



*Planning Direction Pty. Ltd.*  
*Town Planning & Development Services*

## **PLANNING PROPOSAL**

**No 241-245 Pennant Hills Road (Lots  
1, 2, 5 and 6 in DP 805059)  
Carlingford**

**1<sup>st</sup> September 2020**

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## **1.0 INTRODUCTION AND BACKGROUND**

The planning proposal relates to a property known as No 241-245 Pennant Hills Road, Carlingford (Lots 1, 2, 5 and 6 in DP 805059).

The purpose of the planning proposal is to facilitate the redevelopment of the subject land for a mix of commercial and residential land uses at a scale and density that is compatible with other recently developed sites within the Carlingford town centre and that positively responds to the sites context.

Currently a 9m height control and a FSR of 1:1 apply to the subject land pursuant to the provisions of *Parramatta (former The Hills) Local Environmental Plan 2012*.

The planning proposal seeks to enable the construction of a mixed use development on the site at a height of up to 49m (15 storeys) and a maximum FSR of 2.4:1 (The FSR calculation excludes the 565sqm of *SP2 Infrastructure* zoned land on the site). There is no change to the land use zoning under the proposal.

The planning proposal was originally considered by the *Sydney West Central Planning Panel* at its meeting on 30<sup>th</sup> November 2016. The resolution of the Panel included the following comments:

***“The Panel believes that the site has potential for higher density and height, however the Panel is not convinced of the merits of the preferred option advocated by the proponent”.***

And

***“In these circumstances the Panel presently supports a smaller form of redevelopment as discussed in the Department of Planning and Environment report of 1.5:1 FSR with a height of up to 8 storeys (28m) and the provision of appropriate transition from the low density residential to the commercial core.. The Panel notes that there is an opportunity for the gateway determination to be altered if it were to be justified by a careful analysis of the urban design, height outcomes and traffic issues associated with a revised proposal”.***

The applicant subsequently undertook extensive urban design analysis of the site as invited by and in accordance with, the above resolution.

The urban design review was undertaken in close collaboration with Council's expert officers – in this respect the fundamental layout for the site reflected in the planning proposal, being a 49m corner 'tower' element with a through site pedestrian zone separating the tower from lower rise 14m 'row' building (located on the western section of the site at the interface with the neighbouring medium density zone), was primarily driven by Council experts.

In terms of floor space Council's officers recommended a FSR of 2.1:1 whereas the planning proposal provided for a FSR of 2.4:1. In considering the FSR Council officers noted that at a FSR of 2.4:1 the site had the potential for up to 133 apartments to be constructed on the site, calculated by adopting the minimum floor area standards of the ADG. The applicant's proposal provides 108 larger, high amenity apartments. The FSR variance between 2.1:1 and 2.4:1 is fully attributable to the 'quality and size of apartments and common areas' in the applicant's proposal.

The planning proposal was subsequently considered by the *Local Planning Panel* on Tuesday 21<sup>st</sup> May 2019. The Local Planning Panel was supportive of the planning proposal unanimously resolving:

*That the Local Planning Panel (LPP) recommend to Council:*

***(a) That Council endorse the Planning Proposal for the land at 241-245 Pennant Hills Road, Carlingford in accordance with Council officers' option, which seeks to amend The Hills Local Environmental Plan 2012 (LEP 2012) in relation to the subject site by:***

***i. Amending the maximum building height from 9 metres to Part 14 metres (up to 4 storeys) and Part 49 metres (up to 15 storeys)***

***ii. Amending the maximum FSR from 1:1 to 2.1:1 across the site, with consideration being given to the ability to increase the FSR up to 2.4:1 subject to:***

***(a) the maximum number of dwellings being 108***

***(b) the minimum commercial floor space of 1,970m<sup>2</sup>.***

***iii. Including provisions for winter gardens along Pennant Hills Road to be excluded from GFA and FSR calculations up to a maximum of 465m<sup>2</sup>.***

In considering the matter of FSR the *Local Planning Panel* resolved:

***“The Panel supports the findings contained in the assessment report **with a preference for the applicant’s overall scheme**”.***

In respect of FSR the *Local Planning Panel* has provided a workable solution that enables the applicant to provide the larger high amenity apartments while resolving the Council officers’ concerns relating to the potential number of apartments in the development.

The resolution enables a FSR of 2.4:1 provided that there is a ‘cap’ on the number of apartments in the development, that being a maximum of 108 apartments with all remaining floor space being taken up for commercial floor space. The resolution also ensures that the development provides an appropriate amount of commercial/business floor space, with a minimum of 1,970sqm being required.

The planning proposal was subsequently considered by the elected Parramatta City Council on 22<sup>nd</sup> July 2019. The Council officer’s report recommended that the planning proposal proceed in accordance with the recommendation of the *Local Planning Panel*.

Notwithstanding the favourable recommendation of the planning proposal by all expert professionals including Councils officers, the applicant’s consultants and the members of the *Local Planning Panel*, the elected Council resolved not to support the planning proposal.

The planning proposal is currently being considered by *Department of Planning, Industry and Environment* under the review process.

The detailed urban design and planning analysis that was undertaken collaboratively between Council experts and the applicant and in accordance with the recommendation of the *Sydney West Central Planning Panel*, has produced an exceptional urban design response for the site and in its context. The planning proposal is consistent with and promotes State planning policies.

*Planning Direction* provided a previous assessment report of the planning proposal (dated September 2018). This report supersedes the September 2018 report and has been prepared in response to the following circumstances:

- The refined design outcome resulting from the urban design process.
- The desired outcome arising from the urban design and *Local Planning Panel* assessment process that being a permitted building height of 14m (4 storeys) on the western side of the site and 49m (15 storeys) on the remainder of the site; a maximum FSR of 2.4:1 (subject to a maximum of 108 apartments and a minimum of 1,970sqm of commercial floor space being provided in the development); and allowance for winter gardens (having a combined total area of not greater than 465sqm).
- Changes in the statutory framework (including the formerly applicable *The Hills Local Environmental Plan 2012* being replaced/renamed *Parramatta (former The Hills) Local Environmental Plan 2012*).
- Changes in the site context including consideration more recent development and planning proposal approvals in the locality, the advanced nature of the Carlingford light rail system, and State government commitments to Pennant Hills Road upgrades.
- The report specifically addresses the Strategic and Site specific merits of the proposal.

The planning proposal is supported by a draft DCP; the draft DCP will be updated to reflect the above matters.

A VPA will address matters of public benefit including the dedication of land at the south-western corner of the site required for road widening to Pennant Hills Road free of land cost and the formalisation of a publicly accessible pedestrian right of way through the site linking Pennant Hills Road to Felton Road.

## **2.0 OBJECTIVES, INTENDED OUTCOME AND EXPLANATION OF PROVISIONS**

### **2.1 PART 1- OBJECTIVE**

The objective of the planning proposal is to amend the provisions of *Parramatta (former The Hills) Local Environmental Plan 2012* to facilitate the redevelopment of No 241-245 (Lots 1, 2, 5 and 6 in DP 805059) Pennant Hills Road, Carlingford for a mixed use development providing non-residential (commercial/business and childcare centre floor space) and residential apartments.

The objective is to amend the provisions of *Parramatta (former The Hills) Local Environmental Plan 2012* to permit:

- A building height of 14m (4 storeys) on the western side of the site and 49m (15 storeys) on the remainder of the site; and
- A maximum FSR of 2.4:1 (subject to a maximum of 108 apartments and a minimum of 1,970sqm of non-residential floor space being provided); and
- An allowance for winter gardens (having a combined total area of not greater than 465sqm) to be excluded from the calculation of GFA and FSR.

### **2.2 PART 2- EXPLANATION OF PROVISIONS**

There is no change proposed or required to the zoning of the subject land under the planning proposal.

The objective of the planning proposal will be achieved by:

1. Amending the *Parramatta (former The Hills) Local Environmental Plan 2012* 'Floor Space Ratio Map' to indicate a maximum permitted floor space ratio of 2.4:1 on the site.
2. Amending the *Parramatta (former The Hills) Local Environmental Plan 2012* 'Building Height Map' to indicate a maximum building height of 14m on the western side of the site and 49m on the remainder of the site. This provides maximum building heights of 4 storeys and 15 storeys.

The proposed changes to the *Parramatta (former The Hills) Local Environmental Plan 2012* building height and FSR mapping is provided in section 6 of this report.



3. Amending the *Parramatta (former The Hills) Local Environmental Plan 2012* 'Additional Permitted Uses Map' to include the subject site as an identified site and amending 'Schedule 1 - Additional permitted uses' of *Parramatta (former The Hills) Local Environmental Plan 2012* as follows:

**"Use of certain land at 241-245 Pennant Hills Road, Carlingford**

(1) This clause applies to land at 241-245 Pennant Hills Road Carlingford, being Lots 1, 2, 5 and 6 in DP 805059, shown as "Item xx" on the Additional Permitted Uses Map.

(2) Development for the purposes of mixed-use development at a FSR of greater than 2.1:1 but not exceeding 2.4:1 may only be granted if:

- the total number of residential apartments does not exceed a maximum of 108, and
- a minimum area of non-residential floor space of 1,970sqm is provided.

(4) Despite any other provision of this Plan the floor area 'winter gardens', being enclosed balcony areas, up to a maximum combined floor area of 465sqm, does not comprise 'gross floor area'.

The proposed amendments to the "Additional Permitted Uses Map" and 'Schedule 1 - Additional Permitted Uses' of *Parramatta (former The Hills) Local Environmental Plan 2012*:

- Ensures that the achievable housing density (108 apartments) and the non-residential component (minimum 1,970sqm of GFA) is consistent with that reflected in the applicant's planning and urban design analysis and that endorsed by the *Local Planning Panel*.
- Ensures that the development provides an appropriate amount of non-residential floor space (minimum of 1,970sqm of commercial, business, restaurant, food premises, shop and childcare centre floor space).
- Enables the apartment balconies to be designed in a manner that provides good amenity through the provision of winter gardens that mitigates the impacts of traffic noise and adverse weather.

### **3.0 PART 3: JUSTIFICATION**

#### **3.1 Description of the subject site**

**Street Address:** No 241-245 Pennant Hills Road Carlingford

**Local Government Area:** Parramatta Council

**Real Property Description:** Lots 1, 2, 5 and 6 in DP 805059

The subject site is located on the western fringe of the Carlingford town centre generally at the junction of Pennant Hills Road and Jenkins Road Carlingford.



#### ***Site Location***

The site has an area of **6,330m<sup>2</sup>** and is triangular in configuration, with frontages to both Pennant Hills Road to the south east and Felton Road to the north of approximately 140m and 80m respectively. Felton Road terminates as a large cul-de-sac before meeting Pennant Hills Road/Jenkins Road. The remaining boundary to the west is approximately 135m.





### ***Subject site***

A portion of the site adjacent to Pennant Hills Road is to be acquired by RMS for future widening of Pennant Hills Road. The residual site area, excluding that to be acquired, is **5,893m<sup>2</sup>**.

The site falls approximately 4m along the western boundary, from Felton Road to the south western corner of Pennant Hills Road. Additionally, the site falls approximately 3m along the Pennant Hills Road boundary (north east to south west) and approximately 1.5m along the Felton Road Boundary, east to west.

The site is currently occupied by a part single and part two-storey commercial building comprising several tenancies, including several small businesses and a 24-hour gym. The building is in deteriorating condition. The building was purposely designed and built as an infrastructure and management hub being formerly owned and occupied by *Transgrid*. The building was adapted for commercial use by means of a site compatibility certificate. As a consequence of previous infrastructure use much of the existing floor space within the building comprises former plant areas and corridors, rather than leasable floor space.

The existing building on the subject site has variable setbacks to street and neighbouring property boundaries, due to the irregular configuration of the subject land and the building itself (refer to the survey plan).

The site benefits from outstanding district and city views to the east and south, capturing Parramatta CBD, Sydney Olympic Park and the Sydney CBD.

The site is influenced by the Pennant Hills Road noise source.

There are no significant physical constraints to the redevelopment of the subject property. In this respect:

- The subject site is NOT identified as being of heritage significance.
- The subject site is NOT located within a heritage conservation area.
- The subject site DOES NOT contain significant vegetation or critical habitat.
- The subject site is NOT flood prone.
- The subject site is NOT within a bushfire hazard area.
- The subject site is NOT constrained by acid sulphate soils.
- The subject site is not affected by land slip.



***Subject Site viewed from Felton Road***





***Subject Site viewed from Pennant Hills Road***

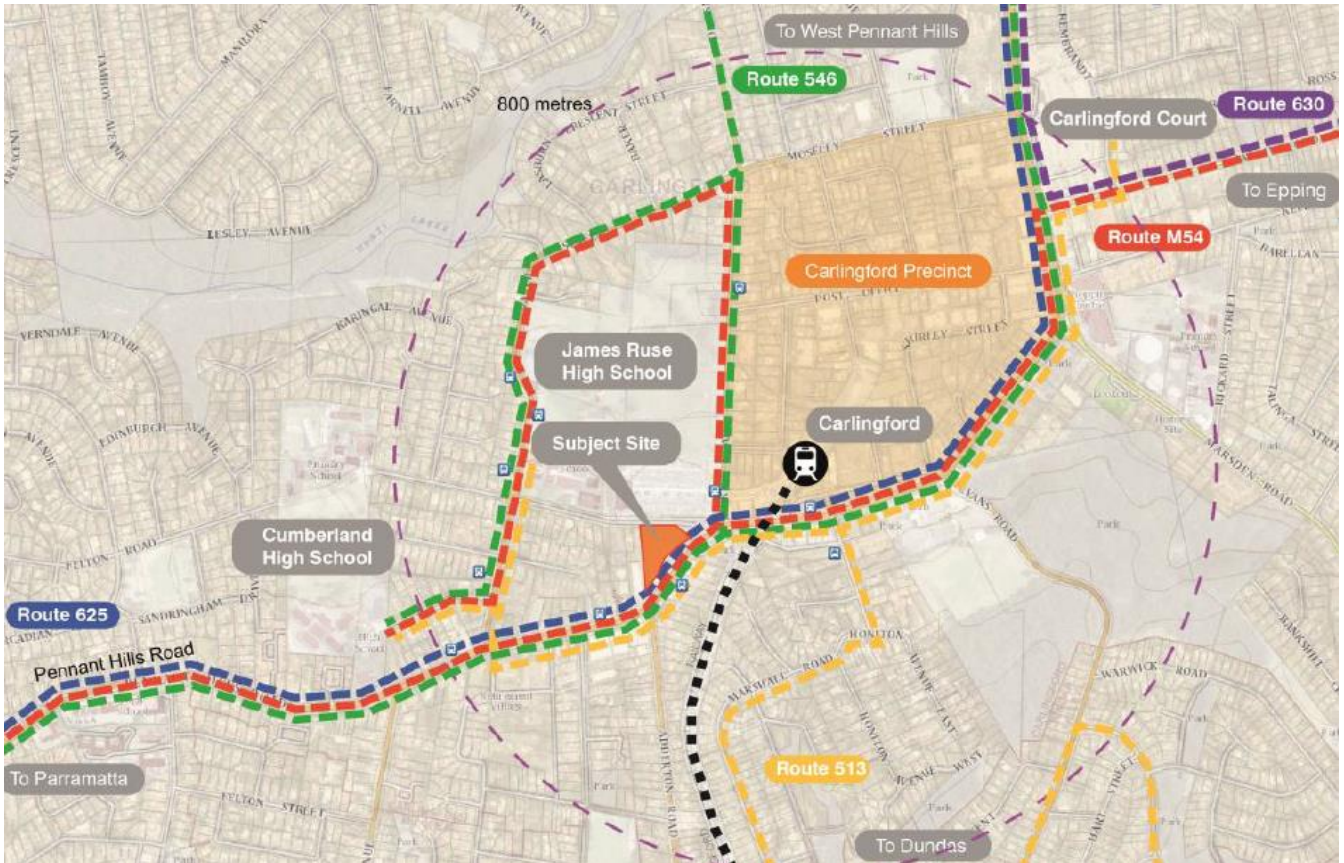


***Subject Site viewed from Pennant Hills Road/Jenkins Road intersection  
with the Felton Road cul-de-sac in the foreground***

## 3.2 The site context

### 3.2.1 Description of Context

The site context is described in detail in the urban design analysis report that has been prepared by *Kennedy Associates*.



### Site Context

*“The site is located approximately 250m to the south west of Carlingford Train Station, 800m south west of Carlingford Court Shopping Centre and is in close proximity to a number of public and private secondary and primary schools, regional and local scale open spaces, other commercial areas and community services including a library.*

*That is, the subject site is well located with regard to transport, shopping, recreation and other services. As such, it is in an excellent location to provide increased housing and business opportunities.*

*To the north of the subject site, across Felton Road is the Carlingford Transmission Substation. The substation is approximately 2 storeys in height and contains a significant portion of unbuilt land. It is not considered a significant noise source. The substation is unlikely to be redeveloped in the short to medium term future.*

*The area to the west of the subject site is characterised by predominately 1 – 2 storey single dwellings with some multi dwelling developments – including directly adjacent to the subject site.*

*Although this area may be redeveloped in the long term – particularly if the Parramatta Light Rail project continues – there is no current strategic plan to suggest this.*

*A number of 4 – 5 storey apartment building are located directly across Pennant Hills Road from the subject site. These developments are approximately 3-4 years old and unlikely to be redeveloped in the short to medium term future. A small reserve (Submarine Memorial Park) is located to the north of these developments, opposite the north-east corner of the subject site.*

*The area to the north east of the site, between the train station and the shopping centre is undergoing significant transformation.*

*The area, known as the “Carlingford Precinct” was rezoned under the former Hills Shire Council to provide increased residential accommodation and business uses in a high density mixed use transport oriented precinct.*

*Allowable development in the precinct ranges from an FSR of 2:1 and height of 21-24m up to an FSR of 5:1 and a height of 57m closest to the station. There is considerable variation in between.*

*As such, the emerging and future character of this area is significantly different, and considerably more dense, than the surrounding areas or current traditional suburban character of Carlingford.*

*To date, a number of new developments have been constructed including:*

- 2-6 James Street – 18 storeys – 55m*
- 10 James Street – 15 storeys – 44m*
- 12 James Street – 16 storeys – 49m*
- 1-7 Thallon Street – 17 storeys – 55m*



*These developments are a similar distance from Carlingford Train Station to the subject site.*

*Several other developments - further from the station along Pennant Hills Road than the subject site - have been approved and / or are under construction with heights between 7 and 15 storeys.*

*In addition to these approved or constructed developments, significant additional development /transformation capacity exists within the precinct with many potentially developable sites (under existing controls) yet to be redeveloped. In particular, the 7-Eleven service station site – directly to the north east of the subject site – is yet to be developed. This site has an allowable height of 57m (approximately 18 storeys) and FSR of 3:1.*

*As such, the context of the subject site is both transitional and established. Although much of the surrounding area is unlikely to be redeveloped in the short to medium future and will continue to be low – medium density, the magnitude of the transformation being undertaken in the Carlingford Precinct – both in terms of the significantly increased density and the size of area covered – will have bearing on the character of the whole locality.*

*The subject site is particularly important in this context, as it provides the ‘pivot point’ between the established suburban character and the emerging high density precinct. It mitigates between allowable heights of 9m (to the west), 21m (to the south east) and 57m (to the north east).*

*Appropriate management of this transition should be the key objective of any amendment to the planning controls of the subject site.*

### **3.2.2 Public Transport Access**

The subject site is approximately 220m from bus stops (both directions) located on Pennant Hills Road. The current bus services provide frequent connection between the Carlingford town centre and major employment and education destinations including the Parramatta CBD, University of Western Sydney-Rydalmere Campus, Carlingford Court, the Epping town centre, Macquarie University and Macquarie Park.

