

**LEADING**

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<b>ITEM NUMBER</b>	5.1
<b>SUBJECT</b>	Planning Proposal for land at 235-237 Marsden Road, Carlingford
<b>REFERENCE</b>	RZ/25/2016 - D05106524
<b>REPORT OF</b>	Student Project Officer
<b>APPLICANT:</b>	<b>ARCHITEX PTY LTD</b>
<b>LANDOWNER:</b>	<b>GAISSET PTY LTD</b>

**PURPOSE:**

The purpose of this report is to provide the Independent Hearing and Assessment Panel (IHAP) with a report on the outcomes of the assessment of a Planning Proposal for land at 235-237 Marsden Road, Carlingford. Specifically, the report deals with whether Council should forward the Planning Proposal to the NSW Department of Planning and Environment seeking a Gateway determination.

**RECOMMENDATION**

That the IHAP recommend to Council the following:

- (a) **That** Council consider this report on the assessment of the Planning Proposal for the land at 235 – 237 Marsden Road, Carlingford (submitted by the applicant and contained in Attachment 1) which seeks to amend the *Parramatta Local Environmental Plan 2011* to rezone land from R2 – Low Density Residential to R3 – Medium Density Residential and increase maximum height and floor space ratio controls;
- (b) **That** following assessment of the Planning Proposal, that Council not support the Planning Proposal for land at 235-237 Marsden Road, Carlingford (Attachment 1) as it does not meet the strategic merit test;
- (c) **Further, that** the applicant be notified in writing of Council's decision.

**THE SITE AND CONTEXT**

1. The subject site is located at 235-237 Marsden Road on the northern side of Marsden Road, Carlingford between Tomah Street and Mobbs Lane. The subject site consists of three allotments (legally described as Lots 1, 2 and 3 of DP 5982), with a total site area of 12,884m<sup>2</sup>. While the site is zoned R2 – Low Density Residential, it is currently occupied by an existing plant nursery known as “Swane’s Nursery”. The current retail use (plant nursery) pre-dates the current zoning of the site and the applicant claims that the nursery continues to operate under ‘existing use rights’, as the current use is not permissible within the R2 zone. The site is also occupied by two existing detached dwelling houses, which are currently used as ancillary buildings of the nursery. The subject site is highlighted in **Figure 1**.

2. An existing residential townhouse development located to the north-west of the subject site (239 Marsden Road), fronting Marsden Road adjoins the subject site.
3. Otherwise, the site is immediately surrounded by single dwellings with the exception of Simpson Reserve and the Carlingford Anglican Cemetery, which are both located to the north-east of the subject site (refer to **Figure 2**). The cemetery is serviced by an unformed access road running along the south-eastern boundary of the site, connecting with Marsden Road.
4. The broader locality exhibits a mixed character which varies between low density dwellings and townhouses along the length of Marsden Road.
5. The subject site is located approximately 1km east of the Carlingford Village Shopping Centre and Carlingford Railway Station, and 1.2km east of the Carlingford Court Shopping Centre.

