

|                             |                                                                                                                                                               |
|-----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>ITEM-4</b>               | <b>PLANNING PROPOSAL – 241-245 PENNANT HILLS ROAD, CARLINGFORD (15/2016/PLP)</b>                                                                              |
| <b>THEME:</b>               | Balanced Urban Growth                                                                                                                                         |
| <b>OUTCOME:</b>             | 7 Responsible planning facilitates a desirable living environment and meets growth targets.                                                                   |
| <b>STRATEGY:</b>            | 7.2 Manage new and existing development with a robust framework of policies, plans and processes that is in accordance with community needs and expectations. |
| <b>MEETING DATE:</b>        | <b>10 MAY 2016</b><br>COUNCIL MEETING                                                                                                                         |
| <b>GROUP:</b>               | <b>STRATEGIC PLANNING</b>                                                                                                                                     |
| <b>AUTHOR:</b>              | <b>SENIOR TOWN PLANNER</b><br>PIERS HEMPHILL                                                                                                                  |
| <b>RESPONSIBLE OFFICER:</b> | <b>MANAGER FORWARD PLANNING</b><br>STEWART SEALE                                                                                                              |

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### **EXECUTIVE SUMMARY**

It is recommended that the planning proposal to increase the maximum building height from nine (9) metres (3 storeys) to a range of 15 to 57 metres (5-18 storeys) and increase the floor space ratio from 1:1 to 2.8:1 at 241-245 Pennant Hills Road, Carlingford not proceed to Gateway Determination.

The proposed amendments seek to facilitate a mixed use development comprising of 135 residential units, 679m<sup>2</sup> of commercial floor space, a 90-place child care centre and a 400m<sup>2</sup> gymnasium.

The proposal is the subject of a Pre-Gateway Review with the Department of Planning and Environment. This report and Council decision will form the basis of a preliminary submission.

The proposal is not considered appropriate for this location because 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. The planning proposal is therefore not supported.

**APPLICANT**

Architectus Group Pty Ltd

**OWNERS**

Triple Eight Pty Ltd

**THE HILLS LOCAL ENVIRONMENTAL PLAN 2012**

|                            |                                               |
|----------------------------|-----------------------------------------------|
| Zone:                      | Part B2 Local Centre, Part SP2 Infrastructure |
| Maximum Height:            | 9 metres                                      |
| Maximum Floor Space Ratio: | 1:1                                           |

**POLITICAL DONATIONS**

Nil Disclosures

**HISTORY**

|                   |                                                                                                                                                                                                                   |
|-------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>29/08/2014</b> | Planning proposal 4/2015/PLP lodged for the site to amend the height of buildings to 28 metres (9 storeys) and increase the Floor Space Ratio from 1:1 to 2.3:1 to facilitate a 119 residential unit development. |
| <b>07/10/2014</b> | Planning proposal 4/2015/PLP presented at a Councillor Briefing.                                                                                                                                                  |
| <b>30/01/2015</b> | Planning proposal 4/2015/PLP withdrawn by the Applicant based on feedback following a Councillor Briefing and concerns raised by Council officers.                                                                |
| <b>23/12/2015</b> | New planning proposal (15/2016/PLP) lodged.                                                                                                                                                                       |
| <b>12/04/2016</b> | Pre-Gateway review application lodged by Applicant with the Department.                                                                                                                                           |

**BACKGROUND**

A previous planning proposal for the site was lodged in August 2014 (4/2015/PLP) which sought to facilitate redevelopment for a mixed use commercial and residential development consisting of three (3) buildings ranging in height from three (3) to nine (9) 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, a new planning proposal was submitted to Council which seeks to allow for an even more intense development outcome on the site (up to 18 storeys rather than 9 storeys, with 132 units rather than 119 units) than the original proposal with which Council raised concerns. The Applicant has effectively lodged an 'appeal' using an application for Pre-Gateway review with the Department on 12 April 2016.

**REPORT**

The purpose of this report is to consider proposed amendments to Local Environmental Plan 2012 ('LEP 2012') to facilitate a mixed use residential/commercial development of the site.