The bus services also provide excellent connection to major retail and service centres including the Parramatta CBD, North Rocks shopping centre, Carlingford



Court, Epping, and Macquarie Park. There are three major routes that run along Pennant Hills Road being:

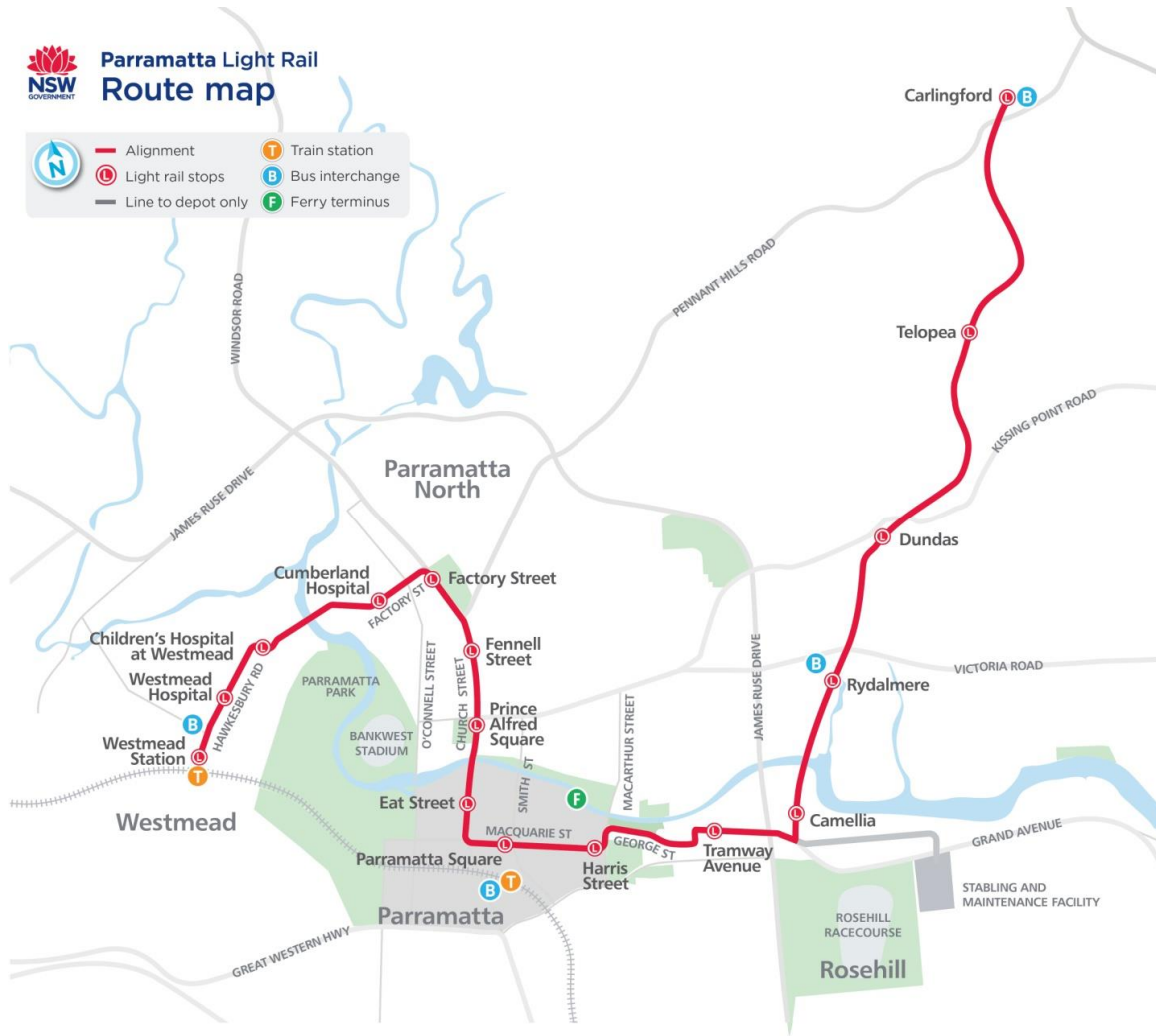
Route M54 - this service provides connection to and from the Parramatta CBD to Macquarie Park via Carlingford and Epping. Buses operate approximately every 10 minutes during the peak period, 15 minutes throughout the weekdays and approximately every 20 minutes on weekends and other times.

Route 546- this service provides connection to and from the Parramatta CBD to Epping via Oatlands, North Rocks and Carlingford. Buses operate approximately every 25-30 minutes during the peak period, hourly throughout the weekdays and Saturday, and two hourly on Sundays.

Route 625- this service provides connection to and from the Parramatta CBD to Pennant Hills via Carlingford and Thompsons Corner. Buses operate approximately every 25-30 minutes during the peak period, hourly throughout the weekdays and Saturday and two hourly on Sundays.

The subject site is within convenient walking distance of Carlingford Railway Station located approximately 250m to the north east of the site. Carlingford Station is undergoing an upgrade as part of the new light rail system.

The light rail will provide direct connect between Carlingford and the Rydalmere university precinct and employment zone; the Camellia employment zone; Rosehill racecourse; Harris Park; the Parramatta CBD and Parramatta Railway station; North Parramatta employment zone; and the Westmead hospital and university precinct.



***Parramatta Light Rail Route***

### **3.2.3 Retail services**

Local convenience retail and services are clustered around the Carlingford Railway Station. Major retail including supermarkets is located at Carlingford Court, approximately 800m to the north east of the site.

### **3.2.4 Open space and recreation**

Existing 'local' open space is located:

- directly opposite site on Pennant Hills Road (K13 memorial park)
- Various 'pocket parks' in the high-density 'Carlingford Precinct' located to the north east of the site.

Cox Park district playing fields are located approximately 650m to the east of the site on Evans Road. A major bushland public reserve is located opposite the playing fields.

Restaurants are located within the railway station retail cluster and within the Carlingford Court retail/service precinct that is located approximately 1km to the north east of the site.

Carlingford Bowling Club is located approximately 450m to the east of the site providing additional entertainment and recreational services.

Carlingford library is located approximately 400m to the north east of the site along pennant Hills Road.

The planning proposal provides for a minimum of 1,970sqm of non-residential floor space that is anticipated to accommodate small business, restaurant, recreational (gymnasium), and childcare uses providing further services to the existing and growing population.

### **3.2.5 Vehicle access and local road capacity**

The subject property benefits from access to both Pennant Hills Road and to Felton Road. Pennant Hills Road is a main road that is under the governance of *Roads and Maritime Services (RMS)*.

Consultation has been undertaken with *Roads and Maritime Services* who have advised that vehicle access should be provided from Felton Road (although some concession could be made for limited access to Pennant Hills Road such as for waste vehicle and commercial access).

The planning proposal restricts all vehicle access to Felton Road removing the existing driveway access directly to Pennant Hills Road.

*Traffic Solution Pty Ltd* was commissioned to examine the existing road hierarchy and street/intersection capacities in the catchment of the site. The initial report from *Traffic Solutions* concluded that the local road network has the capacity to accommodate the likely traffic volumes generated by redevelopment of the subject site. An updated report from *Traffic Solutions* is currently being prepared to reflect the refined proposal arising from the urban design analysis and the recommendations of the *Local Planning Panel*.

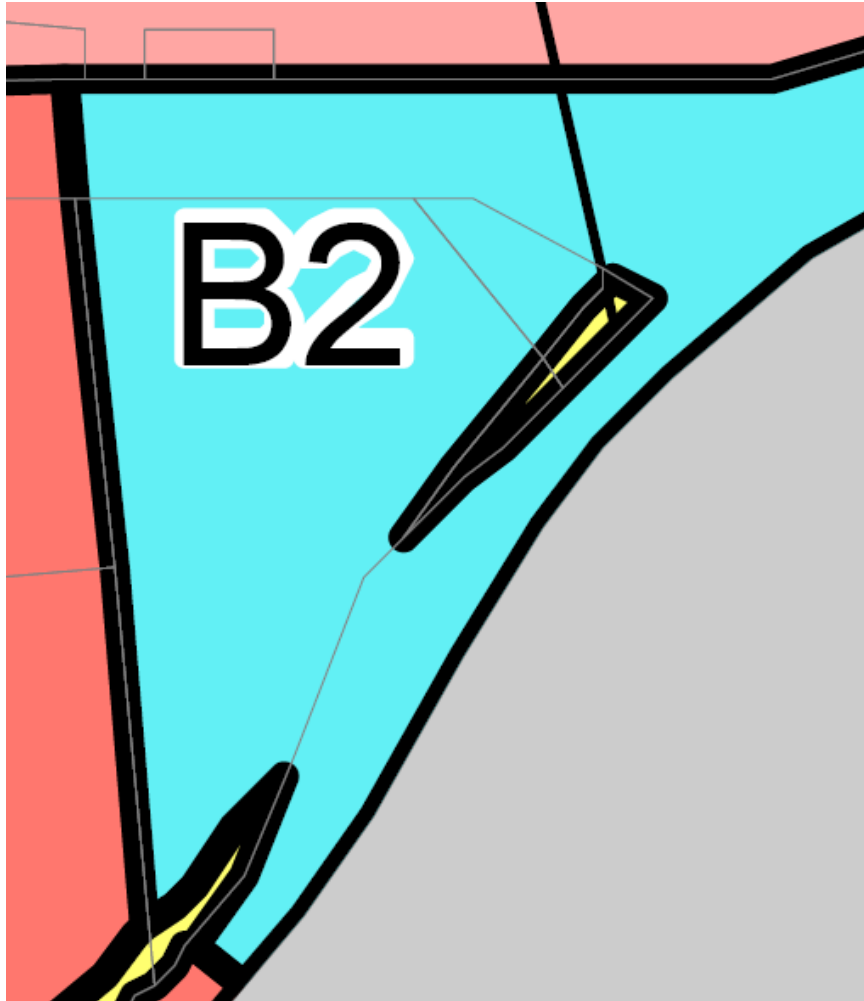
The State government has committed to improving traffic circulation through the Carlingford town centre. In March 2019 the State government announced an expansion to the 'pinch point removal program'. Pinch points to be upgraded include:

- Pennant Hills Road / Carlingford Road, Carlingford;
- Pennant Hills Road, between M2 Motorway and Woodstock Avenue, Carlingford (Southbound);
- Traffic lights at Intersection of Baker Street and Pennant Hills Road, Carlingford;

Parramatta Council recently approved a planning proposal at No 264-268 Pennant Hills Road, Carlingford (known as the Baptist Care site) that is located to the south west of the site. The approved planning proposal provides for the signalisation of the intersection of Pennant Hills Road and Baker Street.

The planning proposal for No 241-245 Pennant Hills Road provides for a significant contribution to traffic improvements in the Carlingford town centre. The *Parramatta (former The Hills) Local Environmental Plan 2012* identifies road widening along the Pennant Hills Road frontage of the site.

The proposed development facilitates the dedication of the south western road widening free of cost to RMS for future improvements to Pennant Hills Road. In the absence of the planning proposal the required road widening land would need to be acquired by RMS at considerable cost. The dedication of the road widening will be implemented by means of a Voluntary Planning Agreement.



*Parramatta (former The Hills) Local Environmental Plan 2012 zoning map  
extract showing road widening*

### **3.2.6 View analysis**

#### **Views from the site**

The subject site is located on a ridgeline and benefits from high quality panoramic views of the Sydney CBD and the broader metropolitan area to the east, south and west.

The panoramic views are a primary asset of the site and future redevelopment should be designed to optimise the enjoyment of the views by future occupants. Whilst the views are highly desirable, their orientation is sub-optimal for solar access.

The planning proposal has been carefully crafted to balance the maximisation of views with achieving ADG compliant solar access standards for future development.

A pleasant district outlook is available to the north over the electricity substation. Generally, the height of the substation does not exceed two storey's; the provision of two commercial podium levels enables all north facing apartments to benefit from views 'over' the substation.



**View Analysis Plan**

### **Views towards the site**

Primary view corridors of the Carlingford town centre are from a northerly direction along Jenkins Road, from a western direction along Pennant Hills Road, and from an eastern direction along Pennant Hills Road.

The subject site is the focal point of sight lines as viewed from the eastern and western approaches along Pennant Hills Road.

The massing of the proposed building has been carefully designed to respond to its context from a streetscape perspective. Specific comment is provided in section 3.4.2 of this report.

### **View Sharing**

Existing and future high-rise buildings on the northern side of Pennant Hills Road within the town centre benefit from a views over the Sydney basin and metropolitan area to the south, south east and south west. The location of the proposed building on the western edge of the town centre will not have a significant impact on such views from any existing or future buildings within the “Carlingford Precinct”.

#### **3.2.7 Pedestrian Routes**

Primary pedestrian corridors run in an east/west direction along Pennant Hills Road with the predominant area of activity being observed between the Jenkins Road intersection and Evans Road. This level of activity is expected to intensify with the increase in development densities within the railway station precinct.

There is a comparatively lower level of pedestrian activity along Pennant Hills Road, westerly of the Jenkins Road intersection and along Jenkins Road itself.

Pedestrian activity along Felton Road primarily comprises students of James Ruse Agricultural High School (and other schools located to the west of the town centre) and residents within the medium density precinct located to the west of the site, who walk to and from the railway station and town centre bus stops.

The planning proposal includes a publicly accessible pedestrian link between Felton Road and Pennant Hills Road on the western side of the site improving pedestrian circulation in the locality.



### **3.2.8 Heritage**

The subject site is NOT identified as being of heritage significance. The site is NOT located within a heritage conservation area.

Heritage item No 28 listed under schedule 5 of the Parramatta LEP 2011 (being the K13 Memorial that is identified as being of local heritage significance) is located at No 304 Pennant Hills Road. The item is located to the south east of the site (generally on the opposite side of Pennant Hills Road). As part of the collaborative work undertaken by the applicant and Council experts, Council's heritage officer has raised no concerns with the planning proposal in respect of potential impacts of the future development on the site of the heritage item. The planning proposal promotes casual surveillance of the memorial park grounds.

## **3.3. The town centre structure and character (existing planning controls)**

### **3.3.1 Planning Overview**

The Carlingford town centre has been identified as being well suited for considerable increases in development densities as promoted by both State and local strategic planning strategies.

Some 6-8 years ago, The Hills Shire Council undertook a detailed urban design and town planning analysis of land within the identified 'Carlingford Precinct'.

Although the subject site is located within the Carlingford town centre it was not included in the 'Carlingford Precinct' review for the reason that, at the time, the subject site was owned and operated by *Transgrid* and was being used for public infrastructure purposes. As such the site was not considered as a potential 'redevelopment site' in the context of the Carlingford town centre.

The 'Carlingford Precinct' review culminated in substantially increased FSR and height controls under the then *Hills Local Environmental Plan 2012* with heights of 27m-57m and FSR's of 1.99:1 to 3:1 being implemented along the northern side of Pennant Hills Road.



The far lesser controls that currently apply to the subject site (being a 9m building height and a maximum FSR of 1.0:1) generally reflect the improvements on the land under its former 'public infrastructure' functions.

The current height and FSR controls applying to the site exist are somewhat of an anomaly, being significantly less than those applying to comparable sites within the Carlingford town centre.

The planning proposal seeks to rectify this inconsistency by providing appropriate height and FSR controls that recognise the sites town centre location and proximity to public transport infrastructure. The planning proposal facilitates the orderly redevelopment of the site in a manner that positively responds to its context and that provides an exceptional standard of urban design merit.

### **3.3.2 Current town centre zoning, height and FSR controls**

The subject site is within the Carlingford town centre. The subject land falls within Parramatta Council local government area and sits under the provisions of *Parramatta (former The Hills) Local Environmental Plan 2012*.

#### **Zoning and Land Use**

The subject land is zoned B2- "*Local Centre*" under the provisions of *Parramatta (former The Hills) Local Environmental Plan 2012*. Two strips of land at the northern and southern ends of the sites Pennant Hills Road frontage are zoned SP2 "*Infrastructure*".

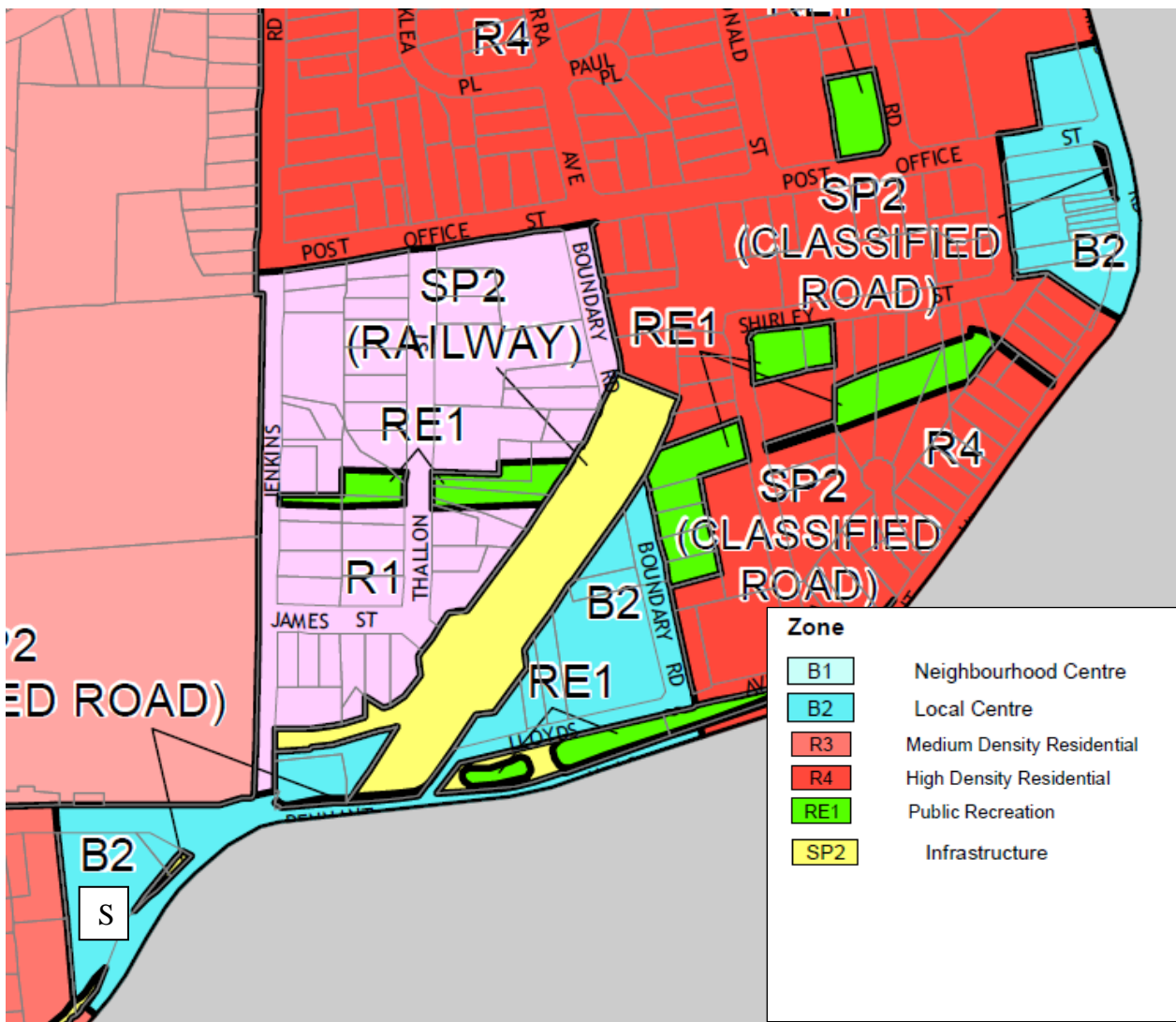
The town centre zonings concentrate business zone land in proximity of the light rail station. The applicable B2- "*Local Centre*" zone currently permits residential flat development, commercial business development and mixed-use development. The provision of commercial development within the business zone is not mandatory under the current LEP land use table.

A second precinct of business zoned land is located at the intersection of Pennant Hills Road and Carlingford Road (Carlingford Court). This precinct provides regional shopping facilities including supermarkets, banking and specialty retail and food services.

## FSR and Height

The subject site is part of a cluster of B1 and B2 zoned sites located around the Carlingford Train Station forming a small “Local / Neighbourhood Centre” providing a mix of uses – including commercial and residential. Permissible heights and floor space ratios for these sites vary greatly - between 9m and 1:1 (for the subject site) and 57m & 3:1 (No 243 Pennant Hills Road).

The current site controls do not reflect the site’s potential as part of a local centre, its proximity to Carlingford station, or the allowable development density of similarly zoned neighbouring sites.