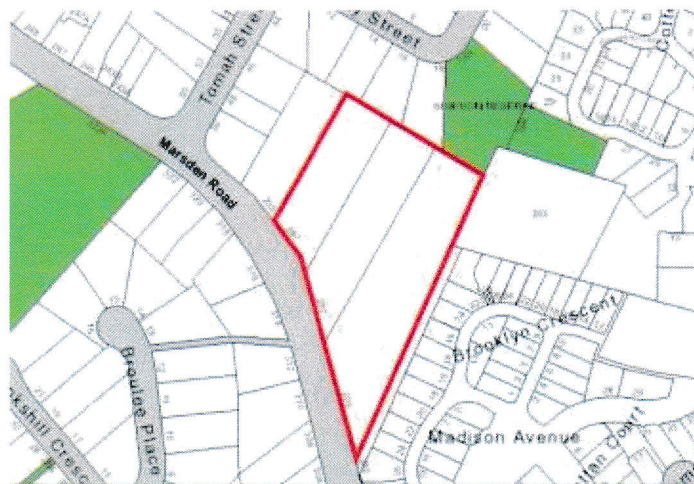


Figure 1 – Site Location Map



Figure 2 – Site Context Map

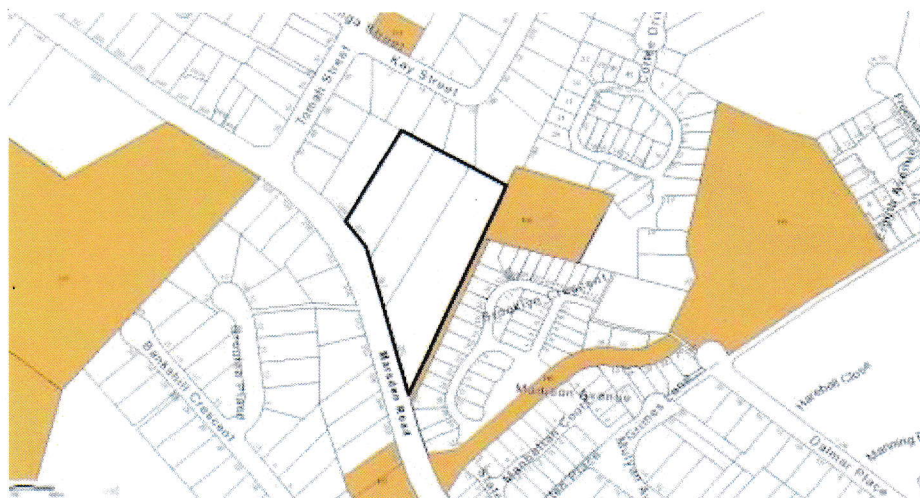






**Figure 5 – Floor Space Ratio Map**

9. Under the provisions of the Parramatta LEP 2011, the land subject to the Planning Proposal is within close proximity of several heritage items, namely St Paul's Church Cemetery (118) which is located directly adjacent to the subject site (refer to **Figure 6**).



**Figure 6 – Heritage Map**

## **PLANNING PROPOSAL**

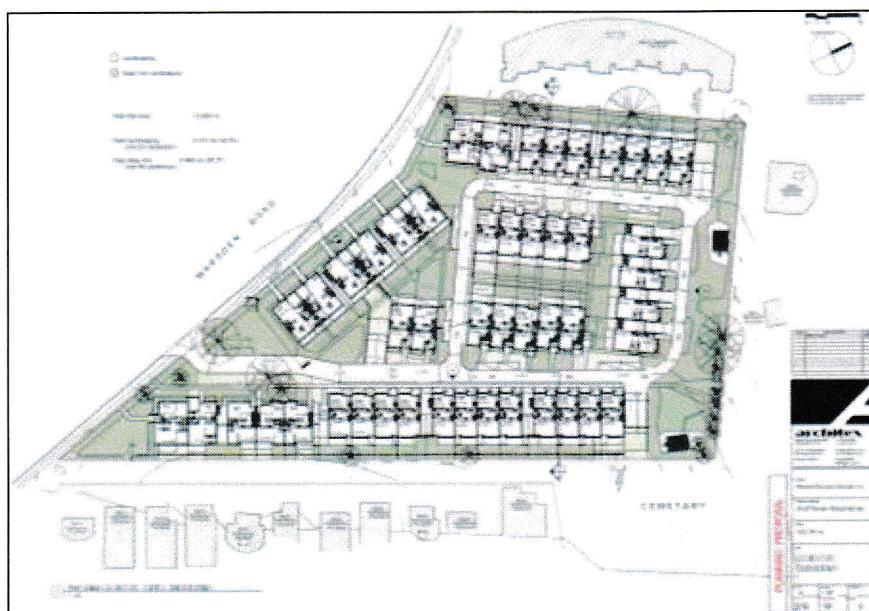
10. On 23 December 2016, City of Parramatta Council received a Planning Proposal from Architex Pty Ltd on behalf of Gaiset Pty Ltd (the proponent) to re-zone land and amend development standards at 235-237 Marsden Road, Carlingford. The application seeks to amend the zoning, height and FSR controls under the provisions of the *Parramatta Local Environmental Plan 2011* to enable the development of townhouses and villas.
11. The Planning Proposal seeks to amend planning controls on the site as follows in **Table 1**.