## 1. THE SITE

The site is known as 241-245 Pennant Hills Road, Carlingford being lots 1, 2, 5 and 6 in DP 805059. The site is located on the corner of Pennant Hills Road and Felton Road, approximately 300 metres southwest of Carlingford railway station. The site is generally triangular in shape and has a total area of 6,330m<sup>2</sup> (or 5,765m<sup>2</sup> excluding land reserved for road widening). The site is zoned part B2 Local Centre and part SP2 Infrastructure (Classified Road) under LEP 2012.

The site is currently occupied by low intensity commercial uses in a 1-2 storey building with associated car parking. It is partially affected by road widening on the Pennant Hills Road frontage. The applicant proposes to dedicate the land identified as road widening to Roads and Maritime Services (RMS).

The site is adjacent to an Endeavour Energy transmission substation to the north, Coles Express service station to the south, low to medium density residential development to the east and west and Carlingford Train Station and the Carlingford Precinct to the north-east. The site is also adjacent to the Parramatta Local Government Area to the south, defined by Pennant Hills Road.

The subject land is within walking distance of Carlingford railway station which is located approximately 300 metres to the north-east of the site. Bus services connecting the Carlingford Town Centre to Parramatta, Hornsby, Epping and Macquarie Park are available on Pennant Hills Road.



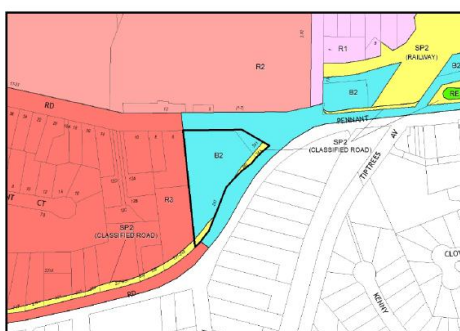
**Figure 1**  
Existing and Proposed Height of Buildings

## 2. PLANNING PROPOSAL

The planning proposal submitted by the applicant seeks to:

1. Increase the maximum height of buildings from 9 metres (3 storeys) to between 15 metres (5 storeys) and 57 metres (18 storeys) as shown in Figure 3; and
2. Increase the maximum floor space ratio from 1:1 to 2.8:1 as shown in Figure 4.

No change is proposed to the existing B2 Local Centre zone as shown in Figure 2.



**Land Zoning (LZN)**

|                                                                                                               |                                                                                                                      |                                                                                                              |
|---------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|
| <span style="background-color: #00B0F0; border: 1px solid black; padding: 2px;">B2</span> Local Centre        | <span style="background-color: #F08080; border: 1px solid black; padding: 2px;">R2</span> Low Density Residential    | <span style="background-color: #90EE90; border: 1px solid black; padding: 2px;">RE1</span> Public Recreation |
| <span style="background-color: #FFB6C1; border: 1px solid black; padding: 2px;">R1</span> General Residential | <span style="background-color: #FFA07A; border: 1px solid black; padding: 2px;">R3</span> Medium Density Residential | <span style="background-color: #FFFF00; border: 1px solid black; padding: 2px;">SP2</span> Infrastructure    |

**Figure 2**

Existing Zoning Map (no change proposed)