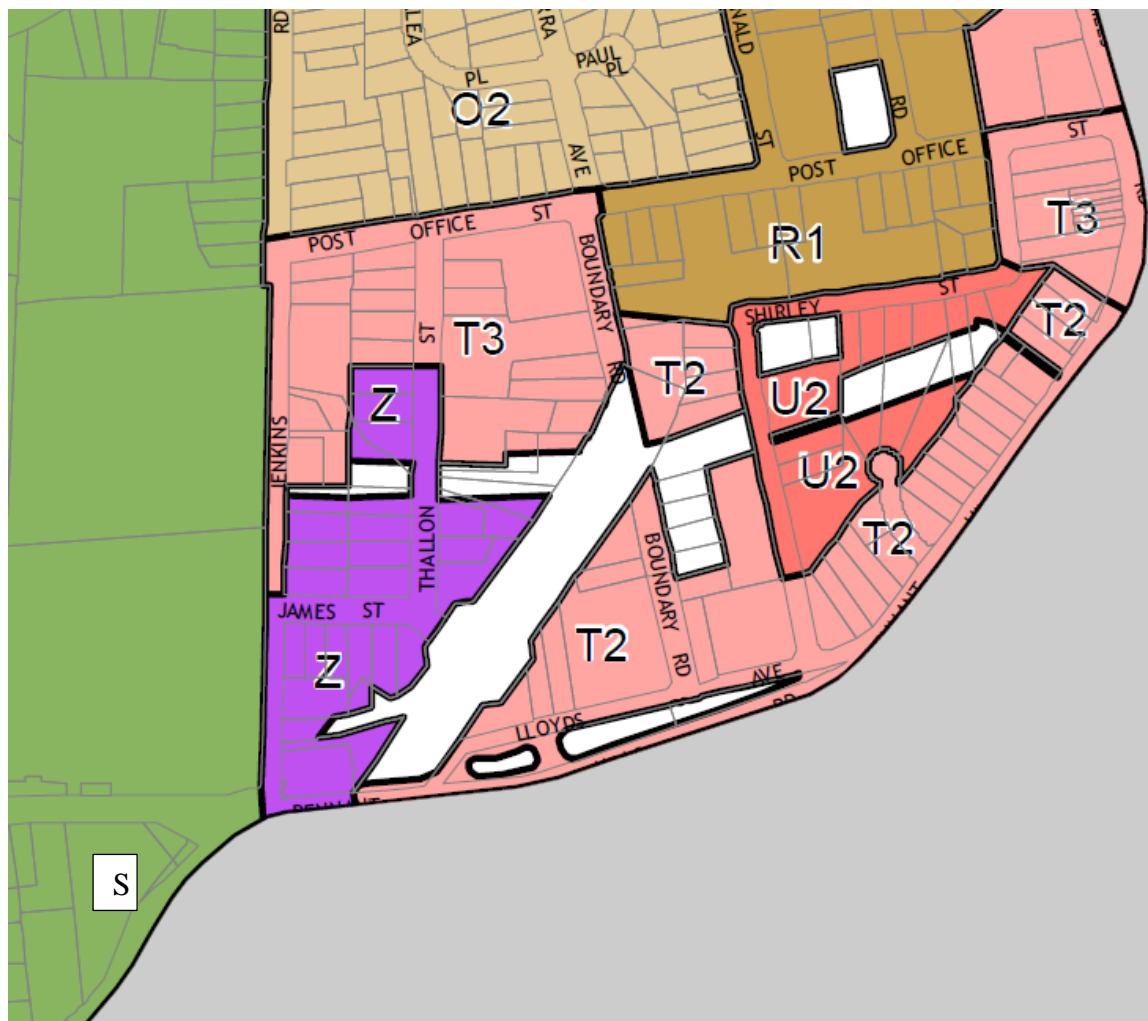


***Parramatta (former The Hills) Local Environmental Plan 2012 Zoning Map Extract***



R2	1.49
S1	1.5
S2	1.99
T1	2.3
T2	2.42
U1	2.6
U2	2.7
V1	3.0
V2	3.2
W	3.8
X	4.0
Z1	5.0

***Parramatta (former The Hills) Local Environmental Plan 2012 FSR Map  
Extract***



Maximum Building Height (m)

G	7.0	S	23.0
I	8.0	T1	25.0
J	9.0	T2	27.0
K	10.0	T3	28.0
M1	12.0	U1	30.0
M2	12.5	U2	33.0
N	14.0	V1	36.0
O1	15.0	V2	37.0
O2	16.0	X1	45.0
P1	17.0	X2	46.0
P2	18.0	Y1	50.0
Q1	19.0	Y2	54.0
Q2	20.0	Z	57.0
R1	21.0	AA	68.0
R2	22.0		

**Parramatta (former The Hills) Local Environmental Plan 2012 Building Height Map Extract**

### 3.3.3 Carlingford Town Centre Building Heights and Massing

*The Hills Development Control Plan 2012*, as applies to the area which *Parramatta (former The Hills) Local Environment Plan 2012* applies.

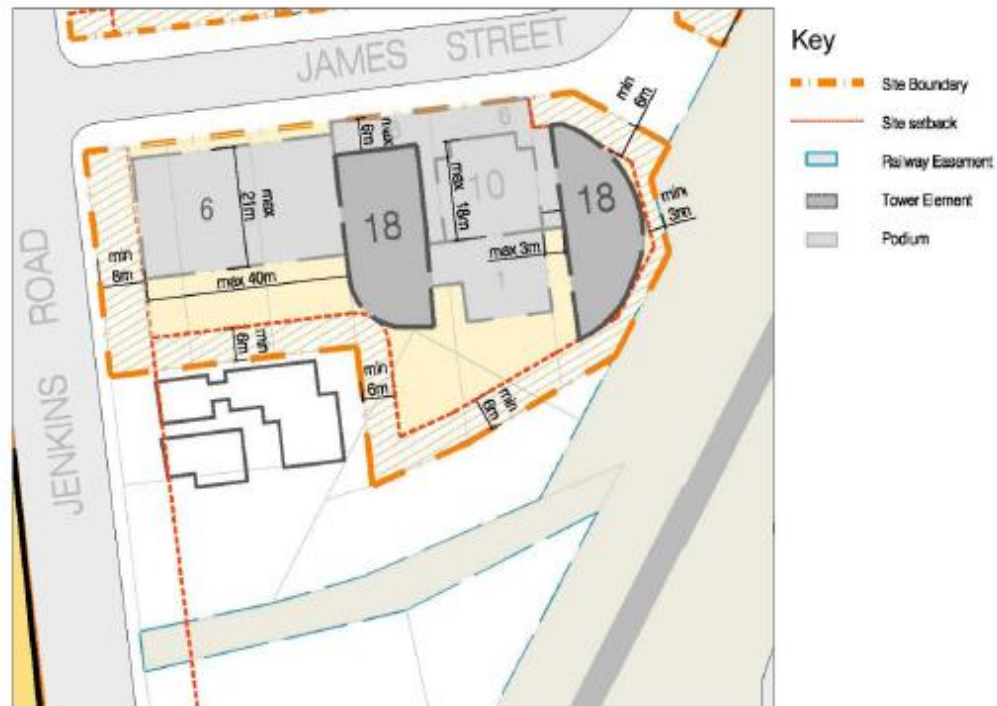
The underlying principle of *Parramatta (former The Hills) Local Environment Plan 2012* is to promote high density and high-rise development in proximity of the railway station.

*The Hills Development Control Plan 2012* supports provides detailed guidelines (building envelopes) for the design of buildings for major sites and for a number of sub-precincts within the Carlingford town centre. The various building precincts are identified in the following DCP diagram. The closest precincts to the subject site are precincts '4' and '5' that are located on the opposite corner of the Pennant Hills Road/Jenkins Road intersection.



**Figure 3 from DCP – Carlingford Precinct Plan Key Sites**





**Figure 14. Dimensional Built Form Controls: Block 4 2-12 James Street**

### ***Precinct 4 Building Envelopes***



**Figure 19. Dimensional Built Form Controls: Block 5 Corner of Pennant Hills Road and Jenkins Road**

### ***Precinct 5 Building Envelopes***

The DCP guidelines encourage high rise towers of up to 18 storeys on corner sites particularly in proximity of the railway station. On sites providing tower elements, secondary building elements are typically 4, 6 or 10 storeys in height.

The tower elements create and reinforce the 'town centre image and identity', strengthen street corners and strengthen the railway station as the focal point of high-density development.

The subject site is located approximately 250m from the railway station.

The proposed design for the subject site provides a 15 storey 'tower' element at the eastern street corner with a reduction in height down to a 4 storey 'row' building adjacent to the site's western boundary. The proposed tower height and building height transition sits comfortably within the town centre height structure established by The HLEP 2012 and the supporting DCP 2012 guidelines.

### **3.3.4 Non-Residential Floor Space in the B2 Local Centre Zone - Parramatta Harmonisation LEP**

Pursuant to the current *Parramatta (former The Hills) Local Environment Plan 2012* land use table the provision of commercial floor space is not mandatory in the *B2 Local Centre* zone with 'residential flat buildings' being a defined and permissible land use.

Parramatta City Council has prepared a planning proposal that seeks to establish a new Local Environmental Plan which harmonises the five LEPs (Auburn LEP 2010, Holroyd LEP 2013, Hornsby LEP 2013, Parramatta LEP 2011 and Parramatta (former The Hills) LEP 2012) which currently apply in the City of Parramatta Local Government Area (LGA). Gateway approval was issued on 16th April 2020.

The proposed land uses envisaged by the planning proposal for No 241-245 Pennant Hills Road remain permissible under, and consistent with, the Councils draft Harmonisation LEP. *Residential flat buildings* and *'Shop top housing'* will remain permissible in the zone as will a broad range of *'commercial'* uses. *'Childcare centre's'* also remain permissible.

The Harmonisation LEP includes the following amendment of relevance to the No 241-245 Pennant Hills Road site and to the assessment of this planning proposal.

**Ground floor  
development in  
Zones B1 and B2**

It is proposed to include new provisions in the consolidated LEP in order to resolve an inconsistency between LEPs relating to the permissibility of residential flat buildings in certain business zones.

The intended objective of the clause is to restrict residential accommodation at the street level in certain business zones to enable the provision of a range of commercial and community uses.

It is intended the clause will apply land in the B1 Neighbourhood Centre zone and B2 Local Centre zone.

The clause will limit the ground floor of any building facing a street in the B1 or B2 zone to non-residential uses only. An exception will be applied to any part of a building that faces a service lane or is required for entrances and lobbies, access for fire services or vehicular access associated with residential accommodation.

In effect the Harmonisation LEP will prohibit the use of the ground floor level of any building in the B2 Local centre zone to non-residential purposes.

The concept plans for No 241-245 Pennant Hills Road identify the use of the ground floor level of the 'row' building (located adjacent to the western site boundary) as residential. That said, there is no reason why the ground floor level could not be used for commercial uses in a manner that is consistent with the Harmonisation LEP provision. This can be achieved without any modification to the proposed building envelope of the 'row' building and will have the effect of further activating the through site pedestrian zone.

As such the planning proposal is consistent with the provisions of the Councils draft Harmonisation LEP.

### **3.4 The proposed development- design outcome**

#### **3.4.1 Land uses**

The ground floor and first floor level of the 'tower' building will be used for commercial and childcare centre purposes.

The commercial component enables the development to contribute to the provision of local services creating employment opportunities in the Carlingford town centre. Potential commercial uses include small businesses, gymnasium, restaurant, cafes, and service retail and commercial.



The increased provision of long day care centres is specifically identified in the *Parramatta Draft Local Housing Strategy* (28 August 2019) as a needed community service in the Carlingford precinct.

The ground floor of the 'row' building will be used for commercial purposes (as will be required by the Harmonisation LEP) and all levels of the 'row' building facing Pennant Hills Road will be used for commercial purposes.

A minimum of 1,970sqm of non-residential floor space will be provided in the development.

The upper levels of the 'tower' building will be occupied by residential apartments designed with high amenity and orientated to maximise the benefit of the exceptional views that are available to the site. A maximum of 108 apartments will be provided in the development.

The mix of uses promotes the objectives of the zone, the objectives and State planning strategies, and the provisions of the Councils draft Harmonisation LEP, all of which seek to achieve a balance of residential and non-residential land uses on land zoned *B2 Local Centre*.

#### **3.4.2 Building Massing, Height and Form**

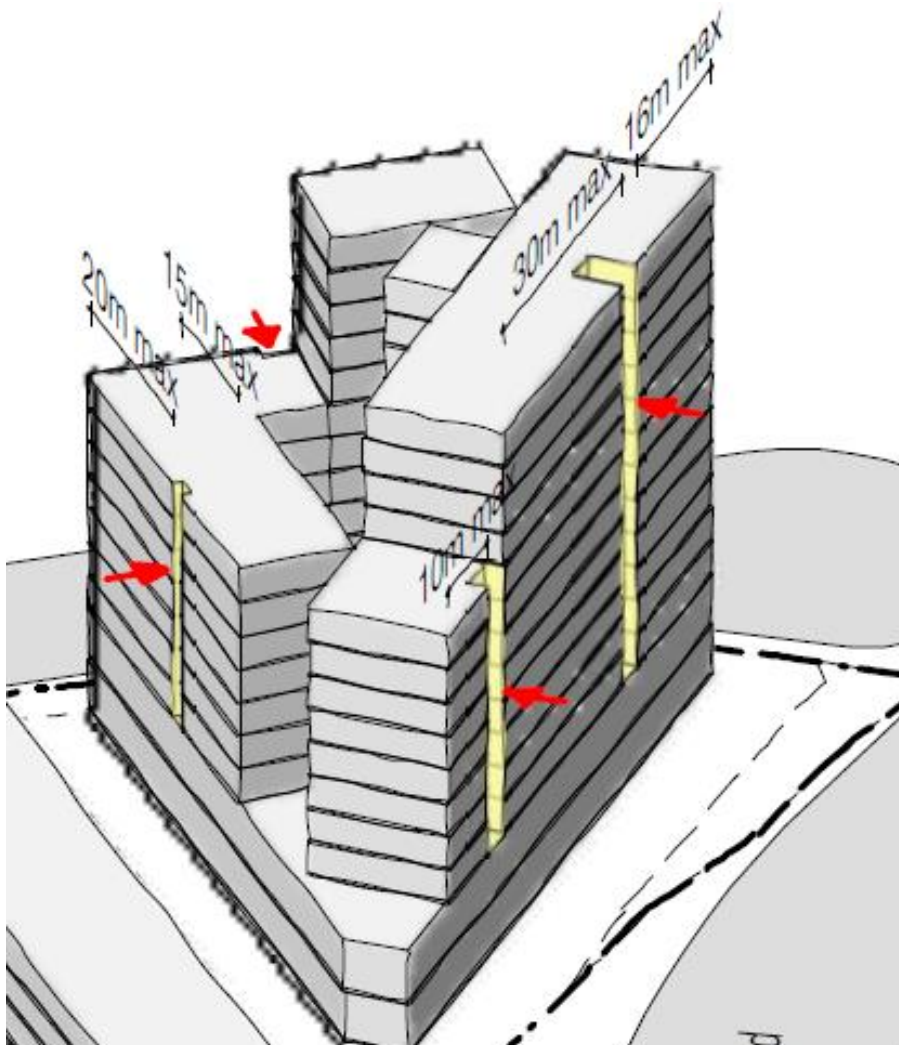
The extensive urban design analysis has culminated in a building form that positively responds to the site context. Emphasis has been placed on streetscape, pedestrian activation and circulation, and amenity (both internal and external of the site).

The subject site fulfils an important urban design and streetscape function by providing a transition in building height and scale between the high-rise commercially zoned land to the east of the site (where heights up to 57m are promoted - Seven Eleven site) and the medium density zoned land immediately to the west of the site (where heights up to 9m are promoted).

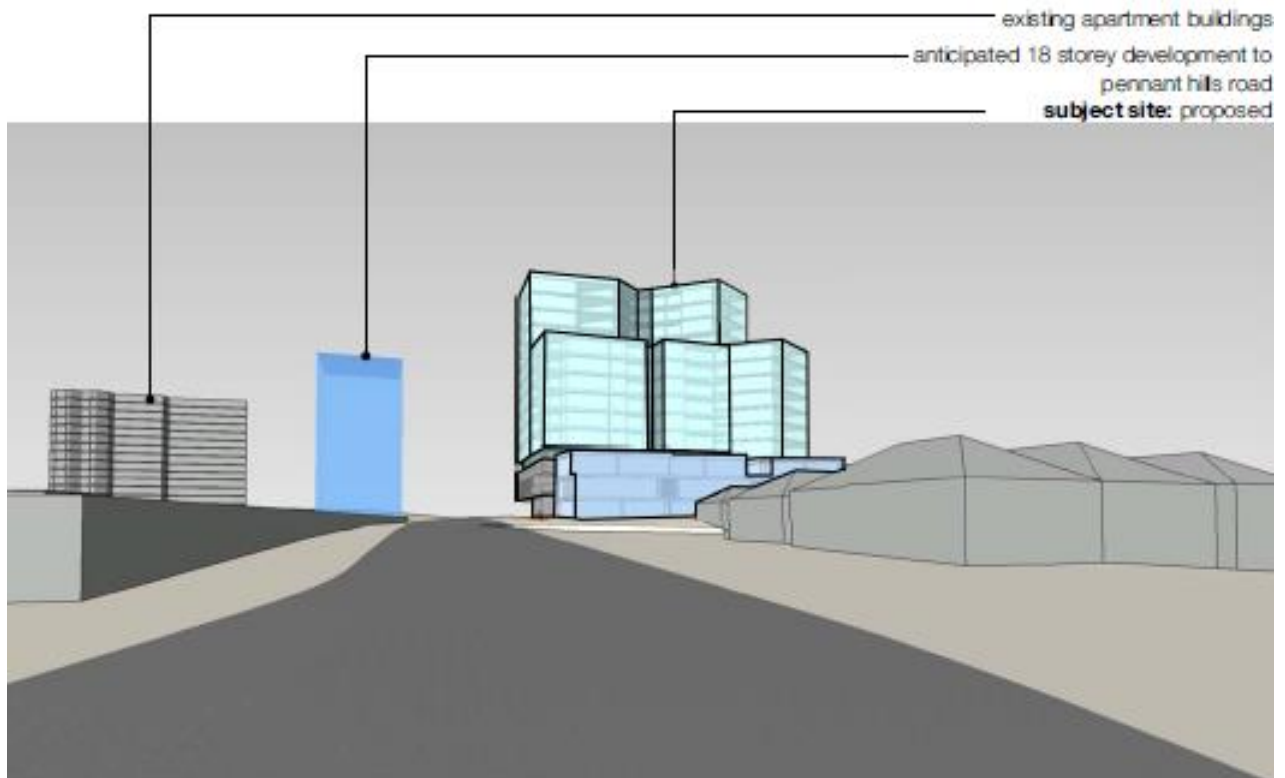
The concept design provides a 57m (15 storey) 'tower' building at the corner of Pennant Hills Road and Jenkins Road. The tower building will identify/strengthen the street corner. Visually the tower will read as part of the group of high-rise buildings centred at the railway station that identify the town centre.

The height of the built form on the western side of the site is limited to 14m (4 storeys). The western 'row' building is separated from the 'tower' building by a 12m wide corridor of communal space that will also serve as a publicly accessible pedestrian link between Felton Road and Pennant Hills Road.

The 'tower' building steps down in height on western side. The stepping of the 'tower' building and the limited height of the 'row' building provides an appropriate transition in building scale interlinking the high density character of the town centre and the medium density character of development to the west of the site. The provision of the 12m wide common open space/through site link further differentiates the height transitions and limits the length of building facades facing both Pennant Hills Road and Felton Road. The concept design provides further articulation through the provision of vertical blade recesses to the building elevations. These design provisions will be embodied in the site specific DCP controls.