	Existing	Proposed
<b>Land Use Zoning</b>	R2 – Low Density Residential	R3 – Medium Density Residential
<b>Height of Buildings</b>	9m	11m
<b>Floor Space Ratio</b>	0.5:1	0.6:1

**Table 1** – Current and Proposed Planning Controls

12. The Planning Proposal is accompanied by an Urban Design report prepared by Architex and a reference design, which has the following features:
- 48 townhouses on the site (37 x three bedrooms, 11 x four bedrooms)
  - 94 car parking spaces (82 residential and 12 visitor spaces)
  - 7154m<sup>2</sup> of gross residential floor space
  - 1333.2m<sup>2</sup> of communal open space
13. The drawing shown below in **Figure 7** demonstrates the indicative layout of the proposed townhouse development, associated landscaping and the internal road layout.



**Figure 7** – Proposed concept plan – development to be realised under Planning Proposal (Source: Architex, 2016)

14. The applicant has presented the following reasons in support of the Planning Proposal, including:
- More efficient use of the subject site and associated public open space and infrastructure by extinguishing the 'existing use rights' currently exercised by the Nursery;
  - Close proximity to local services, such as Carlingford Village and Carlingford Court (approximately 1.2km away) and public transport (600m from bus services and 1km from Carlingford Railway Station);
  - Provides a mix of housing choice in an existing mixed character area, and;

- Rezoning the site to R3 to facilitate development of townhouses and villas will ensure that re-development of the subject site feasible.

## **ASSESSMENT OF PLANNING PROPOSAL**

15. Council Officers have conducted a detailed assessment of the Planning Proposal and this is discussed further in this report. The key issue for consideration in the assessment of this Planning Proposal is a lack of strategic justification for the change in residential density due to inconsistency with the existing strategic planning framework (i.e *Parramatta Residential Development Strategy*). Based on the outcomes of this assessment, it is recommended that the Planning Proposal not be supported and therefore not proceed to Gateway Determination.
16. Notwithstanding Council officer's recommendation not to support the proposal on strategic planning grounds, should Council resolve to support the proposal the following issues have been raised by Council internal business units (Urban Design, Open Space and Traffic) as part of the technical assessment of the proposal. It is noted that no major concerns are raised as part of the technical assessment should Council seek to endorse the proposal to proceed to Gateway Determination, despite Council officer's recommendation.

### **Urban Design**

17. Council's Urban Design Unit have reviewed the proposal and raise concerns regarding the configuration of the proposed internal road including proposed location of certain driveways, and visitor parking within the front setback of townhouses which have the potential to produce poor amenity and pedestrian safety.
18. Further, concern is also raised regarding the close proximity of some of the proposed townhouses to the north of the subject site and their interface with existing dwellings at 239 Marsden Road; as well as the removal of several mature trees along the unformed access road towards the Carlingford Anglican Cemetery.
19. It is considered that while there are design concerns relating to the development scheme submitted as part of the planning proposal, it is considered that these issues could be addressed as part of the development application stage should the rezoning be supported.

### **Open Space**

20. Council's Open Space and Natural Areas Planner raise no objection to the proposal in principle but recommend that the communal open space designated within the development scheme be relocated to a more central position within the development. Ultimately, this would be a matter for consideration as part of the development application stage should the rezoning be supported.

### **Traffic**



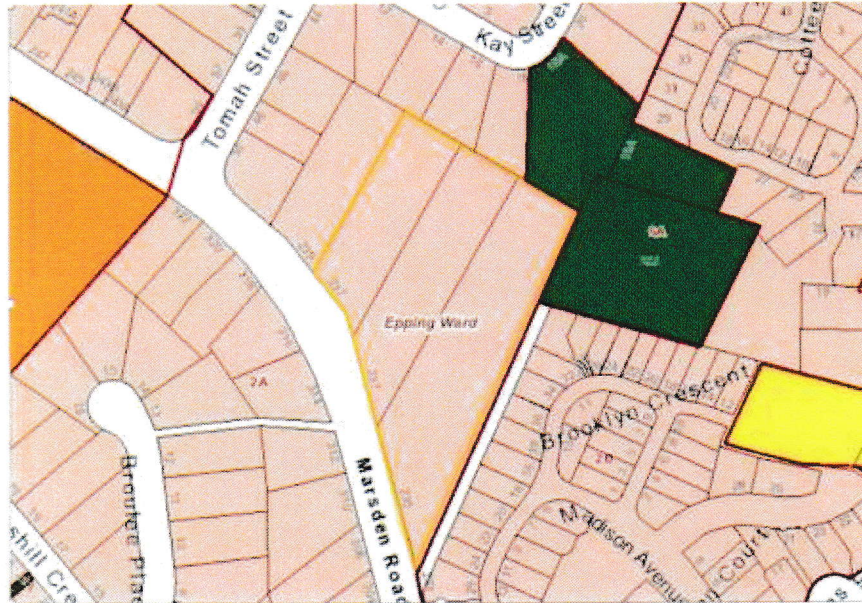
21. Council's Traffic and Transport team has reviewed the proposal and raise no objection, subject to consultation with Roads and Maritime Services regarding provision of a median to enhance right turn ingress and egress to the subject site. Should Council support the rezoning, the RMS will be required to be consulted as part of any formal public exhibition process.