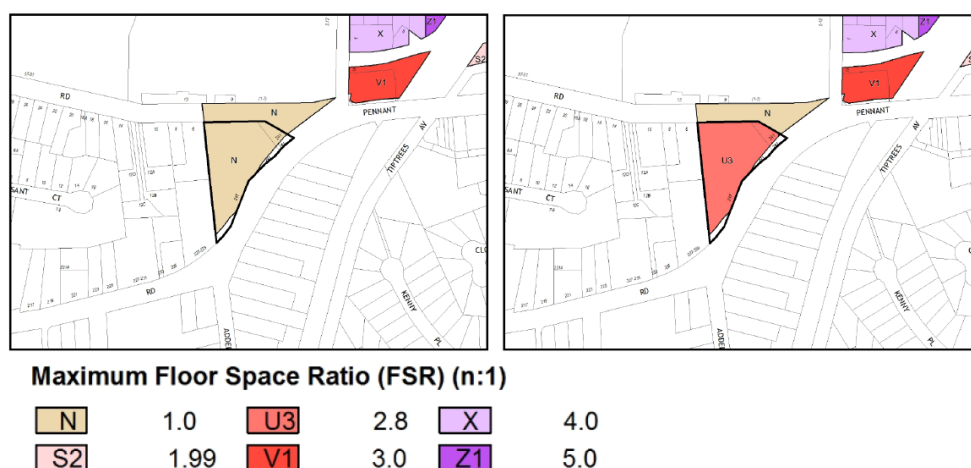


**Height of Buildings (m) (HOB )**

|                                                                                              |                                                                                                |                                                                                                |                                                                                               |
|----------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|
| <span style="background-color: #90EE90; border: 1px solid black; padding: 2px;">J</span> 9.0 | <span style="background-color: #FFD700; border: 1px solid black; padding: 2px;">O1</span> 15.0 | <span style="background-color: #FF6347; border: 1px solid black; padding: 2px;">T2</span> 27.0 | <span style="background-color: #800080; border: 1px solid black; padding: 2px;">Z</span> 57.0 |
|----------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|

**Figure 3**

Existing and Proposed Height of Buildings



**Figure 4**  
Existing and Proposed Floor Space Ratio

In support of the planning proposal, the applicant has submitted a development concept (Figure 5) illustrating a mixed use development outcome on the site comprising predominantly high density residential development for 135 units within three (3) buildings ranging in height from partly three (3) storey (western side of site) to 18 storeys (eastern side of site). The concept allows limited potential for non-residential uses including only a child care centre, gymnasium and small retail/commercial uses. Vehicular access is proposed via Felton Road, with commercial traffic access only to be from Pennant Hills Road and a 'slip lane' subject to the approval of Roads and Maritime Services. Bearing in mind this is a planning proposal to change the development standards applying to the land and is not a development application, it is unclear how these uses will be guaranteed.

The applicant has provided an indicative unit size and mix which is compliant with The Hills DCP. However, no provision has been made to tie any subsequent development application to this outcome, as opposed to State Environmental Planning Policy 65 Design Quality of Residential Apartment Development standards.



**Figure 5**  
Development Concept Submitted by Applicant

The applicant proposes amendments to Development Control Plan 2012 and requests the site be considered as part of the Carlingford Precinct, having regard to its B2 Local

Centre zoning, proximity to the train station and development potential. Controls relating to building height, site coverage, solar access, setbacks, landscaping and building length are proposed to guide future built form.

### **3. STRATEGIC CONTEXT**

#### A Plan for Growing Sydney

A Plan for Growing Sydney is intended to guide land use planning decisions for the next 20 years and presents a strategy for accommodating Sydney's forecast population growth over this time. To achieve the State government's vision for Sydney as a "strong global City and a great place to live", the Plan sets out four (4) main goals for Sydney to be:

- A competitive economy with world-class services and transport;
- A City of housing choice with homes that meet our needs and lifestyles;
- A great place to live with strong, healthy and well-connected communities; and
- A sustainable and resilient City that protects the natural environment and has a balanced approach to the use of land and resources.

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*".

#### Ministerial Section 117 Directions

Section 117(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) enables the Minister for Planning and Environment to issue directions that Councils must address when preparing planning proposals for a new LEP. 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.

#### Local Strategy

Council's Local Strategy adopted in 2008, is the principal document for communicating the future planning of the Shire and includes the objectives of longer term planning projects of the State Government as well as responding to, and planning for, local needs such as employment, housing and transport.

The Local Strategy was adopted principally as a land use planning document to guide local planning and reflect the following five (5) key themes of 'Hills 2026 Community Strategic Direction: Looking Towards the Future':

- Resilient Local Leadership;
- Vibrant Communities;
- Balanced Urban Growth;
- Protected Environment; and
- Modern Local Economy.

The Local Strategy continues to provide a clear statement of the overall strategic land use management and planning objectives for the Hills Shire. However, it is noted that the dwelling and job growth targets detailed within the Local Strategy represent Council's projected growth targets as at June 2008.

