposal seeks a density that will have a significant impact on the Carlingford locality. The cumulative impacts of the increasing density, due to this planning proposal along with a number of other planning proposals and development applications lodged in this locality will likely impact on the function of the road network, including the intersection of Baker Street and Pennant Hills Road.

Council officers considered a maximum height of 28m (8 storeys) and a FSR of 1.5:1 to be appropriate for the site. It is recommended a more detailed urban design analysis be undertaken to determine an appropriate height and FSR for the site.

However, it should be noted that Council previously resolved on 14 June 2016 that the planning proposals located at 264-268 Pennant Hills Road; and 258-262 Pennant Hills and 17 & 20 Azile Court should not proceed until further planning analysis of the broader area is undertaken. It was also noted in the report that the planning proposals had not adequately resolved issues relating to impacts on the road network, vehicle access from the site and building density and form.

Overall, Council indicated that a precinct based study looking at the future catchment for the light rail would capture all the above sites, as well the planning controls for this site but it is not considered appropriate to make this proposal wait for that light rail related process which may take some time.

Council's assessment of the proposal to date has identified the following issues:

1. Traffic impact

Roads and Maritime Services (RMS) has advised the proponent on 4 April 2014 (see Tab E2, Traffic Impact Report, appendix B) that it may consider a left in/left out driveway for the commercial premises on Pennant Hills Road subject to conditions. Council's traffic officers have reviewed the planning proposal and correspondence with the RMS noting that the driveway may have disadvantages such as encouraging U-turns, longer travel distances for motorists, urban design impacts and conflict with pedestrian movements.

Council also advised that a site specific DCP and VPA should be prepared to resolve the impacts of the planning proposal including (but not limited to) setbacks, street frontage conditions and active edges, deep soil zones, vehicular entry and basement car parking, road and intersection upgrades, street tree planting/ public domain upgrades and transition to adjacent sites.

Council's traffic officers have expressed concerns that the intersection analysis that forms part of the traffic report does not extend beyond the intersection of Felton Road and Baker Street. Therefore it does not include the intersection of Pennant Hills Road and Baker Street which, as was raised in The Hills Council's assessment of the planning proposal is the critical intersection that the proposed development would impact upon.

Department response

Additional traffic analysis was prepared by Traffic Solutions dated 30 March 2016. Conflicting to Council's position, Traffic Solutions noted modelling of the intersection performance was not considered necessary due to the low number of vehicle trips that would result from the proposed development.

Overall the Department supports Council's position that an additional analysis is required that further considers the cumulative impact of increasing the density to a number of sites in the area on the intersections at Pennant Hills Road and Baker Street and Felton Road and Baker Street.

The Department generally supports that a potential solution could be the development of DCP and VPA, subject to RMS requirements. However this would need to be settled concurrently in line with the planning proposal or any future Development application should this proposal proceed.

2. Urban Design

Without any confirmed light rail corridor (which may potentially incorporate Carlingford Railway Station as a transport node/ terminus), the question of potential uplift within the area around the train station requires strategic investigation. In the absence of this strategic investigation, preliminary isochrone walking catchment analysis (where catchments are based on actual walking distances rather than an arbitrary circular radius) around the Carlingford Railway Station provides justification for increased height and FSR on the subject site.

The adjoining low scale residential development to the west (1 to 2 storeys) and open areas to the north-west, associated with the electricity substation and school grounds, supports consideration for lower and reduced building envelopes on the subject site. Any increase of FSR and height on the subject site should achieve appropriate transition and have lesser adverse visual and amenity impacts to the surrounding low rise context than the option(s) proposed.

Based on preliminary testing, the FSR and height of building should be no more than 1.5:1 and 28m (8 storeys) whichever is greater (up to 2 levels of non-residential uses and 6 floors of residential) based on the context and ease of walking to public transport. However the proponent would be required to provide further testing at these reduced parameters to proceed.

The applicant's Urban Design Report includes a topographic map that demonstrates the natural ground level of the subject site is approximately 10m higher than the Carlingford Precinct. The topography enhances the visual prominence of the subject site. If the subject site were to achieve a comparable height to the Carlingford Precinct (up to 18 storeys around the railway station) the resulting built form would stand taller in the skyline than that in the Precinct.

Department response

The Department notes that the site is located on a corner block and is adjacent to a busy road corridor. It is considered that potential issues of traffic noise and air quality would need to be taken into consideration during the development assessment process, should this proposal proceed.