### Heritage

22. No objections raised by Council's Heritage Advisor.
23. In addition to the above technical assessment, it is also noted that the proposal, if supported by Council would facilitate the development of an alternative housing product within a market that largely focused on either the development of single detached dwellings or apartments. The development of medium density housing such as town houses and villas would provide increased housing choice and diversity for future buyers and could be a reason for Council choosing to support the proposal.

### PREVIOUS STRATEGIC PLANNING CONTEXT

24. As discussed previously, the subject site is currently occupied by a plant nursery centre, known as 'Swane's Nursery'. This is a historical land use that predates the current residential zoning applied to the site under the Parramatta LEP 2011 and operates under 'existing use rights' as prescribed by the *Environmental Planning and Assessment Regulations 2000* as the current use is not permissible within the existing R2 zone. The subject site was down-zoned to its current zoning of R2 Low Density Residential as part of the PLEP 2011 review, after being informed by the findings of the draft *Parramatta Residential Development Strategy 2006* (discussed later in this report). This zoning enables the site to be re-developed for low-density residential purposes.
25. The subject site was previously zoned Residential 2(a) which was primarily the low density residential zone under the now superseded *Parramatta Local Environmental Plan No. 84*. Despite being a low density residential zone, LEP No. 84 did permit 'villa development' subject to Council consent where the land area was in excess of 2,000m<sup>2</sup>. It is noted that the existing townhouse development at 239 Marsden Road (directly adjoining the subject site) was approved under these LEP provisions.
26. Furthermore, neighbouring sites to the east of the subject site (around Brooklyn Crescent and Madison Avenue) were previously zoned Residential 2(b), which did permit multi-dwelling units and townhouse development as this was primarily the medium density zone at the time. The zoning pattern under LEP No. 84 is shown below in **Figure 8**.
27. Council officers acknowledge that the broader precinct exhibits a mixed character however this is a result of previous planning controls which have since been superseded by the preparation of the draft Parramatta Residential Strategy (PRDS) 2006 and current PLEP 2011 which ultimately implemented the findings of the PRDS.



**Figure 8** – Land Use Zoning under superseded PLEP No. 84

### CURRENT STRATEGIC PLANNING FRAMEWORK

28. The draft *Parramatta Residential Development Strategy 2006* (PRDS) is the guiding strategic document for residential land uses across the former Parramatta City Council LGA. The PRDS was developed to set the direction for the future location, density and character of housing within existing residential areas.
29. The PRDS sets out a concentrated growth approach to new residential development in centres and specific areas primarily based on the location of existing transport, services and facilities and where infrastructure can be more readily enhanced to support increased residential growth.
30. Part of Carlingford was identified as a study area, however the PRDS ultimately recommends that the Carlingford study area be deferred for future consideration. The RDS acknowledged that while Carlingford did not enjoy great levels of public transport provision at the time, it acknowledged the potential for this service to improve. The Strategy also referred to significant planning work being carried out by the former Hills Shire Council on the northern side of Pennant Hills Road adjacent the train station which Council would need to engage in as part of determining the future of the study area.
31. The Carlingford study area is shown below in **Figure 9** and generally within a 400m radius south of the Carlingford Train Station. It is noted that the subject site is outside the area previously being considered in the PDRS as a precinct,



where further density might be considered based on future transport improvements.