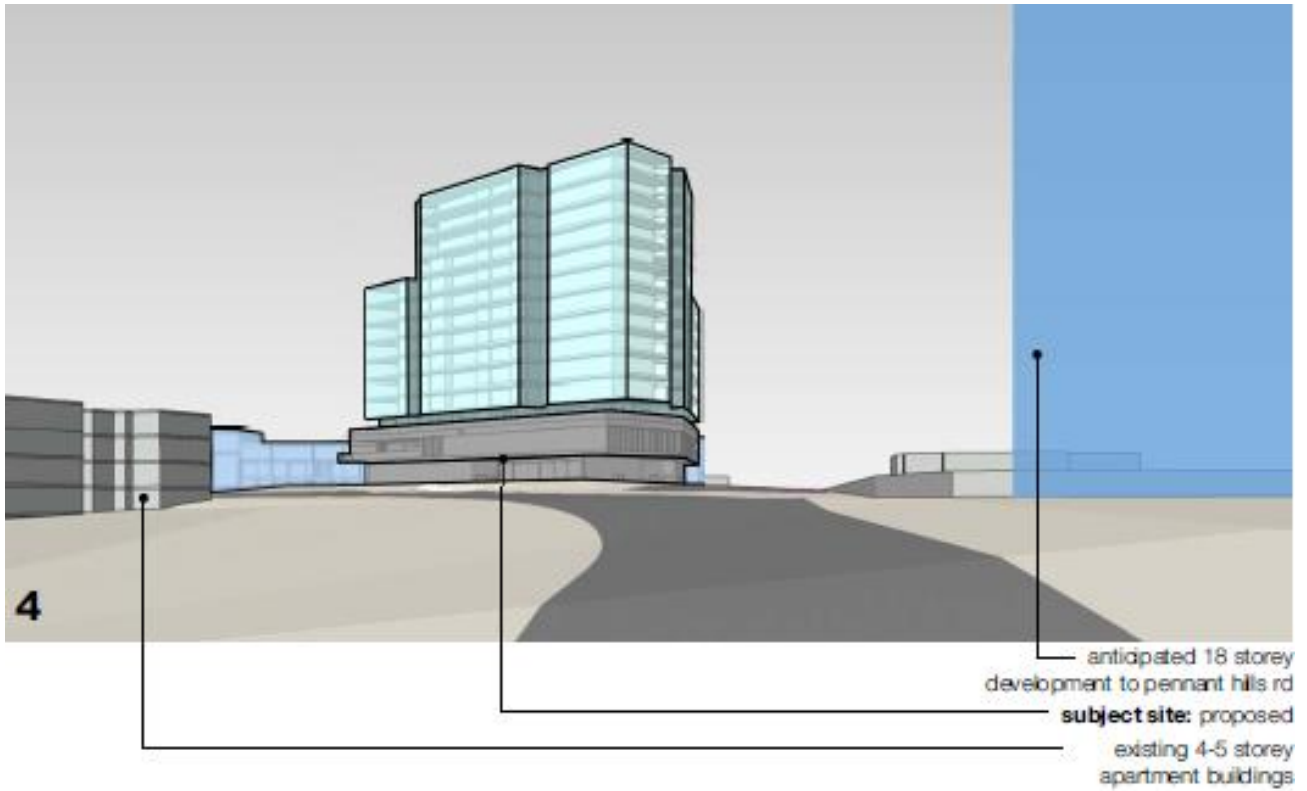
***Tower massing and articulation***



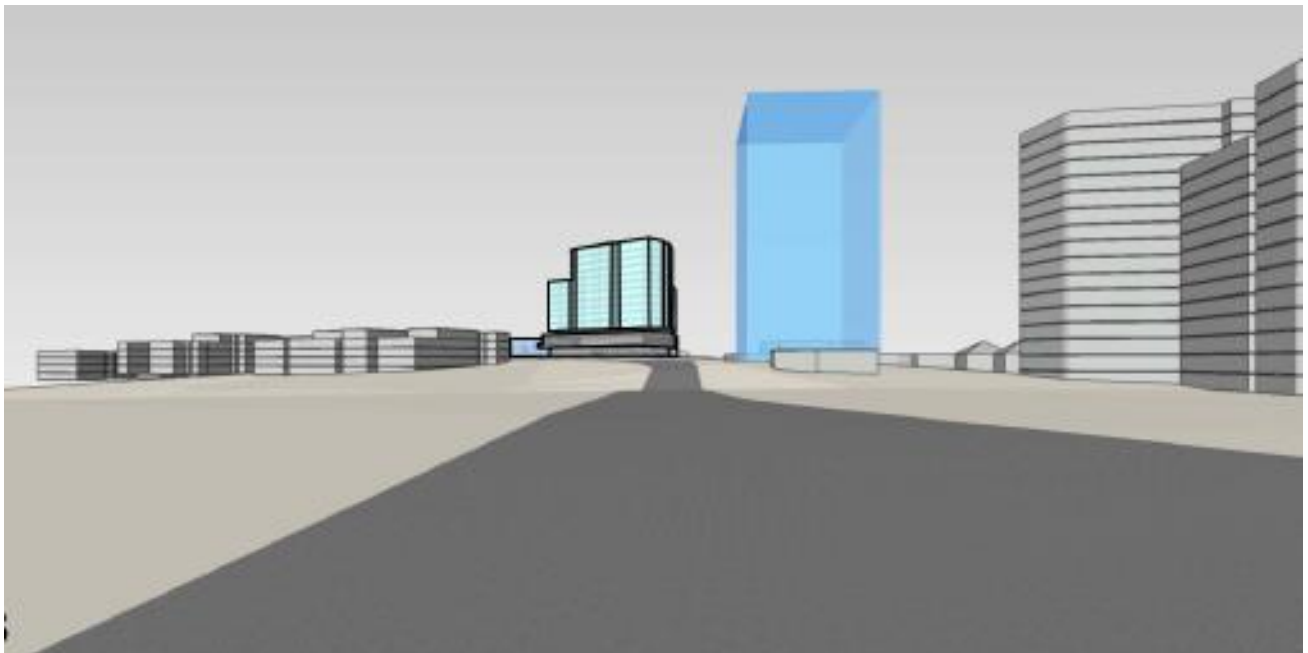
***Felton Road building context (Looking easterly along Felton Road)***



***Pennant Hills Road/Adderton Road building context***



***Pennant Hills Road building context (looking westerly along Pennant Hills Road)***



***Pennant Hills Road building context (looking westerly along Pennant Hills Road)***

### **3.4.3 Development Density- FSR**

The area of the subject site is 6,330.5sqm. The area of the subject site excluding the land that will be required for the widening of Pennant Hills Road is **5,893sqm**.

The planning proposal provides for a maximum FSR of 2.4:1 equating to a maximum potential floor space of 14,143.2sqm (based on the area excluding the road widening as required by the statutory provisions of the *Parramatta (former The Hills) Local Environmental Plan 2012*

The proposed FSR is consistent with other similar properties within the town centre, particularly properties that have frontage to Pennant Hills Road and that are within proximity of the railway station.

Importantly the proposed floor space is accommodated in a manner that:

- positively responds to the context of the site including its transitional streetscape role;
- provides good amenity for future residents; and
- respects the amenity of neighbouring residential properties in terms of both solar access and privacy.

### **3.4.4 Building Setbacks and Separation**

The concept design solution provides a 6m setback to buildings fronting Pennant Hills Road and along the western side property boundary. A 4m building setback is provided to the Felton Road frontage, increasing with building articulation.

Correlating with the above the basement parking is setback 6m from the southern (Pennant Hills Road) boundary and the western (side) boundary setbacks providing deep soil landscaping corridors along the Pennant Hills Road frontage and at the interface with the neighbouring medium density residential precinct.

As site servicing (parking and service vehicle access) will occur from Felton Road the provision of a continuous deep soil corridor along the street frontage cannot be practically achieved.

The setbacks/separation between buildings (both internally and to neighbouring properties) complies with the requirements of the *SEPP 65 Apartment Design Guide*.



***Building Setbacks***



***Building Separation***

### 3.4.5 Pedestrian Circulation

The development provides active street frontages.

The design solution provides good pedestrian circulation that is efficient, direct and safe.

A key element of the design solution is the provision of a pedestrian domain and pedestrian zone/accessway between the 'tower' building and the 'row' building. The pedestrian zone provides a site through link connecting Pennant Hills Road with Felton Road.

The pedestrian zone will be embellished with landscaping, seating and the like creating a pleasant recreational environment for the enjoyment of occupants of the building and visitors to the site. Commercial shop fronts within both the 'tower' building and the 'row' building will directly address the pedestrian zone creating an active area with excellent casual surveillance.



#### **pedestrian + vehicular circulation**

separation between building zones to be utilised as a public, pedestrian through site link, connecting felton road and pennant hills road

development provided with direct pedestrian entries from both street frontages and from through site link for activation

single vehicular entry / exit from felton road

#### ***Pedestrian circulation***



### **3.4.6 Vehicular access**

All vehicular access to the site will be via Felton Road in a manner consistent with *State Environmental Planning Policy (Infrastructure) 2007*. Car parking is provided within two - three basement levels. A separate ground level loading area is provided for waste collection accessed from Felton Road.

The proposed development will provide on-site car parking at the rates identified under the local planning controls.

### **3.4.7 Relationship with nearby development**

The relationship of the proposed development to the neighbouring western residential area was a primary consideration in developing the design solution for the redevelopment of the subject site.

The scale of the development has been limited to 14m (maximum 4 storeys) storeys at the western interface. The proposed height provides an appropriate transition to the 9m heights permitted within the neighbouring western medium density precinct.

The proposed 'row' building is setback 6m from the common side property boundary. The basement is also setback 6m. The building and basement setbacks enable a deep soil landscaping corridor to be provided for the full length of the common boundary. The landscaping will soften the visual relationship between the proposed development and its neighbours and assists in maintaining privacy.

The physical separation between the proposed 'row' building and the existing townhouses to the west is a substantial 24.7m. The proposed setbacks and physical separation maintain a high level of privacy.

The shadow diagrams that form part of the planning proposal documentation confirm that the proposed redevelopment will not cause significant adverse shadowing of the western neighbours.

The shadow diagrams also confirm that there will be no significant impact on the residential flat development located on the southern side of Pennant Hills Road (noting that in any event the lower level apartments therein have a high acoustic wall and constantly closed privacy screen to provide acoustic protection given the building very limited setback to Pennant Hills Road).



### 3.5 Draft DCP and VPA

#### 3.5.1 Draft DCP

The planning proposal is supported by a draft DCP. A copy of the draft DCP is included as **appendix A**.

The DCP provides objectives and guidelines that have been formulated to foster high quality development correlating with the design concept plans prepared by *Kennedy Associates* (that form the urban design basis for this planning proposal).

Modification of the draft DCP may be required as the planning proposal progresses through the gateway stage.

#### 3.5.2 Voluntary Planning Agreement

The planning proposal provides a relatively modest increase in the development potential of the site. In essence the planning proposal is simply bringing the FSR and height controls for the development of No 241-245 Pennant Hills Road into alignment with the FSR's that apply to comparative sites within the Carlingford town centre. The planning proposal is not seeking a FSR higher than comparative sites.

A voluntary planning agreement offer was presented to Parramatta Council. The VPA offer was framed to achieve tangible outcomes that are for the '*wider community benefit*' and that provide infrastructure/services/facilities that '*would not otherwise be achieved by an alternate mechanism, such as a condition of development consent*'.

The salient elements of the VPA offer are:

The dedication of land required for road widening to at the south western corner of the site to Pennant Hills Road free of land cost to the RMS for improvements to the road network, thereby improving safety and efficiency.

- Meeting the costs of the above dedication including legal and survey costs.
- The creation of a publicly accessible corridor through the site linking Felton Road to Pennant Hills Road. The provision of the link was strongly pressed

by Council officers during the urban design analysis process and placed considerable limitations on the 'developable' area of the site. The connection has a width of 10m and a length of some 85m occupying a substantial 850sqm of the site. The design of the development activates the accessway as a high amenity community recreation space. The *'provision of open space and recreation facilities within private development to support the needs of residents'* and *'increased pedestrian connectivity'* are matters that have been identified in the *Parramatta Draft Local Housing Strategy* (28 August 2019) as required community infrastructure requirements within the Carlingford precinct.

- Meeting the cost of construction of the pedestrian thoroughfare including landscaping works.
- The landscaping of lots 5 and 6 in DP 805809 pending acquisition by RMS and the ongoing maintenance of the landscaping pending acquisition.
- The commitment to the construction of a private 90 place childcare centre as part of the development of the site. The increased provision of either private or not for profit long day care centres is specifically identified in the *Parramatta Draft Local Housing Strategy* (28 August 2019) as a needed community service in the Carlingford precinct.

The provision/dedication of affordable housing as part of a VPA is not a mandatory requirement. While it is 'one means' of contributing to wider community benefit it is 'not the only means' of achieving desired community benefit outcomes.

In this case the Planning Proposal makes a very substantial and meaningful contribution to the wider public benefit, particularly noting the modest scale of the proposed uplift. The wider community benefits are being delivered by means other than affordable housing.

The community benefits that will be delivered by the Planning Proposal is in 'balance' rather than 'replicate' the benefits provided by other endorsed PP's in the immediate locality. In this respect the following facts are noteworthy:

- the endorsed PP and VPA at No 264-268 Pennant Hills Road, Carlingford (known as the Baptistcare site) provided for a total of 337 units of which 162 apartments

will be owned and operated by Baptistcare as affordable housing for a 25 year period through contractual arrangements with FACS through the ‘*Social and Affordable Housing Fund*’. Under this arrangement there is effectively no financial cost to the applicant. There are no affordable units being dedicated to Council or any other authority under the VPA.

- it appears that there may be no other meaningful ‘wider community benefits’ provided by the PP at No 264-268 Pennant Hills Road. While the signalisation of the Baker Street/Pennant Hills Road intersection will provide a community benefit the works are “*matters that would otherwise be achieved by an alternate mechanism, such as a condition of development consent*” as they are essential to the development to provide vehicular access to the site. It is further noted that the State government subsequently committed to funding the intersection works through the “Pinch Point” program; if this occurs then ultimately the signalization works will not in fact be funded by the PP.

- The endorsed PP at No 258-262 Pennant Hills Road and 17 and 20 Azile Court, Carlingford (The SPD Site) did not make an affordable housing contribution. In fact from perusal of the relevant Planning Proposal documents it appears that the endorsed Planning Proposal provided very little wider public benefit (with such seemingly being limited to the dedication of a small area of land required for the Baker Street/Pennant Hills Road signalisation and a modest monetary contribution).

The endorsed Planning Proposal at No 264-268 Pennant Hills Road will provide a substantial number of affordable housing units in the immediate locality, significantly increasing supply. As such it is a preferable outcome for the PP at No 241-245 Pennant Hills Road deliver ‘alternate’ public benefits to the community that have not been provided by any other development or Planning Proposal in the locality (rather than replicate community facilities/services that have already been well provided). The items that will be delivered under the proposed VPA have been identified as being needed in the Carlingford area local and State planning strategies.

On a ‘dollar’ basis the cost of the public benefits delivered by this Planning Proposal are proportionally greater than that provided by the other endorsed PPs in the immediate area.

### **3.6 Need for the planning proposal**

#### ***Question 1 - Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?***

The planning proposal positively responds to the State Governments initiatives for growth expressed in the vision for “*Greater Parramatta and Olympic Peninsula (GPOP)*”.

Following the release of the ‘*GPOP*’, ‘*Draft West Central District Plan*’ and ‘*Towards our Greater Sydney 2056*’ by the *Greater Sydney Commission*, the *Department of Planning and Environment*, in collaboration with *City of Parramatta* and *Greater Sydney Commission*, prepared an ‘*Interim Land Use and Infrastructure Implementation Plan for the Greater Parramatta Priority Growth Area*’ (the Interim Plan).

The ‘Interim Plan’ invites landowners to prepare local planning proposals to amend the zoning and/or planning controls in circumstances where the proposed controls are generally consistent with the Interim Plan.

The planning proposal is the outcome of an extensive urban design analysis of the site and its context; the analysis was undertaken collaboratively between the applicant’s experts and Councils experts following the recommendation of the *Sydney West Central Planning Panel* at its meeting on 30<sup>th</sup> November, 2016.

This process has produced an excellent urban design response to the site and its context that is consistent with, and promotes, State planning policies and strategies as outlined in:

- The ‘*Greater Sydney Regional Plan: A Metropolis of Three Cities*’ (the GSRP).
- The ‘*Central City District Plan*’ (CCDP)
- The ‘*Vision for Greater Parramatta to Olympic Peninsula*’ (GPOP) and the ‘*Interim Land Use and Infrastructure Implementation Plan for the Greater Parramatta Priority Growth Area*’

The planning proposal reflects the recommendations of the *Local Planning Panel* as resolved at its meeting on 21<sup>st</sup> May, 2019.

***Question 2 - Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?***

The future development of the subject site has been a progressive matter over several years.

During the process consideration was given to varying the height and FSR development standards that apply to the subject site by implementing the provisions of clause 4.6 'Exceptions to development standards' of then *The Hills Local Environmental Plan 2012*. (Note: The subject site was within The Hills Council Local Government Area in the early stages of the project development).

Given the extent of numerical variation required to achieve the appropriate height and FSR, The Hills Council planning officers considered that it was more appropriate for a planning proposal to be prepared addressing the required amendments to the development standards of the local environmental plan.

The planning proposal is the best means of achieving the objectives and intended outcomes.

**3.7 Relationship to the strategic planning framework**

***Question 3 - Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?***

**3.7.1 Metropolis of Three Cities**

In March 2018 the NSW State Government released the *Greater Sydney Regional Plan: A Metropolis of Three Cities (the GSRP)*.

The Region Plan for Greater Sydney is built on a vision of three cities where most residents live within 30 minutes of their jobs, education and health facilities, services.

The GSRP is structured under 4 themes: Infrastructure and Collaboration; Liveability; Productivity; and Sustainability. Within these themes are potential indicators and a suite of objectives. Those objectives relevant to this planning proposal are discussed below.



Provision	Comment	Consistent
<p><b>Directions for Infrastructure and collaboration</b></p> <p><b>Potential indicator:</b> Increased 30-minute access to a metropolitan centre/cluster</p> <p><b>Objective 1:</b> Infrastructure supports the three cities</p> <p><b>Objective 2:</b> Infrastructure aligns with forecast growth – growth infrastructure compact</p> <p><b>Objective 3:</b> Infrastructure adapts to meet future needs</p> <p><b>Objective 4:</b> Infrastructure use is optimised</p>	<p>The existing bus services and the light rail system (under construction) facilitate less than 30-minute public transport access to the Parramatta CBD.</p> <p>The proposal provides for the dedication of the south western corner along Pennant Hills Road for road widening as required for future improvements to the State road network, free of cost via a VPA. The road widening will have to be acquired by RMS if the PP does not proceed. The proposal therefore makes a very substantial contribution to infrastructure improvements.</p> <p>Development of the site for 108 apartments optimises infrastructure use.</p>	Yes
<p><b>Directions for Livability</b></p> <p><b>A city for people</b></p> <p><b>Objective 6:</b> Services and infrastructure meet communities' changing needs</p> <p><b>Objective 7:</b> Communities are healthy, resilient and socially connected</p> <p><b>Objective 8:</b> Greater Sydney's communities are culturally rich with diverse neighbourhoods</p> <p><b>Objective 9:</b> Greater Sydney celebrates the arts and supports creative industries and innovation</p>	<p>The Planning Proposal (PP) provides housing within the town centre, consistent with the indicator.</p> <p>The PP creates new business (commercial/retail) floor space providing local employment and service opportunities within the town centre.</p> <p>The PP provides for the creation of a publicly accessible pedestrian corridor through the site linking Felton Road to Pennant Hills Road. The provision of the link was strongly pressed by Council officers during the urban design analysis process. The connection has a width of 10m and a length of some 85m occupying a substantial 850sqm of the site. The design of the development</p>	Yes

	<p>activates the accessway as a high amenity community space.</p> <p>The PP includes a private 90 place childcare centre as part of the development of the site. The increased provision of either private or not for profit long day care centres is specifically identified in the <i>Parramatta Draft Local Housing Strategy</i> (28 August 2019) as a needed community service in the Carlingford precinct.</p> <p>The PP also envisages the provision of a gymnasium in the development.</p> <p>The above ensures that the PP will make a meaningful and positive contribution to social well-being within the community.</p>	
<p><b>Housing the city</b></p> <p><b>Objective 10:</b> Greater housing supply</p> <p><b>Objective 11:</b> Housing is more diverse and affordable</p>	<p>The proposal provides for 108 apartments on a site that is exceptionally well serviced by public transport. A mix of 1-3 bedroom apartments will be provided.</p> <p>The provision of other housing typologies (such as townhouses) is not considered to be desirable on the site (given the extensive town house zone located westerly of the site) and will in any event be prohibited by Council's Harmonization LEP that will require all ground floor uses in the <i>B2 local centre</i> zone to be non-residential.</p> <p>Wider community benefits are being achieved by means other than affordable housing (as defined).</p>	Yes
<p><b>A city of great places</b></p> <p><b>Objective 12:</b> Great places that bring people together</p>	<p>The PP promotes a development that promotes community interaction and amenity, this is achieved by:</p>	Yes

<p><b>Objective 13:</b> Environmental heritage is identified, conserved and enhanced</p>	<p>-the through the pedestrian accessway linking Felton Road to Pennant Hills Road. The design of the development activates the accessway as a high amenity community space aligned by business and retail tenancies.</p> <p>- a private 90 place childcare centre that is identified in the <i>Parramatta Draft Local Housing Strategy</i> (28 August 2019) as a needed community service in the Carlingford precinct.</p> <p>- the PP also envisages the provision of a gymnasium in the development.</p> <p>No adverse heritage matters arise from the PP.</p>	
<p><b>Directions for productivity</b></p>		
<p><b>A well-connected city</b></p> <p><b>Objective 14:</b> A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities</p> <p><b>Objective 15:</b> The Eastern, GOP and Western Economic Corridors are better connected and more competitive</p>	<p>The site is within the Carlingford town centre. The existing bus services and the light rail system (under construction) facilitate less than 30-minute public transport access to the Parramatta CBD and other major employment Centres (eg: Westmead precinct, Rydalmere university precinct).</p> <p>The proposal provides for the dedication of road widening along Pennant Hills Road at the south western end as required for future improvements to the State road network free of cost via a VPA. The road widening would have to be acquired by RMS if the PP does not proceed. The proposal therefore makes a very substantial contribution to infrastructure/connectivity improvements.</p> <p>The through site pedestrian accessway linking Felton Road to Pennant Hills Road positively contributes to pedestrian and cyclist connectivity within the town centre.</p>	<p>Yes</p>