The key directions and objectives of the Local Strategy relevant to this proposal are principally:

- E1 Accommodate the growth of a local economy to meet community needs;
- E3 Promote growth in local business and employment opportunities;
- E4 Enhance the use and viability of existing employment lands;
- E6 Encourage quality employment lands;
- R1 Accommodate population growth;
- R2 Response to changing housing needs; and
- R4 Facilitate quality housing outcomes.

- *Residential Direction*

The Residential Direction demonstrates that there is sufficient capacity to accommodate the North West Subregional Strategy housing targets of 36,000 dwellings from 2004 to 2031 to accommodate a share of Sydney's population growth.

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 North West Subregional Strategy provides an employment target of 47,000 jobs for the Shire from 2001 to 2031. The Employment Lands Direction demonstrates that there is capacity to meet this target with capacity for 55,574 additional jobs to 2031. The Employment Lands Direction provides the overall strategic context for the planning and management of employment lands within the Shire and considers a range of issues such as land availability, growth opportunities and the revitalisation of older areas.

The planning proposal would represent a significant reduction in commercial space from the 2,940m<sup>2</sup> 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.

Public Transport Services

Sydney Trains operate a rail service from Carlingford to Clyde. Clyde station connects to the wider network with connection to the North Shore, Western, and Southern line. The Carlingford line operates services every 30-60 minutes during the week with fewer services on a weekend. The journey takes 14 minutes from Carlingford to Clyde. Clyde is a 30 minute trip from the CBD.

A light rail link has been proposed by the State Government to run from Westmead and Parramatta to Strathfield with a tributary to the north to service Rydalmere and Carlingford. This line could replace the Carlingford heavy rail line. It is proposed that Transport for NSW will consult on a detailed route with the wider community later in the year, ahead of formal consultation on an Environmental Impact Statement in 2017.

The site is also located along strategic bus routes No.M54 Parramatta to Macquarie, providing a high frequency service to major employment opportunities in the global arc.

#### **4. MATTERS FOR CONSIDERATION**

Apart from the strategic context, the planning proposal requires consideration of the following matters:

- a. Relationship with the Carlingford Precinct
- b. Land Use and Site Context
- c. Building Height and Density
- d. Transport and Traffic

##### a. 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.

The site is disconnected from the Carlingford Precinct and intended primary town centre by an Endeavour Energy transmission substation and the long intersection of Felton Road (no through access), Jenkins Road, and Pennant Hills Road and a bridge over the Carlingford rail line. For these reasons, it is appropriate to consider the site as outside of, and isolated from the Carlingford Precinct.

##### b. Land Use and Site Context

The site is identified 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. 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. These issues necessitated a review of the controls applying to shop top housing and mixed use developments across all zones throughout the Shire. As a result of the review, on 15 December 2015 at its Ordinary Meeting, Council resolved to:

*"Include a new provision, 7.11 Additional controls for shop top housing under Part 7 Additional Local Provisions providing that the maximum height of buildings for shop top housing and residential flat buildings as part of mixed use developments within the B2 Local Centre zone is 10 metres and that a development application shall not result in less than 50% of the total floor area on the subject land comprising non-residential floor area."*