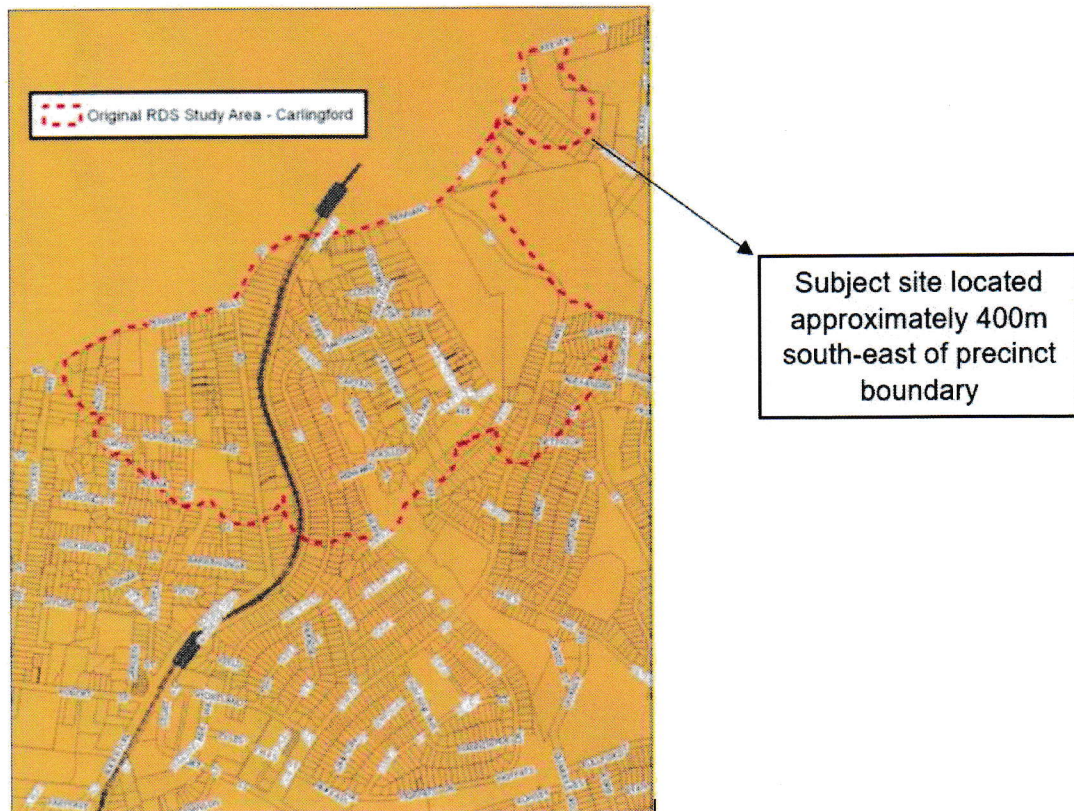


Figure 9 – PDRS study area for Carlingford

32. Following the recent 2016 Local Government proclamation which resulted in the former Hills Shire Council portion of Carlingford falling within the new City of Parramatta boundary and the announcement of improved public transport provision via the new Parramatta Light Rail, the major constraint affecting future planning of this precinct and adjoining study area (as identified in the PRDS) is traffic, namely the ability for the existing road network to cope with current and future residential densities given Pennant Hills Road is also major arterial road that carries a significant amount of through traffic. Notwithstanding, should additional density or uplift be considered within the Carlingford precinct it would primarily be located adjacent the Train Station and extend to the broader Study Area (Figure 9) as outlined in the PRDS.
33. It is noted that the subject site is located around 400m away from the identified Carlingford Study Area. Section 2.9 of the PRDS provides the following direction for areas outside of study areas:

**Section 2.9 – Housing opportunities in areas outside study areas**

*“All residential land outside study areas will be downzoned, with the exception of the areas and sites outlined below, which will be either upzoned to allow for higher density residential development or have no change to the permitted*

*density of residential development (i.e. allow a continuation of higher density housing). These sites are:*

- *Morton Street Precinct, Parramatta*
- *Channel Seven Studios, Mobbs Lane, Epping*
- *No. 2A Gregory Place, Harris Park, and*
- *No. 260 Victoria Road, Parramatta”.*

34. The PRDS was a key guiding strategic policy that informed the development of the *Parramatta Local Environmental Plan 2011*. Consistent with this strategic policy, the subject site and immediate surrounding locality were zoned R2 Low Density Residential. The objectives of the zone are:

### **Zone R2 – Low Density Residential**

#### **1. Objectives of zone**

- *To provide for the housing needs of the community within a low density residential environment*
  - *To enable other land use that provide facilities or services to meet the day to day needs of residents.*
  - *To ensure that non-residential land uses are located in a context and setting that minimises impacts on the amenity of a low density residential environment.*
  - *To allow for a range of community facilities to be provided to serve the needs of residents, workers and visitors in residential neighbourhoods.*
35. The re-zoning of the local area to R2 – Low Density Residential in the *Parramatta Local Environmental Plan 2011* was consistent with the PDRS direction to retain existing low-density neighborhoods. Facilitating the progression of the Planning Proposal for the subject site would ultimately undermine the guiding principles of the PDRS that focus on concentrated residential development and population growth around key strategic centres.