	<p>The planning proposal provides for a well-designed 'mixed use' infill development on a site with excellent transport access. The PP provides high amenity housing, local services, and local employment opportunities. The proposal 'gives life' to the initiatives of the GPOP.</p>	
<p><b>Jobs and skills for the city</b></p> <p><b>Objective 19:</b> Greater Parramatta is stronger and better connected</p> <p><b>Objective 21:</b> Internationally competitive health, education, research and innovation precincts</p> <p><b>Objective 22:</b> Investment and business activity in centres</p> <p><b>Objective 24:</b> Economic sectors are targeted for success</p>	<p>The PP compelments the functions of the town centre and the Parramatta CBD.</p> <p>The site has excellent connection to the Westmead health precicnt and the Westmead and Rydalmere univeristy preicncts, with direct connection via the new light rail. The residential component of the development is supportive of the activities in these precicnts.</p> <p>Carlingford has the function of a local centre (rather than a major commercial centre). The PP provides a minimum of 1,970sqm of non residential floor space that will provide local business and employment opportunities and local service facilities including the childcare centre and gymnasium.</p> <p>In terms of the 'quatum' of non reseintial floor space that should be provided in the <i>B2 local centre</i> zones Parramatta City Councils Harmonisation LEP includes a new requirement that will require the use of the ground floor level of new development for non-residential purposes. Essentially this provision sets the 'acceptable benchmark' for the component of non residential floor space that should be provided by mixed use development in the <i>B2 local centre</i> zones.</p>	Yes

	<p>The planning proposal provides for the use of both the ground floor and first floor levels of the 'tower' building and all three levels of the 'row' building facing Pennant Hills Road for business purposes.</p> <p>The current concept designs identify the use of the ground floor level of the 'row' building (located adjacent to the western site boundary) for residential purposes. There is no reason why the ground floor level of the 'row' building could not be used for commercial type uses in a manner that is consistent with the draft Harmonisation LEP requirements (in fact such will be required once the Harmonisation LEP comes into effect). This can be achieved without any modification to the proposed building envelope.</p> <p>Noting the above, the provision of floor space for business uses in the development will be greater than the 'acceptable benchmark' provided by the Harmonisation LEP.</p> <p>The contribution of the site to 'business' and thus employment generating floor space readily achieves the accepted benchmark for development in the <i>B2 local centre zone</i>.</p>	
<b>Directions for sustainability</b>		
<p><b>A city in its landscape</b></p> <p><b>Objective 25:</b> The coast and waterways are protected and healthier</p> <p><b>Objective 27:</b> Biodiversity is protected, urban bushland and remnant vegetation is enhanced</p> <p><b>Objective 28:</b> Scenic and cultural landscapes are protected</p>	<p>The site does not contain significant vegetation or critical habitat.</p> <p>The design concept provides a 6m wide deep soil landscape corridor for the full length of the Pennant Hills Road site frontage and for the full length of the western property boundary. The deep soil corridor facilitates canopy tree planting. The requirements for the deep</p>	Yes



<p><b>Objective 30:</b> Urban tree canopy cover is increased</p> <p><b>Objective 31:</b> Public open space is accessible, protected and enhanced</p> <p><b>Objective 32:</b> The Green Grid links parks, open spaces, bushland and walking and cycling paths</p>	<p>soil corridors/canopy tree planting will be embodied in the supporting DCP.</p> <p>It is relevant to note that the deep soil landscaping provision under the PP is greater than that commonly associated with development in the commercial zones, whereby podium designs with zero or minimal setbacks are typical.</p> <p>The urban design solution (building height scale, footprint, and massing) is well crafted and has been endorsed by all relevant experts.</p> <p>The through site pedestrian zone that links Felton Road to Pennant Hills Road will provide a high amenity community space.</p>	
<p><b>An efficient city</b></p> <p><b>Objective 33:</b> A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change</p> <p><b>Objective 34:</b> Energy and water flows are captured, used and re-used</p> <p><b>Objective 35:</b> More waste is re-used and recycled to support the development of a circular economy</p>	<p>The future development application will be required to be compliant with the sustainability provisions in Councils DCP.</p> <p>Basix requirements will also apply to future development.</p>	<p>Yes</p>
<p><b>A resilient city</b></p> <p><b>Objective 36:</b> People and places adapt to climate change and future shocks and stresses</p> <p><b>Objective 37:</b> Exposure to natural and urban hazards is reduced</p> <p><b>Objective 38:</b> Heatwaves and extreme heat are managed</p>	<p>The site is not subject to natural hazards such as flooding, bushfire, or land slip.</p> <p>The design provides a relatively high component of green space (particularly when considered relative to typical boundary to boundary podium development as commonly associated with development in the business zones) assisting with microclimate management.</p>	<p>Yes</p>

	The winter gardens positively respond to 'local' environmental characteristics including traffic noise and climate (wind) management.	
<b>Implementation</b>  <b>Objective 39:</b> A collaborative approach to city planning	<p>Stemming from the recommendation of <i>Sydney West Central Planning Panel</i> the applicant worked collaboratively with Councils officers in undertaking an extensive and thorough urban design review of the site and its context. In this respect the fundamental layout for the site reflected in the planning proposal, being a corner 'tower' element with a through site pedestrian zone separating the 'tower' from the lower 'row' building located adjacent to the neighbouring western medium density zone interface, was primarily driven by Council experts.</p> <p>Consultation has also been undertaken with RMS by both the applicant and Councils officers. Central to the PP is the removal of the existing driveway access to Pennant Hills Road and the provision of land free of cost for the improvement of Pennant Hills Road under a VPA.</p>	Yes

### 3.7.2 The Central City District Plan (CCDP)

The *Central City District Plan (CCDP)* covers the area that includes Blacktown, Cumberland, Parramatta and The Hills local government areas. The role of this plan is to deliver the directions of the overarching *Greater Sydney Region Plan, A Metropolis of Three Cities* and contains a number of planning priorities and objectives that address infrastructure provision and collaboration, liveability, productivity, and sustainability.

Within the CCDP Greater Parramatta is identified as a Metropolitan Centre. Carlingford is identified as a 'local centre' in the CCDP.

Provision	Comment	Consistent
<b>infrastructure and collaboration</b>		
<p><b>Planning Priority C1</b>  <b>Planning for a city supported by infrastructure</b>  <b>Objective 1:</b> Infrastructure supports the three cities.</p> <p><b>Objective 2:</b> Infrastructure aligns with forecast growth – growth infrastructure compact.</p> <p><b>Objective 3:</b> Infrastructure adapts to meet future needs.</p> <p><b>Objective 4:</b> Infrastructure use is optimised.</p> <p><b>Objective 5:</b> Benefits of growth realised by collaboration of governments, community and business.</p>	<p>The subject site is located on the Pennant Hills Road bus corridor that provides excellent and regular access to major centres including the Parramatta CBD. The site is also within short/convenient walking distance of the light rail corridor that is currently under construction that will provide direct connection to major centres including the Parramatta CBD.</p> <p>The CCDP and the GPOP the strongly encourage an increase in housing densities maximising use of the new light rail network.</p> <p>The PP provides for an increase in housing on the site promoting the maximisation of the existing and emerging public transport infrastructure assets.</p> <p>The proposed density uplift is appropriate and is not excessive or unreasonable - in essence the PP brings the development potential in line with (and certainly not greater than) that of other sites within the Carlingford town centre that share similar locational attributes.</p> <p>The PP itself makes a meaningful contribution to public infrastructure through the dedication of land for the future widening/improvement of Pennant Hills Road. This will be achieved by a VPA. The dedication of land free of cost to the relevant authority cannot be achieved in the absence of the PP and VPA.</p> <p>The PP will provide local business and service opportunities through the</p>	Yes

	provision of quality commercial floor space. The PP also provides for a childcare centre in the development, being a facility identified in local planning strategies as a needed service in the Carlingford locality.	
<b>Livability</b>		
<b>Planning Priority C3</b> <b>Providing services and social infrastructure to meet people's changing needs</b>  <b>Objective 6:</b> Services and infrastructure meet communities' changing needs.	<p>The planning proposal creates new business (commercial/retail) floor space providing local employment and service opportunities for the growing town centre community.</p> <p>The PP provides for the creation of a publicly accessible pedestrian zone through the site linking Felton Road to Pennant Hills Road improving pedestrian circulation within the town centre.</p> <p>The provision of the pedestrian zone was strongly pressed by Councils officers during the urban design analysis process as a desirable asset for the town centre. The design of the development activates the pedestrian accessway with commercial frontages. The pedestrian zone will be a high amenity publicly accessible space.</p> <p>The PP includes a private 90 place childcare centre as part of the development of the site. The increased provision of either private or not for profit long day care centres is specifically identified in the <i>Parramatta Draft Local Housing Strategy</i> (28 August 2019) as a needed community service in the Carlingford precinct.</p> <p>The PP also envisages the provision of a gymnasium in the development promoting a healthy lifestyle and social interaction amongst the growing town centre community.</p>	Yes

	Having regard to the above the PP will deliver social infrastructure that reflects the needs of the community now and in the future.	
<p><b>Planning Priority C4</b>  <b>Fostering healthy, creative, the CCDP communities</b></p> <p><b>Objective 7:</b> Communities are healthy, resilient and socially connected.</p> <p><b>Objective 8:</b> Greater Sydney's communities are culturally rich with diverse neighbourhoods.</p> <p><b>Objective 9:</b> Greater Sydney celebrates the arts and supports creative industries and innovation.</p>	<p>The CCDP includes the following comments:</p> <p><b><i>"Healthy and active lifestyles</i></b>  <i>Research identifies three key aspects of the built environment that support healthy lifestyles and improved health outcomes: strong social connections, physical activity and access to fresh food. Consequently, the design and management of streets, places and neighbourhoods are essential to improved mental and physical health outcomes. "</i></p> <p><i>Walkable streets that provide direct accessible and safe pedestrian and cycling connections from homes to schools, daily needs and recreation facilities can encourage greater physical activity and social connection. Delivering fine grain urban form and local mixed-use places can provide better access to local retailers of fresh food, together with opportunities for people to participate in arts, recreation and cultural activities."</i></p> <p><i>"Connectivity of, and access to, diverse open spaces and opportunities for recreational physical activity are also essential to improved mental and physical health outcomes. Sport and active lifestyles provide many social, cultural and health benefits."</i></p> <p>The publicly accessible through site pedestrian thoroughfare is a key element of the PP. The corridor will provide a high amenity space that will be aligned by active uses to the 'row' building' and the 'tower' building. Such</p>	Yes



	<p>uses are anticipated to include a gymnasium, cafes/eateries, access to the childcare centre and the like.</p> <p>The pedestrian area will provide opportunities for community gathering and social interaction; improve pedestrian circulation and encourage walking and cycling.</p> <p>The provision of the gymnasium and childcare centre in the development, in unison with the pedestrian zone further encourage a high level of social interaction.</p>	
<p><b>Housing the city</b>  <b>Planning Priority C5</b>  <b>Providing housing supply, choice and affordability with access to jobs, services and public transport</b></p> <p><b>Objective 10:</b> Greater housing supply.</p> <p><b>Objective 11:</b> Housing is more diverse and affordable.</p>	<p>The suitability of the site for an uplift in development density is well established having regard to public transport services and access to jobs, services, and education centres.</p> <p>The PP will contribute to housing supply (having balanced regard to other objectives relating to the delivery of local service and employment opportunities by means of the provision of business floor space).</p> <p>The PP provides for 108 apartments in the form of residential units; a mix of 1, 2, and 3, bedroom apartments will be provided.</p> <p>The provision of other housing typologies (such as townhouses) is not considered to be desirable on the site. In this respect there is a large residential precinct located immediately to the west of the site that is zoned to specifically encourage townhouse development. There has been considerably limited market uptake/demand for townhouse development in the precinct.</p>	Yes

	<p>Further, it is noted that Council's Harmonization LEP will require all ground floor uses on land zoned <i>B2 local centre</i> zone to be used of a business nature. The Harmonization LEP will have the effect of prohibiting residential housing typologies such as townhouses in the <i>B2 local centre</i> zone. The permitted residential uses will be essentially limited to shop top housing/residential flats and boarding houses.</p> <p>The increase in supply of housing in the locality is conducive to promoting housing affordability having regard to the economies of supply and demand. It is also noted that the provision of affordable housing pursuant to the provisions of the ARHSEPP is a matter that could be explored at the DA stage.</p> <p>The provision/dedication of affordable housing is not a mandatory requirement. While it is 'one means' of contributing to wider community benefit it is 'not the only means' of achieving desired community benefit outcomes.</p> <p>In this case the PP makes a very substantial and meaningful contribution to the wider public benefit, particularly noting the modest scale of the proposed uplift. The wider community benefits are being delivered by means other than affordable housing including:</p> <ul style="list-style-type: none"> <li>- the dedication of road widening to Pennant Hills Road free of land cost to the RMS for improvements to the road network thereby improving safety and efficiency.</li> <li>-the creation of a publicly accessible pedestrian zone through the site linking</li> </ul>	
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	<p>Felton Road to Pennant Hills Road. The <i>'provision of open space and recreation facilities within private development to support the needs of residents'</i> and <i>'increased pedestrian connectivity'</i> are matters that have been identified in the <i>Parramatta Draft Local Housing Strategy</i> (28 August 2019) as community infrastructure requirements within the Carlingford precinct.</p> <p>- the commitment to the construction of a private 90 place childcare centre as part of the development of the site. The increased provision of either private or not for profit long day care centres is specifically identified in the <i>Parramatta Draft Local Housing Strategy</i> (28 August 2019) as a needed community service in the Carlingford precinct.</p> <p>The community benefits that will be delivered by the PP 'balance' rather than 'replicate' the benefits provided by other endorsed PP's in the immediate locality. In this respect the following facts are noteworthy:</p> <p>- the endorsed PP and VPA at No 264-268 Pennant Hills Road, Carlingford (known as the Baptistcare site) provided for a total of 337 units of which 162 apartments will be owned and operated by Baptistcare as affordable housing for a 25 year period through contractual arrangements with FACS through the <i>'Social and Affordable Housing Fund'</i>. Under this arrangement there is effectively no financial cost to the applicant. There are no affordable units being dedicated to Council or any other authority under the VPA.</p> <p>- The endorsed PP at No 258-262 Pennant Hills Road and 17 and 20 Azile Court, Carlingford (The SPD Site) did not make an affordable housing contribution. In fact from perusal of the</p>	
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	<p>relevant PP documents it appears that the endorsed PP provided very little wider public benefit (with such seemingly being limited to the dedication of a small area of land required for the Baker Street/Pennant Hills Road signalisation and a modest monetary contribution).</p> <p>The endorsed PP at No 264-268 Pennant Hills Road will provide a substantial number of affordable housing units in the immediate locality, significantly increasing supply.</p> <p>As such it is a preferable outcome for the PP at No 241-245 Pennant Hills Road deliver 'alternate' benefits to the community that have not been provided by any other development or PP in the locality (rather than replicate community facilities/services that have already been well provided). The community benefit items that will be delivered under the proposed VPA have been identified as being needed in the Carlingford area local and State planning strategies.</p>	
<p><b>Planning Priority C6</b>  <b>Creating and renewing great places and local centres, and respecting the District's heritage</b></p> <p><b>Objective 12:</b> Great places that bring people together.</p> <p><b>Objective 13:</b> Environmental heritage is identified, conserved and enhanced.</p>	<p>The CCDP includes the following comments:</p> <p><i>"Local centres are a focal point of neighbourhoods, and, where they include public transport and transport interchanges, they are an important part of a 30-minute city. While local centres are diverse and vary in size, they provide essential access to day to day goods and services close to where people live."</i></p> <p><i>"Local centres also have an important role in providing local employment".</i></p> <p>Pivotal to the PP has been achieving an appropriate balance between the</p>	Yes

	<p>provision of residential and business floor space in the development of the site.</p> <p>The PP ensures that a minimum of 1,970sqm of business floor space will be provided in the future development of the site.</p> <p>The ground floor and first floor level of the 'tower' building will be used for commercial and childcare centre uses.</p> <p>At a minimum, the ground floor of the 'row' building will be used for commercial purposes (as required by the Harmonisation LEP); all levels of the 'row' building facing Pennant Hills Road will be used for commercial purposes.</p> <p>The commercial component enables the development to contribute to the provision of local services creating employment opportunities in the Carlingford town centre. Potential commercial uses include small businesses, gymnasium, restaurant, cafes, and service retail and commercial.</p> <p>The increased provision of long day care centres is specifically identified in the <i>Parramatta Draft Local Housing Strategy</i> (28 August 2019) as a needed community service in the Carlingford precinct.</p> <p>The mix of uses promotes the objectives of the zone, the objectives and State planning strategies, and the provisions of the Councils draft Harmonisation LEP all of which seek to achieve a balance of residential and business land uses on land zoned <i>B2 Local Centre</i>.</p> <p>Emphasis has been provided not only on the quantum' of space but the 'quality'</p>	
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	<p>of space to promote both economically viable floor space and high amenity spaces that are safe and pleasant for the community.</p> <p>The site is currently occupied by a part single and part two-storey commercial building comprising several tenancies. The building is in deteriorating condition. The building was purposely designed and built as an infrastructure and management hub being formerly owned and occupied by <i>Transgrid</i>. The building was adapted for commercial use by means of a site compatibility certificate. As a consequence of previous infrastructure use much of the existing floor space within the building comprises former plant areas and corridors, rather than leasable floor space. The floor layout is poor.</p> <p>The proposal provides for the redevelopment of the site replacing the older poor quality 'adapted' business floor space with well design quality commercial floor space.</p> <p>To this end the urban design solution focuses business activities on the publicly accessible through site link creating an inviting and enjoyable area for people to gather. The through site pedestrian zone that will be a high amenity community focal point of the development. This also enhances the viability of the commercial uses that address the pedestrian thoroughfare.</p> <p>The design further promotes the viability of commercial tenancies by providing visual exposure and an active street front to the Pennant Hills Road site frontage.</p>	
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	There are no adverse heritage matters arising from the PP. The site is not heritage listed and is not in a heritage conservation area.	
<b>4 Productivity</b>		
<p><b>Planning Priority C7</b>  <b>Growing a stronger and more competitive Greater Parramatta</b></p> <p><b>Objective 19:</b> Greater Parramatta is stronger and better connected.</p> <p><b>Objective 21:</b> Internationally competitive health, education, research and innovation precincts.</p>	<p>As discussed above the PP balances the delivery of residential and business floor space.</p> <p>The planning proposal provides for the renewal of the existing relatively poor-quality small-scale business floor space on the site. The proposal will complement the existing commercial core of the Carlingford precinct and the nearby Parramatta CBD.</p> <p>The provision of additional housing is supportive of the health and education precincts at Westmead and Rydalmere that can be conveniently accessed by the light rail system.</p> <p>At a macro level the urban design solution furthers pedestrian circulation connectivity in the town centre creating a high amenity and active pedestrian zone.</p>	Yes
<p><b>Planning Priority C8</b>  <b>Delivering a more connected and competitive GPOP Economic Corridor</b></p> <p><b>Objective 15:</b> The Eastern, GPOP and Western Economic Corridors are better connected and more competitive</p>	<p>The GPOP Economic Corridor includes the precincts of Westmead, North Parramatta, Parramatta CBD, Rydalmere, Camellia, Silverwater, Auburn, Granville and Sydney Olympic Park. The wider GPOP also includes the urban corridor along the rail line to Carlingford.</p> <p>Redevelopment of the site will complement the improved connectivity and competitiveness of the Carlingford Corridor in the Next Generation Living Quarter as promoted by GPOP.</p>	Yes

<p><b>Planning Priority C9</b>  <b>Delivering integrated land use and transport planning and a 30-minute city</b></p> <p><b>Objective 14:</b> <i>A Metropolis Of Three Cities</i> – integrated land use and transport creates walkable and 30-minute cities.</p> <p><b>Objective 16:</b> Freight and logistics network is competitive and efficient</p>	<p>One of the key elements of the road and city-serving and centre-serving public transport network improvements is the Parramatta Light Rail Stage 1 between Westmead and Carlingford via Parramatta (currently under construction).</p> <p>The redevelopment facilitated by the PP promotes the strategic objectives for 30-minute cities.</p> <p>The PP has no relevance to freight and logistic networks beyond the benefits that might be provided by improvements to the Pennant Hills Road corridor facilitated by road widening land dedication.</p>	<p>Yes</p>
<p><b>Planning Priority C11</b>  <b>Maximising opportunities to attract advanced manufacturing and innovation in industrial and urban services land</b></p> <p><b>Objective 23:</b> Industrial and urban services land is planned, retained and managed.</p>	<p>Parramatta Council recently considered the amount of non-residential floor space that should be provided in development within local centres (and specifically land zoned <i>B2 local centre</i>) so as to ensure that future development achieved both local planning objectives and the objectives of the CDDP.</p> <p>The Parramatta Council Harmonisation LEP (that has received gateway determination) includes a specific requirement that the ground floor level of development in the <i>B2 local centre</i> zones must be non-residential in use so as to ensure that a reasonable and appropriate contribution is made towards local service provision and employment creation.</p> <p>There is no particular planning reason why the subject site should be required a greater amount of non-residential floor space (nor for that matter any lesser amount of floor space) that that considered reasonable and acceptable</p>	<p>Yes</p>