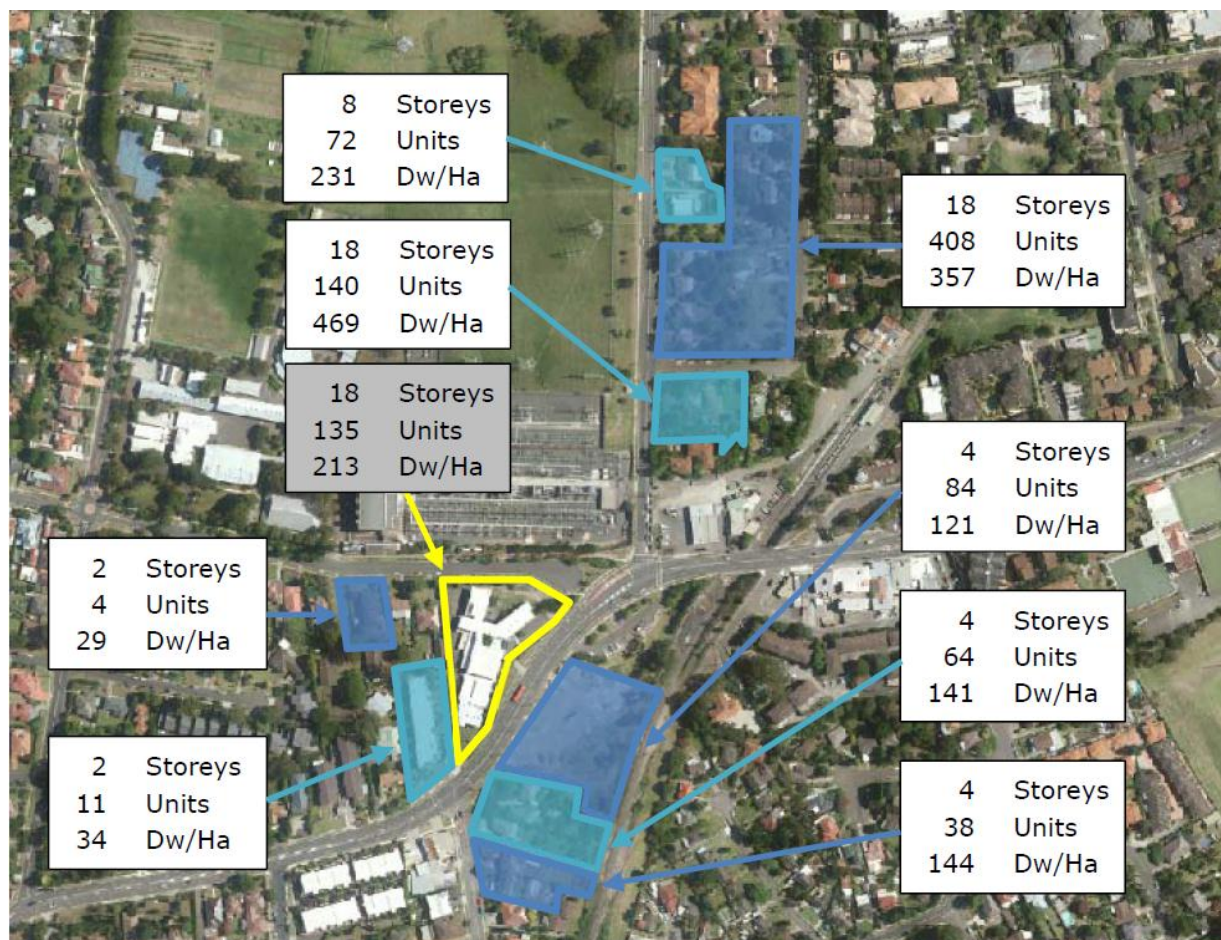
A planning proposal (11/2016/PLP) to implement these shop top housing and mixed use development controls was forwarded to the Department of Planning and Environment on 29 January 2016 seeking Gateway Determination. In order to ensure that this planning proposal (15/2016/PLP) does not bypass Council's adopted approach for mixed use development and achieves a suitable outcome within the B2 Local Centre zone, the proposal should be assessed in light of these controls.

The proposal would result in development up to 57 metres and the residential component would represent approximately 90% of the total floor area on the subject site, well in excess of the proposed 10 metre height limit and maximum 50% residential component. Given that the site is zoned B2 Local Centre, it is considered appropriate that development on the site achieve the outcomes of the draft shop top housing and mixed use development controls supported by Council. While residential flat buildings as part of mixed use development are permissible within the B2 Local Centre zone, they must be tied to appropriate height and floor space ratio controls to ensure that they are of a scale envisaged for the location.

#### c. Building Height and Density

Figure 6 below identifies existing and approved development in proximity to the site. It shows that 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 (3), 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).



**Figure 6**  
Existing and approved development

Concern is raised 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.

#### d. Transport and Traffic

The strategic vision for the Carlingford Precinct was of urban renewal creating Transport Orientated Development with access to a rail connection from Epping to Carlingford. Total commitment was not achieved from the whole of the State Government to incorporate a connection from Carlingford to Epping and expectations in changing behaviour of people away from a car dependency was not realised.