### **PRECEDENT**

36. Council Officers are concerned that allowing the subject Planning Proposal to proceed, this will set a precedent for other land owners within the precinct to amalgamate adjoining sites and lodge planning proposals for multi-dwelling housing, contrary to the established strategic planning framework (PRDS) for residential sites outside of key strategic centres.
37. The applicant has provided Council Officers with an Economic Feasibility Assessment compiled by MacroPlanDimasi Pty Ltd (refer to **Attachment 2**) to address Council Officers’ concerns and to submit that re-zoning of the site is necessary for the economic viability of re-development at the subject site.
38. The analysis focuses primarily on the economic feasibility of development on the subject site and the need to rezone to R3 to ensure future development of the site is feasible. Council officers do not consider that strategic planning decisions should be based on the feasibility of development alone, rather it must also take into account the strategic merits of the proposal in the context of the broader locality.



39. Council Officers have reviewed the Economic Feasibility Assessment and found that the analysis does not adequately address the issue of precedent and does not demonstrate that the re-zoning of the subject site would be isolated and not be repeated elsewhere along the corridor.
40. Furthermore, Council's internal property team have also raised a number of concerns over the assumptions used by the applicant's consultant to inform the feasibility assessment. One of the major factors affecting the feasibility assessment is the value attributed by the applicant of \$20 million dollars for the preparation of the site including site services and constructions of the internal road network. No details have been attributed towards the estimated costs of \$20million however Council officers consider this excessive and therefore has the potential to skew the results of any subsequent feasibility analysis.
41. Should Council support the current proposal, it is considered that Council will essentially be making a strategic decision to rezone the broader area for medium density development as Council could not realistically justify that this site could proceed and then not support another site/s within the locality if they lodged a Planning Proposal. It is considered that a decision to review the future vision of this precinct should therefore be subject of a future review of the PRDS rather than an unintended consequence of pursuing the current planning proposal given the existing strategic planning framework.

#### **DEVELOPMENT UNDER EXISTING PLANNING CONTROLS**

42. The proponent has provided an alternative development scheme to Council to demonstrate what could be achieved under the current planning controls. This scheme allows for 15 torrens title development lots. The proposed development scheme as submitted could provide for a technical maximum of 30 dwellings if each lot was to be developed for dual occupancies. However, taking into account design controls contained in the *Parramatta Development Control Plan 2011* the proposal is more likely to yield between 23-27 dwellings according to the applicant's lot configuration. Ultimately, the maximum yield of development on the subject site under existing controls would be dependent on design, road layout and lot configuration.
43. This proposed design scheme could be delivered under existing planning controls without the need for the suggested planning control changes under consideration as part of the Planning Proposal. The alternative development scheme submitted by the applicant is shown in **Figure 10**.