	<p>for like sites in the LGA, as provided by the Harmonisation LEP.</p> <p>The PP ensures that the floor space targets expressed in the Harmonisation LEP will not only be met but exceeded upon the future redevelopment of the site.</p> <p>The mix of uses promotes the objectives of the zone, the objectives and State planning strategies, and the provisions of the Councils draft Harmonisation LEP all of which seek to achieve a balance of residential and non-residential land uses on land zoned <i>B2 Local Centre</i>.</p>	
<p><b>Planning Priority C12</b> <b>Supporting growth of targeted industry sectors</b></p> <p><b>Objective 24:</b> Economic sectors are targeted for success.</p>	<p>The proposal will provide employment opportunities on the site through small-scale retail and business uses.</p> <p>As previously noted the provisions of Councils Harmonisation LEP will require that the entire ground floor level of the site to be used for commercial purposes- this includes the ground floor level of the 'row' building that addressed the through site pedestrian zone.</p> <p>Emphasis has been provided not only on the 'quantum' of space but the 'quality' of space to promote both economically viable floor space and high amenity spaces that are safe and pleasant for the community. Focusing the commercial activities on the publicly accessible through site zone not only creates an inviting and enjoyable area for people to gather but also enhances the viability of the commercial uses. The design further promotes the viability of commercial tenancies by providing visual exposure and an active street front to the Pennant Hills Road site frontage.</p>	Yes
<b>5 Sustainability</b>		
<p><b>Planning Priority C13</b> <b>Protecting and improving the health and enjoyment of the District's waterways</b></p>	No matters of significance arise from the PP.	Yes

<p><b>Objective 25:</b> The coast and waterways are protected and healthier.</p>		
<p><b>Planning Priority C15</b>  <b>Protecting and enhancing bushland, biodiversity and scenic and cultural landscapes</b></p> <p><b>Objective 27:</b> Biodiversity is protected, urban bushland and remnant vegetation is enhanced.</p> <p><b>Objective 28:</b> Scenic and cultural landscapes and protected.</p>	<p>The PP has no impact on existing bushland.</p> <p>The site does not contain critical habitat.</p> <p>The site is not identified as being of scenic or cultural significance. That said the urban design solution for the site is well crafted and provides a landscaped setting for the development.</p>	<p>Yes</p>
<p><b>Planning Priority C16</b>  <b>Increasing urban tree canopy cover and delivering Green Grid connections</b></p> <p><b>Objective 30:</b> Urban tree canopy cover is increased.</p> <p><b>Objective 32:</b> The Green Grid links parks, open spaces, bushland, and walking and cycling paths.</p>	<p>The design concept provides a 6m wide deep soil landscape corridor for the full length of the Pennant Hills Road site frontage and for the full length of the western property boundary. The deep soil corridor facilitates canopy tree planting. The requirements for the deep soil corridors will be embodied in the supporting DCP.</p> <p>It is relevant to note that the deep soil landscaping provision under the PP is greater than that commonly associated with development in the commercial zones, whereby podium designs with zero or minimal setbacks are typical.</p>	<p>Yes</p>
<p><b>Planning Priority C17</b>  <b>Delivering high quality open space</b></p> <p><b>Objective 31:</b> Public open space is accessible, protected and enhanced.</p>	<p>The PP provides a through-site pedestrian zone having a width of 10m and a length of some 85m occupying a substantial 850sqm of the site.</p> <p>The pedestrian zone will be a publicly accessible space designed to promote safety, amenity, and enjoyment by occupants of the development and visitors to the site. Appropriate design guidelines are contained in the DCP. The pedestrian zone will not be dedicated to Council; community access will be formalized by a ROW.</p>	<p>Yes</p>

	The PP will not have an adverse impact on existing public open space.	
<p><b>Planning Priority C19</b>  <b>Reducing carbon emissions and managing energy, water and waste efficiently</b></p> <p><b>Objective 33:</b> A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change.</p> <p><b>Objective 34:</b> Energy and water flows are captured, used and re-used.</p> <p><b>Objective 35:</b> More waste is re-used and recycled to support the development of a circular economy.</p>	<p>The future development application will be required to be compliant with the sustainability provisions in Councils DCP.</p> <p>Basix requirements will also apply to future development.</p> <p>Given the town centre location and the proximity to services and transport consideration could be given to requiring a reduction in on site car parking to encourage walking, cycling and public transport use as part of the gateway determination.</p>	Yes
<p><b>Planning Priority C20</b>  <b>Adapting to the impacts of urban and natural hazards and climate change</b></p> <p><b>Objective 36:</b> People and places adapt to climate change and future shocks and stresses.</p> <p><b>Objective 37:</b> Exposure to natural and urban hazards is reduced.</p> <p><b>Objective 36:</b> Heatwaves and extreme heat are managed</p>	<p>The site is not subject to natural hazards such as flooding, bushfire, or land slip.</p> <p>The design provides a relatively high component of green space (particularly when considered relative to typical boundary to boundary podium development as commonly associated with development in the business zones) assisting with microclimate management.</p> <p>The winter gardens positively respond to 'local' environmental characteristics including traffic noise and climate (wind) management.</p>	Yes
<b>6 Implementation</b>		
<p><b>Planning Priority C21</b>  <b>Preparing local strategic planning statements informed by local strategic planning</b></p> <p><b>Objective 39:</b> A collaborative approach to city planning.</p>	<p>The proposal is consistent with local planning strategies.</p> <p>The proposal is consistent with the preliminary advice from RMS including the removal of vehicular access to Pennant Hills Road.</p> <p>The design is the outcome of close collaboration between the applicant and Councils officers and has been endorsed by the Local Planning Panel.</p>	Yes



### **3.7.3 The 'Vision for Greater Parramatta to Olympic Peninsula' (GPOP) and the 'Interim Land Use and Infrastructure Implementation Plan for the Greater Parramatta Priority Growth Area'**

The GPOP document was prepared in 2016 by the *Greater Sydney Commission* and establishes a vision for the corridor spanning Strathfield, Westmead, Carlingford, Lidcombe and Granville. The GPOP is identified as being of particular importance to Greater Sydney and is anticipated to experience the most significant urban transformation over the next 20 years.

The GPOP has the following underlying objectives:

- The promotion of *'high quality mixed development that creates new places to live, work, learn and do business'*.
- *Accommodating 84,000 new homes and 105,000 new jobs over 20 years.*
- providing better connection *'with new light rail and metro services, creating a 30-minute city for people to access the places and services they need to get to'*.

Consistent with the above, the GPOP *promotes 'infill development around and within 1 km of new Parramatta Light Rail stops'*.

The GPOP comprises four distinct quarters of which one is *'Next Generation Living from Camellia to Carlingford'*. The planning vision and objectives for the quarter include:

#### **Quarter 2: Next Generation Living from Camellia to Carlingford**

*A 21st-Century living, learning and leisure district is planned for this northern area of GPOP. It will comprise a mix of medium to high-density housing types with nearby education, research, retail, recreation and entertainment facilities providing all the conveniences of 'inner-city' living. Smart, vibrant and inclusive communities are the goal.*

#### **The '30-minute city': from dream to reality**

*The planned 'turn up and go' Parramatta Light Rail will connect existing and future communities in Carlingford, Telopea, Dundas, Rydalmere and Camellia, to Westmead, Parramatta CBD, Silverwater and Olympic Park. With these swift and convenient connections, the '30-minute city' will truly become a reality. The line*

*will be connected to Epping and Macquarie Park — by one mode or another — giving people excellent work and study choices.*

The subject site is within very close proximity of the Carlingford light rail stop. It is also in convenient walking distance of bus stops that provide regular connection to major centres. The planning proposal provides for a well-designed ‘mixed use’ infill development that provides high amenity housing, local services, and local employment opportunities. The proposal ‘gives life’ to the initiatives of the GPOP.

***Question 4. Will the planning proposal give effect to a council’s endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?***

#### **3.7.4 Parramatta 2038 Community Strategic Plan**

The planning proposal is consistent with the provisions of the *Parramatta 2038 Community Strategic Plan*.

The planning proposal actions the strategies and key objectives identified in the plan including:

- 1.4 Ensure everyone has access to education and learning opportunities*
- 2.1 Design our City so that it is usable by people of all ages and abilities*
- 2.2 Improve public transport to and from Parramatta CBD, our local centres, neighbourhoods and the greater Sydney region.*
- 2.3 Make our City more enjoyable and safe for walking and cycling.*
- 2.4 Provide and upgrade roads and improve safety for all road users.*
- 2.5 Manage traffic congestion and access to parking.*
- 5.2 Attract public and private investment to our City and support the growth and prosperity of local businesses.*
- 5.3 Plan and deliver a vibrant, attractive and safe CBD and local centres.*
- 6.1 Engage in strategic planning and implement innovative solutions to manage the growth of our City.*

#### **3.7.5 Parramatta (former The Hills) Local Environmental Plan 2012 and the Draft Harmonisation LEP**

The planning proposal furthers the following ‘aims’ of the LEP:

## **1.2 Aims of Plan**

- (c) to provide for the development of communities that are liveable, vibrant and safe and that have services and facilities that meet their needs,*
- (d) to provide for balanced urban growth through efficient and safe transport infrastructure, a range of housing options, and a built environment that is compatible with the cultural and natural heritage of the City of Parramatta local government area,*
- (f) to contribute to the development of a modern local economy through the identification and management of land to promote employment opportunities.*

The planning proposal does not alter the zoning of the land as the proposed redevelopment is permissible within the current *B2- local centre* zone under *Parramatta (former The Hills) Local Environmental Plan 2012*.

The *B2 local centre* zone has a high degree of flexibility permitting development that is entirely residential (residential flat buildings), business development, or a mix of residential and business uses.

Pursuant to clause 2.3(2) of The Hills LEP 2012 *‘the consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone’*.

*The objectives of the B2 Local Centre zone are:*

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- To encourage employment opportunities in accessible locations.*
- To maximise public transport patronage and encourage walking and cycling.*

The planning proposal promotes the objectives of the zone. The redevelopment of the land for a mix of retail/commercial and residential uses:

- provides opportunity for the provision of service needs for people who live in, work in and visit the local area,
- creates employment opportunities, and
- maximises public transport patronage, walking a cycling.

The draft Harmonisation LEP includes the following amendment of relevance to the No 241-245 Pennant Hills Road site.

**Ground floor  
development in  
Zones B1 and B2**

It is proposed to include new provisions in the consolidated LEP in order to resolve an inconsistency between LEPs relating to the permissibility of residential flat buildings in certain business zones.

The intended objective of the clause is to restrict residential accommodation at the street level in certain business zones to enable the provision of a range of commercial and community uses.

It is intended the clause will apply land in the B1 Neighbourhood Centre zone and B2 Local Centre zone.

The clause will limit the ground floor of any building facing a street in the B1 or B2 zone to non-residential uses only. An exception will be applied to any part of a building that faces a service lane or is required for entrances and lobbies, access for fire services or vehicular access associated with residential accommodation.

In respect of the proposed restriction limiting the use of the ground floor level to non-residential uses the current concept plans that support the planning proposal identify the use of the ground floor level of the 'row' building (located adjacent to the western site boundary) for residential purposes. There is no reason why the ground floor level could not be used for commercial/business uses in accordance with the draft Harmonisation LEP provision. This can be achieved without any modification to the building envelope.

As such the planning proposal is consistent with the provisions of the Councils draft Harmonisation LEP.

### **3.7.6 The Hills Development Control Plan 2012**

The planning proposal is consistent with the following objectives of The Hills DCP 2012 includes the following objectives for development within the Carlingford town centre:

*"The character of the southern end of the Precinct in the vicinity of the train station will be largely determined by the development of landmark buildings on the key sites and their role in creating street oriented village built form and character, open spaces and a civic plaza linked to the station."*

*"The existing buildings of the railway station, in association with the Council owned library, future community facilities, open space and increased residential densities near the railway station provide a central focus and landmark for the*

*Precinct and create a strong identity for the existing centre as a potential Town Centre.”*

*“The urban design, functional and socioeconomic outcomes proposed for the precinct are the expression of the opportunity to:*

- Provide landmark buildings denoting the core of an urban village centred around the train station, open space, pedestrian and cycle*
- connections, and community facilities.*
- Provide street level active uses and human scale in the village centre.*
- Provide a substantial number of residential units in close proximity to the train station.*
- Provide landmark buildings at key gateways to the Precinct on Pennant Hills Road”*

*“Locate the proposed apartment buildings with highest density closest to the train station to maximise infrastructure use, improve convenience for commuters and to contribute to a critical mass for a future civic/transport hubs.”*

*“Concentrate residential density close to the station to maximise usage of the train service by the maximum number of people in the shortest, most convenient walking distance from the station.”*

*“For sites within 400m of the train station a higher FSR is appropriate to maximise public transport usage”*

### **3.7.7 State Environmental Planning Policies**

***Question 5. Is the planning proposal consistent with applicable State Environmental Planning Policies?***

The planning proposal is consistent with the provisions of the following State Environmental Planning Policies that are relevant to the circumstances of the proposal.

#### **State Environmental Planning Policy (Infrastructure) 2007**

The aims of the SEPP include:

*(e) identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and*

*(f) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing.*

The Policy in the main identifies provisions and procedures that will need to be addressed at the development application stage.

Clause 87 of the SEPP requires consideration to be given to the potential impact of rail noise or vibration on non-rail development and relates to land that is *‘on or adjacent to a rail corridor and that the consent authority considers is likely to be adversely affected by rail noise or vibration’*. Clause 87(3) specifies that *‘if the development is for the purposes of a building for residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:*

*(a) in any bedroom in the building—35 dB(A) at any time between 10.00 pm and 7.00 am,*

*(b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.’*

The subject site is separated from the light rail corridor by Jenkins Road; further the railway line sits well below street level. As a consequence, the subject site is not exposed to significant rail noise or vibration. Notwithstanding a report from an appropriately qualified consultant will be submitted at the development application stage if required by the consent authority.

Clause 101 of the SEPP relates to development with frontage to classified road. The subject site has frontage to Pennant Hills Road, the provisions of clause 101 are therefore relevant to the future development of the site. Clause 101 has the following objectives;

*“to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*

*“to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads”*

Clause 101(2) states that:

*“The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:*



*(a) where practicable, vehicular access to the land is provided by a road other than the classified road, and*  
*(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.”*

In respect of clause 101(2)(a) the concept plans for the future redevelopment of the subject site have been prepared so that all vehicle access is from Felton Road; there is no vehicle access to Pennant Hills Road as desired by the SEPP.

In respect of clause 101(2)(c) the design of the building locates non-residential uses on the ground floor level with the residential apartments being located on the upper levels. The use of winter gardens will further assist in mitigating the potential impact of road noise. A report from an appropriately qualified consultant will be submitted at the development application stage.

The applicant has liaised with *Roads and Maritime Services* in preparing the planning proposal particularly in respect of vehicle access and future road widening requirements. The planning proposal addresses the matters identified during the consultation process.

#### **SEPP (Building Sustainability Index: BASIX) 2004**

Detailed compliance with SEPP (BASIX) will be demonstrated at the time of making a development application for the site facilitated by the Planning Proposal.

#### **SEPP No. 65 - Design Quality of Residential Flat Development**

The primary objective of the SEPP is to improve the design quality of residential flat development in New South Wales. The concept design plans that form part of the planning proposal documentation have been prepared by a qualified architect and are essentially of a ‘development application’ standard. Supporting reports that have been prepared by *Kennedy and Associates* establish that compliance with SEPP 65 and ADG requirements will be achieved. Detailed compliance with SEPP 65 will be demonstrated at the time of making a development application for the site facilitated by the Planning Proposal.

Clause 28 of SEPP No 65 states;

**28 Preparation of instruments**

*A person who prepares:*

*(a) an environmental planning instrument, or*

*(b) a development control plan, or*

*(c) a master plan or similar plan,*

*that makes provision with respect to residential flat development should include provisions in the instrument or plan to ensure the achievement of design quality in accordance with the design quality principles and have regard to the publication Residential Flat Design Code (now known as the Apartment Design Guide).*

The planning proposal amends the height and FSR controls applying to the site under the provisions of Parramatta (former The Hills) Local Environmental Plan 2012. Clause 1.9 of *Parramatta (former The Hills) Local Environmental Plan 2012* states “*This Plan is subject to the provisions of any State environmental planning policy that prevails over this Plan as provided by section 36 of the Act*” addressing the provisions of clause 28 of SEPP 65.

It is proposed to amend the provisions of The Hills Development Control Plan 2102 by including site specific controls. The draft DCP that has been prepared is consistent with the provisions of SEPP No 65.

**State Environmental Planning Policy No 55—Remediation of Land**

The objective of the SEPP is:

*(1) to provide for a State wide planning approach to the remediation of contaminated land.*

*(2) In particular, this Policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment:*

*(a) by specifying when consent is required, and when it is not required, for a remediation work, and*

*(b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and*

*(c) by requiring that a remediation work meet certain standards and notification requirements.*

Clause 6 of the SEPP requires potential site contamination and remediation to be considered by planning proposals in circumstances where there is a zoning amendment that would permit a change of use of the land. There is no change in zoning (or change in permitted land uses) under the planning proposal.

Notwithstanding a Stage 1 Environmental Site Assessment has been undertaken by *Environmental Investigations Pty Ltd*. The assessment concludes that based on historical reviews of land use and field inspection the likelihood of contamination is low to moderate. The report concludes *'it is considered that there would be no major difficulties in remediating the site, should it be required.'*

### **SEPP (Exempt and Complying Development Codes) 2008**

The SEPP may apply to future development of the site. No relevant matters arise in respect of the planning proposal.

### **3.7.8 Ministerial Directions**

#### ***Question 6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?***

The planning proposal is consistent with the following Ministerial Directions that are relevant to the circumstances of the proposal.

#### **Direction 1.1 Business and Industrial Zones**

The objectives of this direction are to:

- (a) encourage employment growth in suitable locations,*
- (b) protect employment land in business and industrial zones, and*
- (c) support the viability of identified centres*

The Direction requires that:

*(4) A planning proposal must:*

- (a) give effect to the objectives of this direction,*
- (b) retain the areas and locations of existing business and industrial zones,*
- (c) not reduce the total potential floor space area for employment uses and related public services in business zones,*
- (d) not reduce the total potential floor space area for industrial uses in industrial zones, and*

*(e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Secretary of the Department of Planning and Environment.*

*(b) A planning proposal must retain the areas and locations of existing business and industrial zones,*

The planning proposal does not alter the zoning of the land nor change the uses that are permissible under the current zoning.

The planning proposal provides for a minimum of 1,970sqm of non-residential floor space that is intended to be occupied by small scale service businesses and a childcare centre.

The proposed development is supportive of the role of the Carlingford town centre under the centres hierarchy and will contribute to the provision of employment opportunities in a manner that is appropriate for the centre and that does not undermine or compete with the primary employment functions of major and regional centres.

*(c) A planning proposal must not reduce the total potential floor space area for employment uses and related public services in business zones,*

The planning proposal does not reduce the potential floor space area for employment uses. In this respect it is noted that the *B2-local centre* zone land use table permits 'residential flat development', as such there is no statutory requirement for the redevelopment of the site for business purposes. Notwithstanding, the planning proposal provides for the redevelopment of the site for mixed use development.

The ground floor and first floor level of the 'tower' building will be used for commercial and childcare centre uses. The planning proposal provides for the use of all levels of the 'row' building facing Pennant Hills Road for commercial purposes. Pursuant to Councils Harmonisation LEP (discussed below) the entire ground floor of the 'row' building will be required to be used for commercial purposes.

A minimum of 1,970sqm of non-residential, commercial type floor space will be provided in the development. The commercial component enables the development to contribute to the provision of local services creating employment opportunities and services to the Carlingford town centre.

Potential commercial uses include small businesses, gymnasium, restaurant, cafes, and service retail and commercial and childcare.

Parramatta Council recently considered the amount of non-residential floor space that should be provided in development within local centres (and specifically land zoned *B2 local centre*) so as to ensure that future development achieved both local planning objectives and the objectives of the CCDP.

The Parramatta Council Harmonisation LEP (that has received gateway determination) includes a specific requirement that the ground floor level use of development in the *B2 local centre* zones must be non-residential in use so as to ensure that a reasonable and appropriate contribution is made towards local service provision and employment creation in the local centres.

The planning proposal ensures that the floor space targets expressed in the Harmonisation LEP will not only be met but exceeded upon the future redevelopment of the site.

There is no particular planning reason why the subject site should be required a greater amount of non-residential floor space (nor for that matter any lesser amount of floor space) that that considered reasonable and acceptable for like zoned sites in the LGA, as expressed in the Harmonisation LEP.