Whilst the subject site is located within proximity of Carlingford railway station, to date the transport outcome sought for this area has not been achieved, with the Carlingford rail line providing only limited services and receives limited (is decreasing) patronage. Therefore, the addition of high density residential development beyond that envisaged for the Carlingford Precinct is difficult to support simply due to its proximity to the rail station. Further, particular consideration must be given to likely traffic impacts.

The site currently has access to Pennant Hills Road and Felton Road, both of which would be retained. The existing commercial use of the site produces 27 vehicle trips during the

morning peak hour. However, if redeveloped for commercial purposes under current controls with a maximum floor space ratio of 1:1, future development on the site would be expected to produce 57 vehicle trips during the morning peak hour.

In comparison, the proposed development would produce 148 vehicle trips during the morning peak hour, being an additional 121 trips compared with the current use 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 increase traffic generation from the site by more than five (5) times the current rate.

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 Applicant 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.

As demonstrated below, 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).

|                                      | <b>Felton Rd</b> | <b>Baker St<br/>(via Felton)</b> | <b>Pennant Hills Rd</b> |
|--------------------------------------|------------------|----------------------------------|-------------------------|
| Environmental Capacity (two-way)     | 300              | 500                              | N/A                     |
| Existing Volumes (peak hour)         | 531              | 621                              | 1,840                   |
| Proposed Increase (trips)            | 8                | 8                                | 113                     |
| Percentage Increase                  | 1.5%             | 1.3%                             | 6%                      |
| Exceedance of Environmental Capacity | 180%             | 126%                             | N/A                     |

**Table 1**  
Traffic volumes

Based on the above, concern is raised that the proposal will have the following traffic impacts:

1. An excessive increase in traffic onto roads which already exceed environmental capacity;
2. Traffic exiting the site onto Pennant Hills Road would be required to traverse the Jenkins Road slip lane, which could significantly disrupt traffic flow along Pennant Hills Road (this matter is still to be referred to RMS); and
3. If access to Pennant Hills Road is not achievable (or approved by RMS), all traffic exiting the site would be onto Felton Road (which already exceeds environmental capacity). 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).

## CONCLUSION

The site is distinctively removed from the Carlingford Precinct physically and visually, and is considered different in context to development within the Precinct. The proposed maximum building heights would be out of character for the site and its immediate locality. It is likely to negatively impact upon the amenity of low and medium density

development to the west of the site. The proposed development would also have an unreasonable impact on traffic on Pennant Hills Road and/or Felton Road and other local roads. These impacts would be to an even greater extent than if the site was redeveloped under current controls and that associated with the previous planning proposal for the site which was withdrawn based on concerns raised by Council.

Further, the current proposal represents a net loss of employment floor space on the site and eliminates the future potential for intensification of commercial/retail space on the site. It also provides additional high density apartments that are not needed in the medium to long term. Council has sufficient zoned land to meet housing supply targets beyond 2036. There is no strategic justification to change the development standards applying to the land and Council has provided multiple opportunities in the Shire for this form of development.

Based on the above, it is recommended that the planning proposal not proceed.

### **IMPACTS**

#### **Financial**

This matter has no direct financial impact upon Council's adopted budget or forward estimates.

#### **The Hills Future - Community Strategic Plan**

The planning proposal is inconsistent with the outcomes and strategies of The Hills Future since it is inconsistent with Council's adopted planning framework and does not reflect responsible planning or good management of the Shire's built environment.

### **RECOMMENDATION**

The planning proposal not proceed to Gateway Determination for the following reasons:

1. It is inconsistent with the objectives of the Local Strategy, and mixed use development generally, in respect to employment;
2. Represents a missed opportunity to retain and intensify the commercial use of the site to provide jobs close to homes within this business zone;
3. It is isolated from the Carlingford Precinct and does not represent the same opportunity for such a high development yield;
4. The proposed maximum building heights would be out of character for the site and is likely to negatively impact upon the privacy, amenity and solar access of properties to the west of the site; and
5. 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.

### **ATTACHMENTS**

Nil.