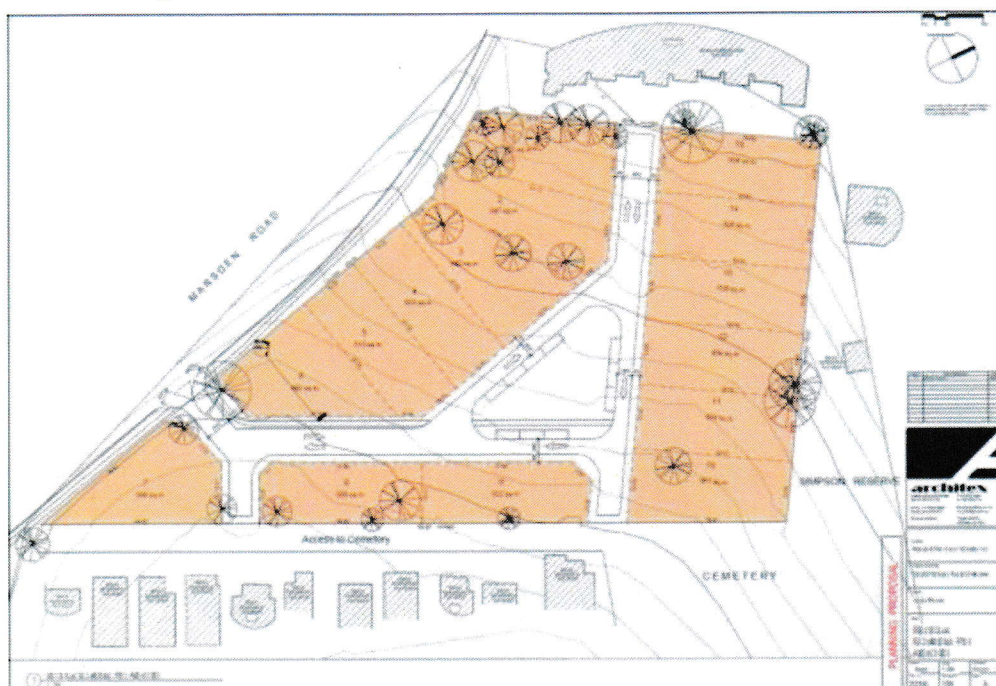


Figure 10 – alternative development scheme under current planning controls

44. It is considered that there is significant development potential under the current planning controls to enable redevelopment of the existing nursery site.

#### CONCLUSION AND NEXT STEPS

45. The Planning Proposal for land at 235 – 237 Marsden Road, Carlingford which seeks to rezone the subject site from R2 – Low Density Residential to R3 – Medium Density Residential to facilitate townhouse development is inconsistent with the current strategic framework identified in the PRDS for land outside of identified study areas.
46. If the Planning Proposal were to proceed, Council Officers are concerned that the proposal will act as a precedent that would ultimately undermine the adopted strategic planning framework.
47. Council officers therefore recommend that the IHAP not support the Planning Proposal for the subject site at 235 – 237 Marsden Road, Carlingford.
48. Should the IHAP consider altering the recommendations of this report and supporting the changes to planning controls on the site, a more detailed assessment of this proposal will need to occur prior to the Planning Proposal being forwarded to the Department of Planning and Environment for a Gateway Determination.

Beau Reid  
**Student Project Officer**

Robert Cologna  
**Acting Service Manager Land Use Planning**



Sue Weatherley  
**Director Strategic Outcomes and Development**

**ATTACHMENTS:**

- 1 [↓](#) Planning Proposal Report - as submitted by applicant 68 Pages
- 2 [↓](#) Economic Feasibility Assessment 34 Pages

**REFERENCE MATERIAL**

recommended conditions.

The decision of the panel was unanimous.

#### LEADING

5.1 SUBJECT Planning Proposal for land at 235-237 Marsden Road,  
Carlingford

REFERENCE RZ/25/2016 - D05106524

REPORT OF Student Project Officer

PUBLIC ADDRESS

Mr Allan Caladine spoke against the recommendation.

101 DETERMINATION

That the IHAP recommend to Council the following:

- (a) **That** Council consider this report on the assessment of the Planning Proposal for the land at 235 – 237 Marsden Road, Carlingford (submitted by the applicant and contained in Attachment 1) which seeks to amend the *Parramatta Local Environmental Plan 2011* to rezone land from R2 - Low Density Residential to R3 – Medium Density Residential and increase maximum height and floor space ratio controls;
- (b) **That** the Planning proposal for land at 235-237 Marsden Road, Carlingford which seeks to rezone the subject site from R2 - Low Density Residential to R3 – Medium Density Residential to facilitate townhouse development is inconsistent with the current Strategic Framework identified in the Parramatta Residential Development Strategy for land outside of identified study areas.
- (c) **That** the proposal will act as a precedent that will ultimately undermine the adopted Strategic Planning Framework.
- (d) **That** following assessment of the Planning Proposal, that Council not support the Planning Proposal for land at 235-237 Marsden Road, Carlingford (Attachment 1) as it does not meet the strategic merit test;
- (e) **Further, that** the applicant be notified in writing of Council's decision.

The decision of the panel was unanimous.

The meeting terminated at 4.32 pm.