The proposed mix of uses promotes the objectives of the zone, the objectives and State planning strategies, and the provisions of the Council draft Harmonisation LEP all of which seek to achieve a balance of residential and non-residential land uses on land zoned *B2 Local Centre*.

(d) A planning proposal must not reduce the total potential floor space area for industrial uses in industrial zones

Not relevant as the planning proposal does not relate to industrial land.

(e) A planning proposal must ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning.

Not relevant as the planning proposal does not propose any new employment areas.

### **Direction 3.1 Residential Zones**

The objectives of this direction are to:

- (a) to encourage a variety and choice of housing types to provide for existing and future housing needs,*
- (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and*
- (c) to minimise the impact of residential development on the environment and resource lands.*

The Direction requires that:

*(4) A planning proposal must include provisions that encourage the provision of housing that will:*

- (a) broaden the choice of building types and locations available in the housing market, and*
- (b) make more efficient use of existing infrastructure and services, and*
- (c) reduce the consumption of land for housing and associated urban development on the urban fringe, and*
- (d) be of good design.*

*(5) A planning proposal must, in relation to land to which this direction applies:*

- (a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and*
- (b) not contain provisions which will reduce the permissible residential density of land.*

*(a) A planning proposal must broaden the choice of building types and locations available in the housing market*

The planning proposal does not change the zoning of the site and thus does not change the potential dwelling typologies. The current B2- local centre zone under Parramatta (former The Hills) Local Environmental Plan 2012 has a high degree of flexibility in terms of 'building types' permitting residential development (including residential flat buildings), business development and mixed-use development.



The planning proposal will contribute to housing supply, having balanced regard to the requirements of other Directions (including 'Direction 1.1 Business and Industrial Zones' that requires the delivery of local service and employment opportunities by means of the provision of non-residential floor space).

The planning proposal provides for 108 apartments with an apartment mix of 1, 2, and 3, bedroom apartments of varied design and sizes.

The provision of other housing typologies (such as townhouses) is not considered to be desirable on the site. In this respect there is an extensive residential precinct located immediately to the west of the site that is zoned to specifically encourage townhouse development. There has been limited market uptake/demand for townhouse development in the precinct.

Further it is noted that Councils Harmonization LEP will require all ground floor uses on land zoned *B2 local centre* zone to be used for non-residential purposes. This will have the effect of prohibiting residential housing typologies such as townhouses in the business zone (the only permissible residential housing typologies will be shop top housing/residential flats and boarding houses).

*(b) A planning proposal must make more efficient use of existing infrastructure and services*

The site is in proximity of the new light rail and existing bus stops on Pennant Hills Road. The planning proposal increases the density of residential development on the site making more efficient use of existing infrastructure and services.

*(c) A planning proposal must reduce the consumption of land for housing and associated urban development on the urban fringe*

The proposal promotes higher density housing on a site that is located within an existing town centre contributing to a reduction in the need to accommodate the significant housing stock that is required to accommodate Sydney's future population growth on the urban fringe.

*(d) A planning proposal must be of good design.*

The planning proposal is supported by concept architectural plans that are the outcome of extensive urban design analysis that has been undertaken

collaboratively between Council officers and the applicant's experts *Kennedy and Associates*. The planning proposal the construction of a mixed-use building of considerable urban design and architectural merit. The principles of the urban design process are incorporated in a supporting DCP.

*SEPP No 65 Design Quality of Residential Flat Development* was introduced by the State government specifically to improve the design quality of residential flat development in New South Wales. The planning proposal facilitates redevelopment that achieves the objectives of SEPP No 65 and ADG requirements. Detailed compliance with SEPP 65 will be demonstrated at the time of making a development application for the site facilitated by the Planning Proposal

*(5) A planning proposal must, in relation to land to which this direction applies:*  
*(a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and*  
*(b) not contain provisions which will reduce the permissible residential density of land.*

The subject site is not located on the urban fringe or in an urban release area. The subject site is located within the Carlingford town centre - all required services including electricity and sewer is available to the site.

The planning proposal provides for an increase rather than reduction in the density of residential development on the subject land.

### **Direction 3.4 Integrating Land Use and Transport**

This objective of this Direction is:

*To ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:*  
*(a) improving access to housing, jobs and services by walking, cycling and public transport, and*  
*(b) increasing the choice of available transport and reducing dependence on cars, and*  
*(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car and*

*(d) supporting the efficient and viable operation of public transport services, and  
(e) providing for the efficient movement of freight. A*

The Planning Proposal is consistent with this direction, in that it:

- will provide new dwellings near existing and proposed public transport links in Carlingford including both existing bus services and the new light rail.
- will enable residents to walk or cycle to nearby commercial services and public transport reducing car dependency.
- will provide commercial premises in proximity to existing transport links
- will make more efficient use of space and infrastructure by increasing densities on an under utilised site.

### **Direction 6.1 Approval and Referral Requirements**

The planning proposal does not introduce any additional requirements for concurrence, consultation or referral of development applications to a Minister or public authority. The planning proposal is consistent with the terms of this direction.

### **Direction 6.2 Reserving Land for a Public Purpose**

The site is affected by an SP2 zone which provides for road widening along part of the Pennant Hills Road frontage. The planning proposal does not create, alter, or reduce the existing zonings or reservations of land for public purposes.

The concept scheme makes allowance for the future dedication/acquisition of part of the reservation having regard to matters such as vehicular access and building setbacks.

### **Direction 6.3 Site Specific Provisions**

The planning proposal does not introduce any new planning controls into the principal instrument. Building height and FSR controls currently apply to development on the subject site under *Parramatta (former The Hills) Local Environmental Plan 2012*.

The planning proposal implements the 'additional permissible uses' clause of the LEP to implement site specific requirements relating to the provision of non-residential floor space and winter gardens.

The planning proposal does not seek to alter the principal instrument by adding provisions or clauses that contain or refer to drawings that show details of the development proposal.

**Direction 7.1 – Implementation of A Plan for Growing Sydney**

The planning proposal implements the objectives of *A Metropolis of Three Cities*. A detailed assessment has been provided previously in this report.

**Direction 7.5 - Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan**

The site is located adjacent to the draft Greater Parramatta Priority Growth Area and draws upon the principles of the GPOP plan. The planning proposal ‘gives life’ to the initiatives of the GPOP.

## 4.0 ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

***Question 7: Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal??***

No impacts arise from the planning proposal as the site does not contain critical habitat, threatened species, populations or ecological communities or their habitats.

***Question 8: Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?***

There are no significant physical constraints to the redevelopment of the subject property. In this respect:

- The subject site is NOT identified as being of heritage significance
- The subject site is NOT located within a heritage conservation area.
- The subject site DOES NOT contain significant vegetation or critical habitat.
- The subject site is NOT flood prone.
- The subject site is NOT within a bushfire hazard area.
- The subject site has a relatively level topography and very substantial street frontages/exposure.
- The subject site is NOT constrained by acid sulphate soils.

The key environmental potential environmental impacts and mitigating measures associated with the planning proposal are canvassed in section 3.4 of this report. These matters include land use mix, urban design/streetscape (building height massing, density), spatial arrangements (setbacks and separation), pedestrian circulation, traffic and the physical relationship with nearby development (amenity- shadowing and privacy).

The planning proposal facilitates a high-quality urban design and town planning outcome for the site that positively responds to the site's characteristics and its context.

Expert reports have been provided in respect of traffic generation, potential impacts of EMR on future residential development and potential site contamination.

### Traffic and Parking

The Traffic Impact Assessment report prepared by *Traffic Solutions* concluded that the local street network has the capacity to accommodate the traffic that is likely to be generated by the redevelopment of the land.

The proposal has been refined in the interim period in collaboration with Council officers. An updated Traffic Impact Assessment report specifically assessing the traffic management impacts of the revised design is currently being prepared.

It is noted that since the original traffic report the following matters that would reduce rather than exacerbate potential traffic impacts have occurred and will be considered in the updated Traffic Impact Assessment:

- The light rail has commenced construction- this will assist in reducing car dependency.
- The signalisation of the Baker Street/Pennant Hills Road intersection will be undertaken either as part of the VPA for the planning proposal at No 264-268 Pennant Hills Road, Carlingford or as part of the State government “pinch point” program.
- The proposal clarifies that the existing vehicular access point to Pennant Hills Road will be removed. All vehicle access will be from Felton Road.

### Electromagnetic Radiation and Energy

There is often community concern expressed in respect of potential health impacts arising from the proximity of residential housing to substations and communications towers. The substation and communication tower located to the north and north-west of the subject site do not generate electromagnetic fields that would adversely impact upon health. The EME Survey prepared by *EMC Technologies* confirms that the EMR and EME levels are well within the applicable public health standards and are not a constraint to residential development on the subject land.

### Potential Site Contamination

A Stage 1 Environmental Site Assessment has been undertaken by *Environmental Investigations Pty Ltd*. The assessment concludes that based on historical reviews of land use and field inspection the likelihood of contamination is low to



moderate. The report concludes *‘it is considered that there would be no major difficulties in remediating the site, should it be required.’*

***Question 9: Has the planning proposal adequately addressed any social and economic effects??***

The social and economic impacts that will be delivered by the planning proposal have been well documented in this report. Salient matters include:

Economic

The delivery of a mixed-use development that appropriately balances provision of residential and commercial floor space.

The delivery of viable high-quality commercial floor space that will provide opportunities for local services/businesses in the town centre.

Creating employment during the construction phase.

Creating long term employment from the commercial floor space and childcare centre within the development.

Delivering a development that will maximise the use of existing and emerging public transport infra structure.

Delivering a publicly accessible pedestrian corridor through the site linking Felton Road to Pennant Hills Road; at no cost to any public authority or the community.

Delivering a high amenity community focal point (the through site pedestrian zone), at no cost to any public authority or the community.

Providing for the efficient use of land in a well serviced locality.

Providing a development that contributes to the economic role and functions of the Carlingford town centre.

The provision of wider community benefits that have a considerable monetary value by means of the VPA including the dedication of land for improvements to Pennant Hills Road, at no cost to the community or any public authority.

## Social

Delivering a development that will create a focal point for the community. Central to this is the creation of a publicly accessible pedestrian zone through the site linking Felton Road to Pennant Hills Road. This will provide an active and enjoyable space fostering social connections and integration. The *'provision of open space and recreation facilities within private development to support the needs of residents'* is a matter that has been identified in the *Parramatta Draft Local Housing Strategy* (28 August 2019) as community need within the Carlingford town centre.

Delivering a private 90 place childcare centre as part of the development of the site. The increased provision of either private or not for profit long day care centres is specifically identified in the *Parramatta Draft Local Housing Strategy* (28 August 2019) as a community need in the Carlingford town centre.

Promoting commercial uses (such as the gymnasium) that are conducive to community health and well-being.

Providing high amenity housing in a well serviced locality.

Providing a development of high architectural integrity and that respect the amenity of surrounding land uses.

Delivering a development that promotes pedestrian activity and circulation. The need for *'increased pedestrian connectivity'* is a matter that has been identified in the *Parramatta Draft Local Housing Strategy* (28 August 2019) as community need within the Carlingford precinct.

## 5.0 STATE AND COMMONWEALTH INTERESTS

### ***Question 10: Is there adequate public infrastructure for the planning proposal??***

*Typically, this question applies to planning proposals that:*

- *result in residential subdivisions in excess of 150 lots*
- *substantial urban renewal*
- *infill development*
- *development that will result in additional demand on infrastructure (such as public transport, roads, utilities, waste management and recycling services, essential services such as health, education and emergency services).*

All utility services (telephone, electricity, sewer and water) are available to the site.

Generally, all required infrastructure such transport, schools and open space is available to the site.

The planning proposal makes a positive contribution to community infrastructure through the provision of the childcare centre, the pedestrian zone (community gathering space), improved pedestrian circulation routes, and the dedication of land for future improvements to Pennant Hills Road.

### ***Question 11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?***

Both the applicant and Councils officers undertook pre-gateway discussions with RMS. Those discussions revealed that the RMS would:

- Require the removal of the existing driveway access to Pennant Hills Road due to road safety and network efficiency outcomes. Consideration could however be given to commercial/service access from Pennant Hills Road only.
- Prefer that land required for road widening along the Pennant Hills Road site frontage be made available at no cost to RMS. To this end RMS advised

that they would be supportive of an FSR transfer to the remainder of the site to offset acquisition costs.

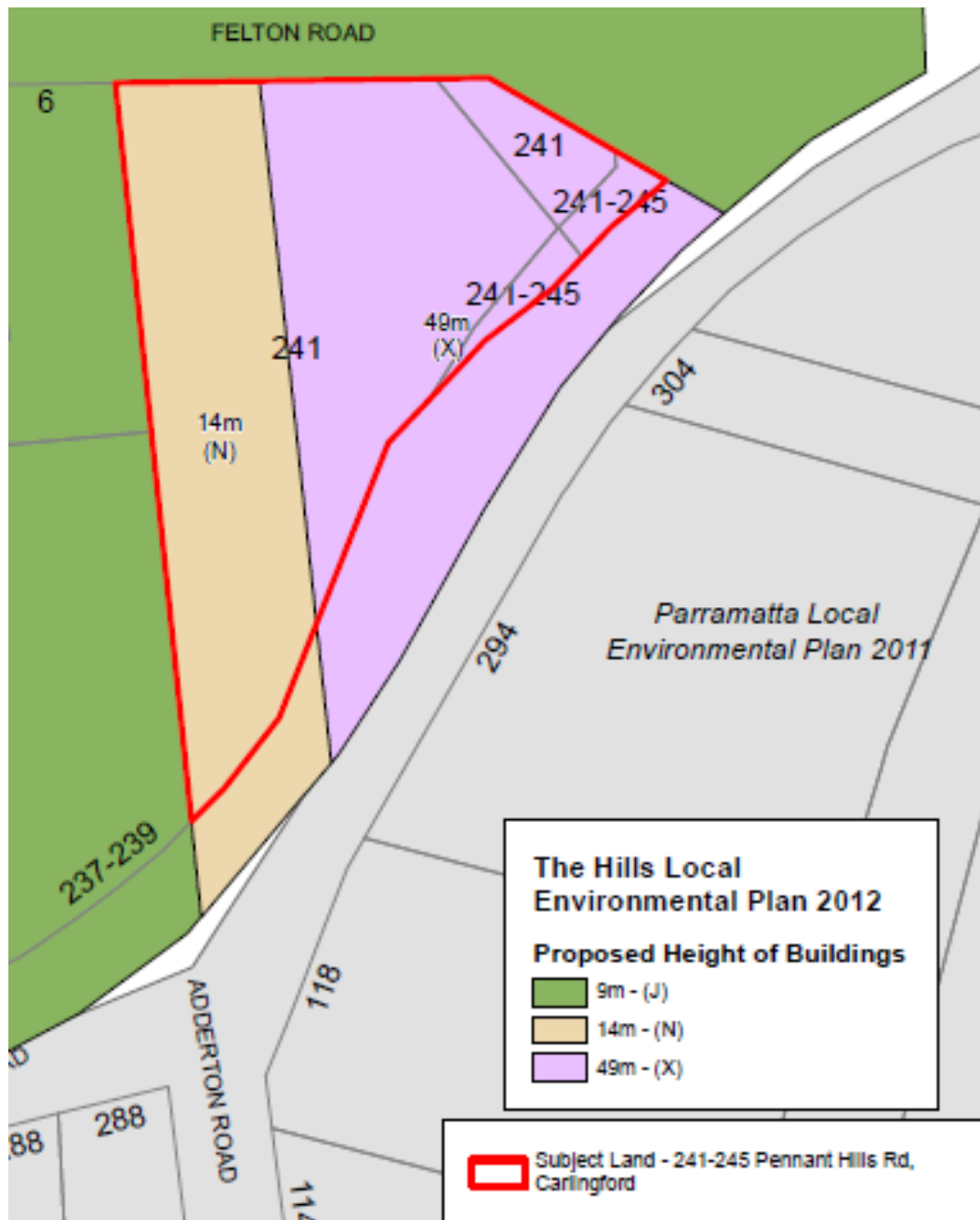
The planning proposal provides for the above outcomes. Vehicle access will be restricted to Felton Road and land required for road widening at the south-western end of the site will be dedicated by means of a VPA, free of land cost. These outcomes will only be achieved if the planning proposal proceeds.

Further consultation will be undertaken at the gateway determination including the provision of the revised Traffic Impact Assessment report to RMS for review/consideration.

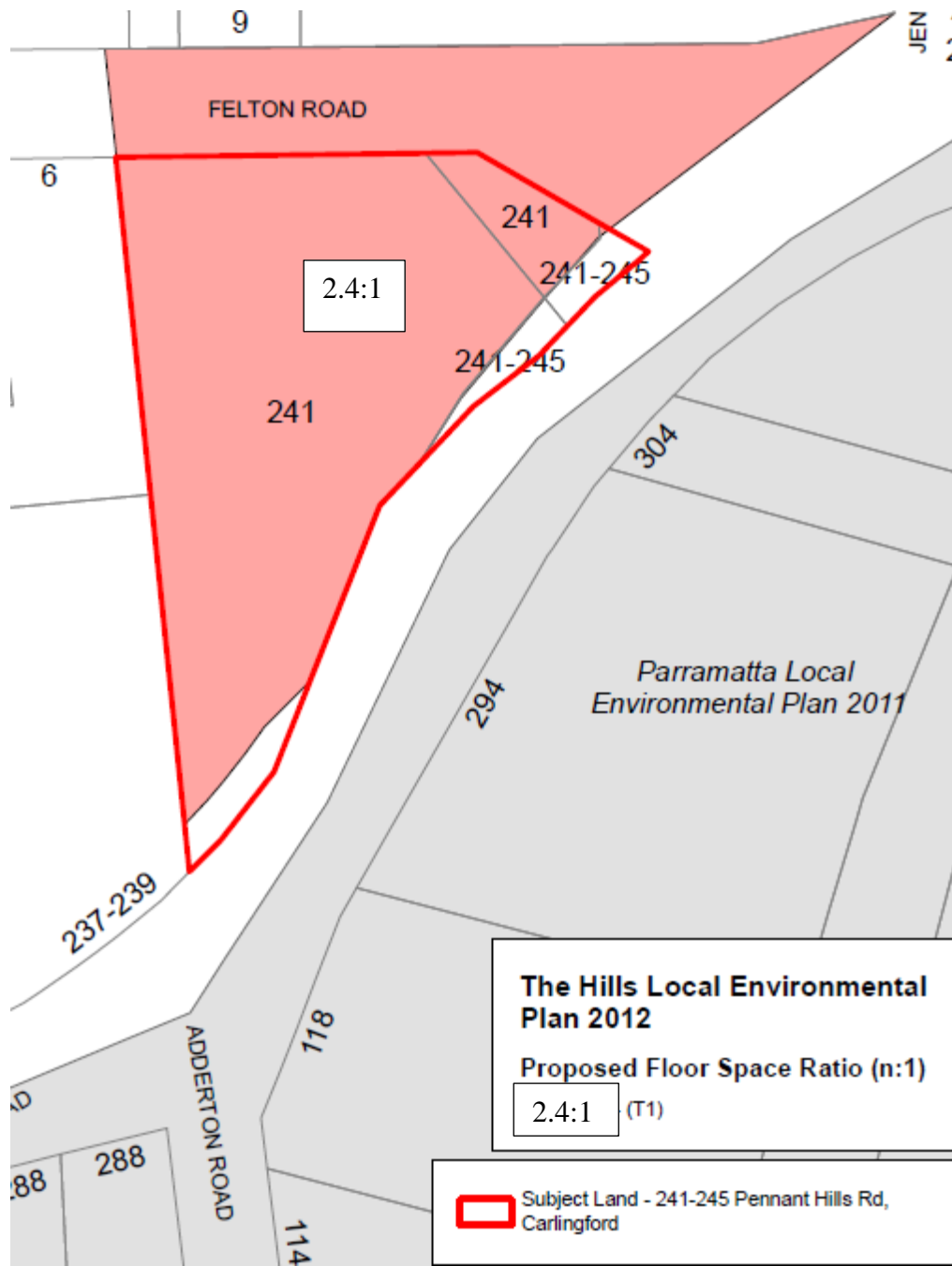
## 6.0 MAPPING

There is no change to the zoning of the site under the planning proposal.

The amendments to the *Parramatta (former The Hills) Local Environmental Plan 2012* height and FSR maps are illustrated below.



**Proposed Building Height Map**



***Proposed FSR Map***



## **7.0 COMMUNITY CONSULTATION AND TIMELINE**

This will be determined by *Department of Planning, Industry and Environment*.