The Department generally supports Council's comments in relation to the topography of the site and the potential impacts on the skyline and interaction with lower density residential areas. As result Council's justification for a FSR of 1.5:1 and height of 8 storeys maybe considered appropriate for this site, considering Council is potentially proposing to undertake a strategic assessment of the area to better understand the potential limits to future development while considering a potential light rail system.

Overall the Department does consider the development of a precinct based corridor study to inform any future uplift within the area could be warranted in response to any future light rail development. This will allow for a strategic approach to be developed for the area, which remedy contextual issues spot rezoning tend to generate.

Currently, the surrounding low density area to west of the subject site (Figure 3) is zoned R3 Medium Density with a height limit of 9m. As this area is already zoned for medium density a strategic study may further inform whether the area could potentially cater for a higher density i.e. increased building heights and FSR.

Though the permissible heights and FSRs in the Carlingford Precinct peak around the railway station, there are a number of physical barriers such as roads between the densest areas and the nearby low to medium density residential development. The subject site

does not have any physical barriers that form a transition to the lower density neighbouring residential areas.

It is noted that the planning proposal reduces the existing commercial floor space located on the site from 2,940m² to 1,659m². While the reduction in commercial floor space may represent a missed opportunity to intensify the commercial use of a site zoned B2 Local Centre, the proposal does provide some job opportunities close to homes. There is no proposed change to the zoning of the site. Further, residential flat buildings and multi dwelling housing are all permitted uses in the B2 zone under The Hills LEP 2012 and these land use types do not require the provision of commercial floor space.

AGENCY CONSULTATION

Roads and Maritime Services

Roads and Maritime Services (RMS) has been consulted with in regards to vehicle access off Pennant Hills Road. The RMS has advised that they may consider a commercial traffic access off Pennant Hills Road if a deceleration lane is provided and is physically restricted to left turns in and out only. A copy of the RMS correspondence is attached at Tab E2, Traffic Impact Report Appendix B.

Department response

Though RMS did provide preliminary comments back in 2014, which appears to be in relation to the original planning proposal of 8 storeys. The Departments considers that additional consultation with RMS would have to be undertaken due to potential traffic and cumulate impacts the proposal may have and the concerns both Councils still have about the proposal.

BACKGROUND SUPPORTING INFORMATION

1. Adequacy of existing information

Is the supporting information provided more than 2 years old?

Yes ☐ No ☒

If 'yes', explain/detail currency of information

Is there documented agreement between the proponent and the council regarding the scope/nature of supporting information to be provided?

Yes ☐ No ☒

Is there evidence of agency involvement in the preparation of any supporting information or background studies?

Yes ☐ No ☒

2. Requirement for further information

Should the planning proposal proceed to Gateway, it is to be amended to reflect the outcome of further testing of appropriate height and FSR including an update of 3D massing, and updated traffic study that considers the cumulative impact of the proposal on the on the intersections at Pennant Hills Road and Baker Street, and at Felton Road and Baker Street.

CONCLUSION

Consideration of the proposal and supporting documentation indicated that the proposal has sufficient strategic merit and the request for review by the Sydney West Joint Regional Planning Panel is supported for the following reasons:

- all relevant information to support the planning proposal has been provided;
- the proposal is generally consistent with *A Plan for Growing Sydney*; and
- the proposal has strategic merit, by introducing residential land uses while potentially retaining employment opportunities.

However, as noted in this report there are a number of planning matter the Panel should consider, including:

- the appropriate height and FSR to be applied to the site having regard to the potential impacts on surrounding low density residential development;
- potential traffic and subsequent impact on the road network including the performance of intersections; and
- the change in the nature the employment lands.

RECOMMENDATION

It is recommended that the Deputy Secretary, Planning Services:

1. **form the opinion** that sufficient justification has been provided for the proposal to merit consideration by the Sydney West Joint Regional Planning Panel, and
2. **agree to forward** the request to the Sydney West Joint Regional Planning Panel for advice.



20/9/16

Catherine Van Laeren
Director, Sydney Region West



19 October 2016
Stephen Murray
Executive Director, Regions



Marcus Ray
Deputy Secretary
Planning Services

20/10/2016

Contact Officer: Daniel Gorgioski
Planning Officer, Sydney Region West
Phone: 02 9860 1538