## 8.0 CONCLUSION AND RECOMMENDATION

The planning proposal will facilitate the redevelopment of the site in a manner that positively responds to the sites town centre context and that has a high standard of urban design and architectural appeal. Details relating to the design rationale of the proposal are conveyed in the accompanying site and urban design analysis and architectural plans prepared by ***Kennedy and Associates***.

The planning proposal has substantial town planning and site specific merit and should receive favourable gateway consideration.

The planning proposal is consistent with and promotes the strategic planning objectives of both the State and local government.

**APPENDIX A**

**Amendment to Part 4.3 to Parramatta  
Development Control Plan 2011 for  
No 241-245 Pennant Hills Road  
Carlingford**

**DRAFT – 23 January 2019**

### **4.3.7 No 241 - 245 Pennant Hills Road, Carlingford**

#### **Introduction**

This site-specific Development Control Plan (DCP) applies to a 6,330.05sqm essentially triangular land parcel that is located at the junction of Pennant Hills Road and Felton Road, Carlingford. The site comprises Lots 1, 2, 5 and 6 in DP 805809. The majority of the site is zoned *B2 Local Centre*. The land use table encourages a range of residential and business land uses. Some 437sqm of the site is zoned for future widening of Pennant Hills Road. The area of the site excluding the land required for road widening is 5,893.5sqm.

This Part is to be read in conjunction with other parts of this DCP and the Parramatta Local Environmental Plan (LEP) 2011. It establishes principles, objectives and controls to be interpreted during preparation and assessment of development applications and supports the objectives of the LEP.

This Part of the DCP details the desired future character for the site and provides site specific objectives and controls to guide future development. In the event of an inconsistency between this Part of the DCP and any other DCP provision then the provisions of this Part prevail.

#### **Desired Future Character**

The site is located within the Carlingford town centre and is located within walking distance to Carlingford railway station (approximately 250m). The site is also serviced by the high frequency bus route along Pennant Hills Road.

With a renewed focus on growth in Western Sydney, the need to increase connectivity and accessibility along Sydney's Global Economic arc and across Western Sydney is increasingly recognised. Accordingly feasibility studies were undertaken to determine a strategic light rail route, connecting Parramatta City Centre to evolving urban centres and priority precincts across Western Sydney. In December 2015, the NSW Premier announced that a Parramatta to Carlingford Light Rail link will be built. The commenced light rail and the existing bus services provide excellent access to several major centres including Parramatta CBD, Epping, Macquarie Park, Rydalmere, Norwest and Carlingford. These centres offer a variety of services including retail facilities and employment opportunities.

The site also has convenient access to a range of public and private schools, regional and local scale open spaces, major retail/commercial services (including Carlingford Court) and community services including a library.

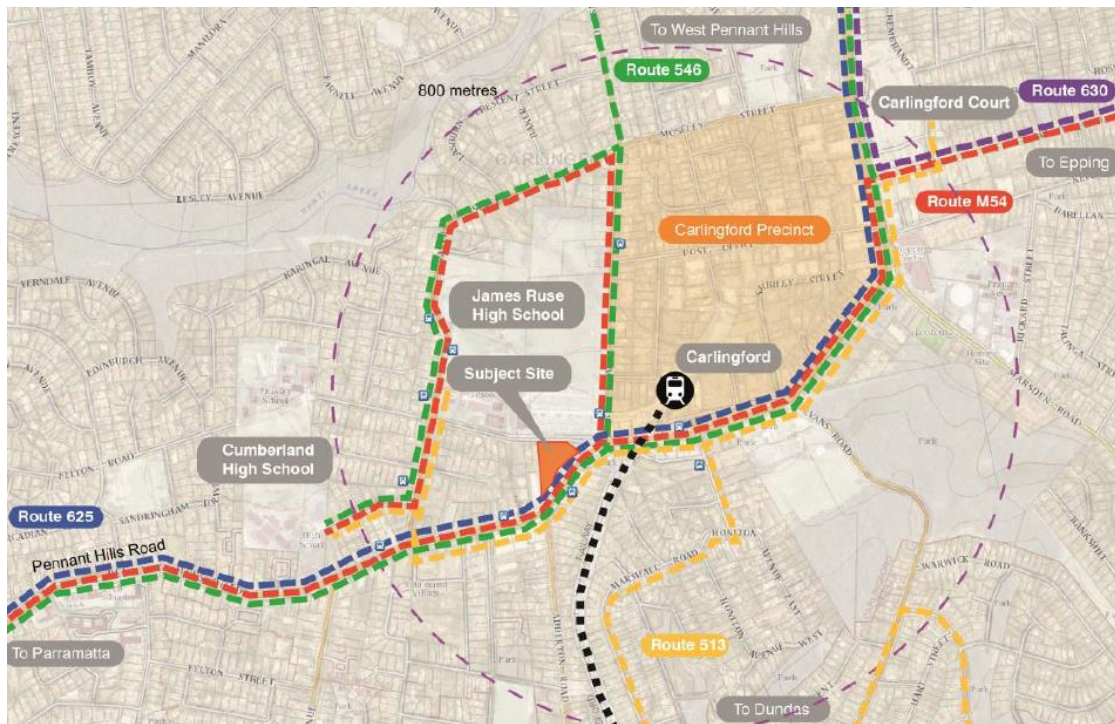


Figure 1: Site Context

There has been a significant level of development in the Carlingford Centre and its surrounds. A number of large residential flat building and mixed use developments are planned, approved or under construction within the vicinity of the site consistent with the applicable FSR controls of up to 5:1 and height controls of up to 57m for sites within 400m of the railway station.

Land to the south of the site has already been developed for high density residential housing. The medium density precinct to the west is progressively be redeveloped including a change to high density residential development through various site specific planning proposals (e.g.: No 264-268 Pennant Hills Road, Carlingford and No 258-262 Pennant Hills Road, Carlingford).

The subject site is considered to be a key site within the Carlingford town centre. The site occupies a significant corner position and is the interface between the high-rise precinct within the Carlingford town centre and medium/high density housing precincts to the south and west. The sites

substantial frontage of 140m to Pennant Hills Road creates the opportunity for the massing of buildings in a manner that provides a transitional built form inter-relating the high rise and medium/high density precincts.

As overlying principles development on the site should provide a tower element at the Pennant Hills Road/Felton Road intersection that visually relates to the high-rise towers to the east and that strengthens the street corner. The height of development should be reduced to the western side of the site responding to the lesser height of existing and future development within the adjacent medium/high density residential precinct.

The preferred scheme indicative scheme is comprised of two separate buildings – a ‘row’ and a ‘tower’, separated by a publicly accessible through site link and recreation area, connecting Felton Road in the north to Pennant Hills Road in the south. The row building, oriented parallel to the subject site’s western boundary, is to have a building height of 14m and is to be setback 6m from the side property boundary.

The tower building is located in the north-east portion of the subject site, towards the train station and higher density new development. The residential tower is to have a maximum height of 49m.

The Carlingford town centre will be developed for a mix of business and residential purposes. While acknowledging that residential flat development is permissible on the subject site given the limited availability of land zoned for business within the Carlingford town centre Council is encouraging mixed use development comprising commercial/business/childcare floor space on the ground and first floor levels of the tower building and high amenity apartment development on the upper levels.

Pennant Hills Road is a noise source that affects all properties within the Carlingford town centre; innovative design measures such as ‘winter gardens’ should be provided to improve acoustic amenity and encourage the use of the space. Winter gardens will also have the additional advantage of mitigating the adverse impact of wind on the apartment balconies in the tower building.

The row building may provide residential housing; the section of the row building facing Pennant Hills Road is to facilitate a commercial/retail use to address the Pennant Hills Road noise source.



Pennant Hills Road follows the ridgeline and as such the site benefits from excellent views over the metropolitan areas of Sydney including the Sydney city CBD, Sydney Olympic Park and the Parramatta CBD. Development of the site should be carried out in a manner, which optimises the available views.

### **General Objectives**

Development on No 241-245 Pennant Hills Road will:

- Promote development at a density and height that recognises the strategic location of the site in particular its town centre context and proximity to excellent transport services.
- Provide an appropriate transition in building height between the evolving high-rise development to the north east and the medium/high density residential areas to the south and west of the site.
- Provide new, high quality commercial space providing and increased level of service to the local community. The provision of a childcare centre is encouraged.
- Provide high amenity, high quality development that is architecturally expressive and contributes positively to its streetscapes.
- Promote pedestrian circulation by means of a publicly accessible through site link, improving the connectivity of the locality.
- Provide a building floor plate that optimises the panoramic city views available to the site.
- Incorporate design initiatives that respond to the acoustic influence of Pennant Hills Road including ‘winter gardens’.
- Enhance street character by aligning buildings to address the streets.
- Provide development that encourages public transport patronage and reduce reliance on private motor vehicles.

### **Built Form and Massing**

#### **Objectives:**

O.1: To provide an appropriate transition in building height between the high rise development to the north east and the medium/high density residential areas to the south and west of the site.

O.2: To set variable building heights to ensure positive and cohesive relationships with surrounding land and uses.

O.3: To provide a through site link between Pennant Hills Road and Felton Road.

0.4: To ensure that provision is made for the future widening of Pennant Hills Road having regard to building setbacks.

## Controls

### Building height

C1: Development is to provide a tower element at the corner of Pennant Hills Road and Felton Road and a row building running parallel to the western boundary of the site.

C2: The maximum height of the tower building is to be 49m.

C3: The maximum height of the row building is to be 14m.

### Building Massing

C6: The massing of the tower element is to include 9, 10 and 14 storey elements to provide articulation, reduce mass and provide depth to the building. The massing should be generally in accordance with figure 2.

C7: The maximum 'unbroken' wall length of the tower element to Pennant Hills Road is 30m. Indentations in the alignment of walls and/or balconies and changes in building heights as generally depicted in figure 3 are to be provided to achieve the desired break in the building wall length.

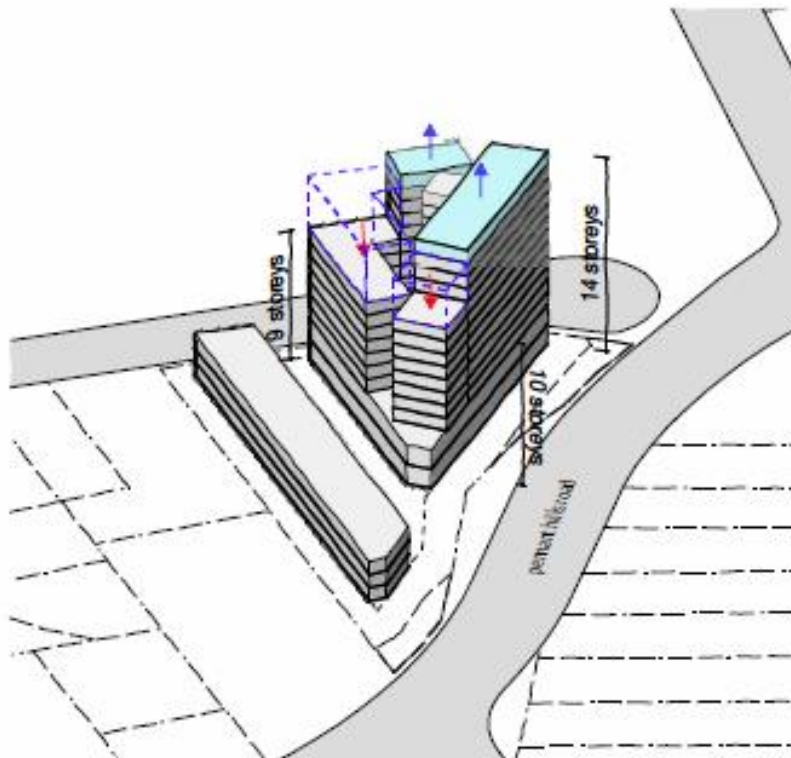


Figure 2: Building height and massing distribution

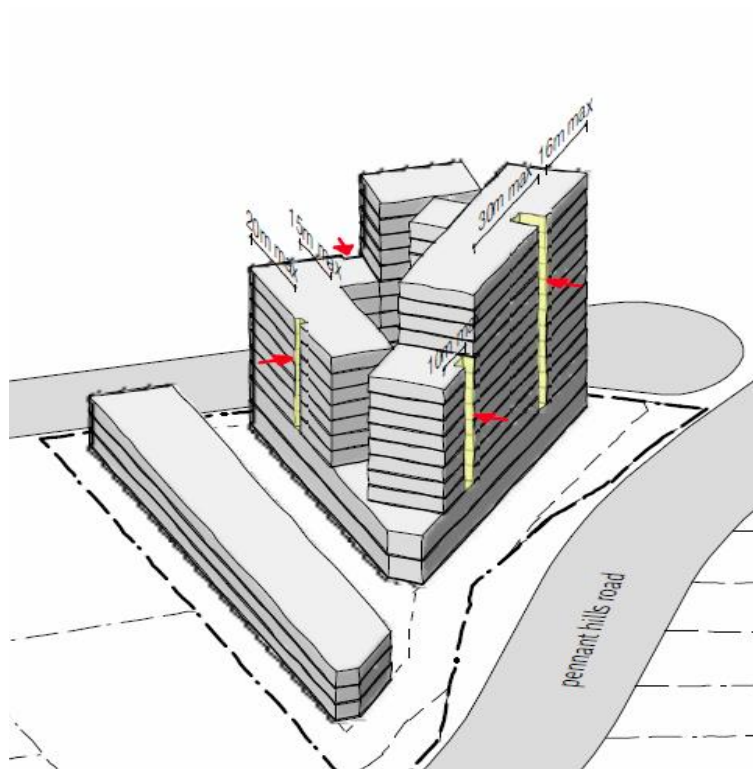


Figure 3: Wall length and articulation

## **Building Setbacks**

### **Objectives**

- 01: To provide an appropriate spatial relationship between buildings on the subject site.
- 02: To provide acceptable separation between existing and potential future residential development on the neighbouring western properties.
- 03: To recognise the future widening of Pennant Hills Road.
- 04: To recognise the transition role of the site between the town centre and residentially zoned land having regard to street setbacks.
- 0.5: To recognise the commercial/business zoning of the land and the potential for mixed use development.

### **Controls**

- C1: A 6m building setback is to be provided to the western property boundary.
- C2: A general building setback of 6m is to be provided to the Pennant Hills Road frontage of the site. Ground and first floor level commercial floor

space can encroach into the setback provided that a minimum setback of 3m is maintained.

C3: The minimum setback to Pennant Hills Road for the residential component of the development is 6m measured to the edge of the building walls and balconies.

C4: The setbacks to Pennant Hills Road are to be measured from the alignment of the road widening.

C5: The minimum setback to Felton Road is 4m measured to the edge of the building walls and balconies for the tower building element.

C6: The minimum setback to Felton Road is 6m measured to the edge of the building walls and balconies for the row building element.

C7: The separation between the tower building and the row building is to be 12m.

### **Floor Space Ratio**

In addition to the objectives of Clause 4.4 of The Hills LEP 2012, specific objectives relevant to floor space ratios are detailed below.

### **Objectives**

O1: To ensure that the resulting population density is appropriate for the characteristics of the site, its immediate surrounds and LGA.

O2: To encourage a built form which respond appropriately to the principles detailed in the Urban Design analysis report prepared by Kennedy and Associates.

O3: To promote a high standard of residential amenity by encouraging the provision of 'winter gardens' and weather proofing of foyer areas.

### **Controls**

C1: The FSR on the site shall be distributed to provide a lower built form adjacent to the western existing medium density residential area (the row building). The majority of the FSR shall be massed in the corner tower building.

C2: Floor space ratios are to be in accordance with the LEP FSR map.

C3: The following elements are not included in the calculation of FSR:

- 'Winter gardens'.
- The area of common foyers if the external face is treated with fixed or closeable louvers for weather protection.

#### **C4: Winter Garden Design**

Winter garden areas can be excluded from GFA and FSR calculations to apartments facing the Pennant Hills Road frontage of the site provided the following criteria are satisfied:

- The size of winter gardens is not to exceed the minimum balcony areas noted in the ADG being 8sqm for one bedroom apartments; 10sqm for two bedroom apartments; and 12sqm for three bedroom apartments.
- Winter garden balconies should be designed in such a way such that the space is perceived as an external balcony that has operable glazing to enable it to be modified to control noise.
- Winter gardens are to have a drained impervious floor finish.
- Air conditioning condenser units are not to be placed within winter gardens.

#### **Pedestrian Circulation**

##### **Objectives**

- O1.To promote efficient pedestrian circulation including a publicly accessible through site pedestrian link connecting Felton Road to Pennant Hills Road.
- O2. To provide efficient and safe pedestrian movement on the site.
- O3. To promote good casual surveillance and safety of within pedestrian areas.

##### **Controls**

- C1: A pedestrian link is to be provided on the western side of the site connecting Felton Road to Pennant Hills Road generally in accordance with figure 4.
- C2: The pedestrian link should have a paved width of 5-6m and be embellished with landscaping, lighting and seating.
- C3: Avenue planting of canopy trees is to be provided along the length of the pedestrian link. Noting the podium design planting can be in the form of raised planter beds providing that compliance with ADG soil depth standards for reinstated landscaping is maintained.
- C4: The Pennant Hills Road/Felton Road through site pedestrian link is to be activated at ground level. Pedestrian entries to both the row and tower buildings is to be provided off the link promoting casual surveillance,

activating the link and creating a vibrant entry and sense of place to the development.

C5: The Pennant Hills Road/Felton Road through site pedestrian link is to be provided with appropriate lighting.

C6: The Pennant Hills Road/Felton Road through site pedestrian link is to be designed to enable disabled access.

C7: The Pennant Hills Road/Felton Road pedestrian link is to be open to the sky (other than any purpose built shade structure) and is not to be encroached by over hanging building elements.

C8: In addition to its function as a pedestrian access way, the link is to be designed to allow it to be used as a recreation area for residents and visitors to the future development. The link can be included as common open space in the calculation of common open space.

C9: The Pennant Hills Road/Felton Road pedestrian link is to be formalised by a right of way permitting public pedestrian access.



Figure 4: Pedestrian circulation

## **Residential Amenity**

### **Objectives:**

01: To maximise the amenity for future occupants of the development.

02: To manage the influence of the Pennant Hills Road noise source.



0.3 To optimise the enjoyment of the quality city views available to the site.

0.4: To mitigate the influence of wind on residential amenity.

**Controls:**

C1: A commercial component is to be provided to the Pennant Hills Road frontage of the row building element to reduce the impact on traffic noise on residential amenity. The commercial/retail element should have a street front width greater than the residential component to provide effective acoustic screening.

C2: The ground and first floor levels of the tower building facing Pennant Hills Road should be used for non-residential purposes.

C3: Winter gardens should be provided to apartments facing the Pennant Hills Road frontage of the site to minimise the influence of traffic noise and wind on residential amenity.

C4: The design of the apartments and balconies is to maximise the enjoyment of available views to the south, south east and south west of the site.

C5: Common open space areas are to be suitably embellished with landscaping and shade structures to encourage resident use and enjoyment.

**Safety and Security**

**Objective:**

To promote the safety and security of occupants and visitors to the development.

**Controls:**

C1: Separate lift access is to be provided to the commercial and residential components of the development.

C2: The ground floor foyer to the residential apartments is to have controlled security access. Security doors should be full height glass to enable unobstructed sight lines.

C3: Commercial and residential car parking spaces are to be segregated by security gates or the like. Visitor parking can be provided in a manner that is accessible to both commercial and residential uses.

C4: Secured access is to be provided to the driveway access to the basement parking. An intercom is to be provided to facilitate visitor access to the parking.

C5: All common and publicly accessible areas including the through site pedestrian link are to be provided appropriate lighting.

C6: The ground floor commercial tenancies that face the streets or the through site pedestrian link are to have glassed shop fronts to promote casual surveillance and interaction with the public domain where possible.

C7: The pedestrian entries to the row building are to have a defined threshold that distinguishes the public and private domains. This can be achieved by means of unobtrusive fencing and/or landscaping.

C8: The western setback of the row building is to be allocated as private space to promote a sense of ownership and promote security.

C9: Site landscaping is to be designed so as to not obstruct sight lines along travel paths.

C10: Pedestrian entries should be well defined and easily read. Travel paths should have a straight alignment to maintain sight lines.

C11: Any fencing along the public domain should allow for casual surveillance.

### **Car Parking and Vehicle Access**

#### **Objectives:**

0.1: To recognise the high standard of public transport access available to the site and in particular its close proximity to Carlingford station and major bus routes.

0.2: To encourage public transport patronage and reduce private vehicle dependency

0.3: To promote pedestrian safety.

#### **Controls:**

C1: Vehicle access into the site is to be limited to Felton Road. There is to be no vehicle access from Pennant Hills Road.

C2: To negate the potential for vehicle/pedestrian conflict the through site link is to be used for pedestrian access only.

C3: The ground level waste collection loading bay is to be accessed from Felton Road preferably sharing the cross over with the basement car parking driveway access.