



**URBANISM**  
PLANNING & DEVELOPMENT

15 September 2022

Ms Nava Maghami  
Senior Planner  
Department of Planning and Environment

Dear Ms Maghami

**Justification of the Strategic and Site-specific Merit Letter – Rezoning Review RR-2022-19 – 169 Pennant Hills Road, Carlingford**

*Introduction*

Urbanism has been engaged by Acon Projects Pty Ltd, to prepare a Justification of the Strategic and Site-Specific Merit Test to support a request for Rezoning Review. The Strategic Merit Test demonstrates that the proposal has strategic merit and should proceed.

The assessment has been carried out in accordance with Section 2, Part 3 of the Department of Planning and Environment's (DPE) Local Environmental Plan Making Guideline. Further to the strategic justification provided throughout the original Planning Proposal documents, a detailed assessment of the strategic and site-specific merit test criteria is provided in the following document.

*Details of Proposal*

The proposal seeks an amendment to the Parramatta (former The Hills) Local Environmental Plan 2012 (PLEP 2011). The amendment involves the rezoning of an existing lot comprising 2,910m<sup>2</sup> of land in the following manner:

- Rezone the site from R2 Low-Density Residential to R4 High-Density Residential;
- Amend the "Height of Buildings Map" to increase the building height from 9 meters to 20 meters; and
- Amend the "Floor Space Ratio Maps" to increase the floor space ratio to 2.0:1

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## Strategic Merit Test

Assessment Criteria have been established within the NSW Government's 'A guide to preparing planning proposals' (September 2022) to assist justification for a planning proposal. These criteria form the basis of the strategic merit and site-specific merit assessment for the rezoning review process. The following table summarises the proposal against the Assessment Criteria:

Principle	Consistent?
<b>Strategic Merit Test</b>	
<b>Does the proposal:</b>	Yes.
<ul style="list-style-type: none"> <li>▪ <b>Give effect to the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, and/or corridor/precinct plans applying to the site. This includes any draft regional, district or corridor / precinct plans released for public comment or a place strategy for a strategic precinct including any draft place strategy; or</b></li> <li>▪ <b>Demonstrate consistency with the relevant LSPS or strategy that has been endorsed by the Department or required as part of a regional or district plan; or</b></li> <li>▪ <b>Respond to a change in circumstances that has not been recognised by the existing planning framework</b></li> </ul>	<p>The planning proposal is consistent with the Greater Sydney Region Plan specifically Objective 7 Communities are healthy, resilient and socially connected, Objective 10 Greater housing supply, Objective 11 Housing is more diverse and affordable and Objective 15 The Eastern, GOP and Western Economic Corridors are better connected and more competitive, as it will provide a quantity and diversity of housing opportunities within the existing urban footprint in Carlingford within 1.3km (15 minutes walk) of the local town centre where the proposed Carlingford light rail station is available.</p> <p>The planning proposal is consistent with Planning Priority C5 Providing housing supply, choice and affordability, with access to jobs, services and public transport contained in the Central City District Plan. Specifically, the proposal will provide a range of housing choices within the proximity of public transport nodes including the proposed light rail stations (Carlingford and Telopea) and bus stops up the road, which enables a combination of public and active transport.</p> <p>The planning proposal is consistent with A City Supported by Infrastructure Place-based Infrastructure Compact Pilot in Proposed action 1: Sequencing Plan – Phase 1: Focus on precincts where growth can be aligned with already committed infrastructure to support job creation and new development and Proposed action 5: Short-to-medium-term infrastructure The priorities are additional to those already in planning, priorities for Sequencing Plan – Phase 1.</p>

	<p>The site for the proposal is located within the Rydalmere to Carlingford Precincts priority area and is suggested to be in Phase 1 of the future growth of the GPOP due to its high cost-effectiveness. The proposal also brings opportunities for social housing expansion in Carlingford as suggested, consistent with proposed action 5. The Local Strategic Planning Statement City Plan 2036 (LSPS) is Parramatta City Council's 20-year land use planning vision.</p> <p>It balances the need for housing and economic growth, while also protecting and enhancing housing diversity, heritage and local character. Further, the LSPS implements the NSW Government's strategic planning framework at the local level while protecting the City's environmental assets and improving the health and liveability of the City.</p> <p>The planning proposal seeks to achieve the objectives identified in the LSPS as it provides the catalyst, along with other tall residential apartment building being delivered, in planning for the Parramatta to Epping mass transit/rail link.</p>
<b>Site Specific Strategic Merit</b>	
<p><b>Does the proposal give regard and assess impacts to:</b></p> <ul style="list-style-type: none"> <li>▪ <b>the natural environment on the site to which the proposal relates and other affected land (including known significant environmental areas, resources or hazards)</b></li> <li>▪ <b>existing uses, approved uses, and likely future uses of land in the vicinity of the land to which the proposal relates</b></li> <li>▪ <b>services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision</b></li> </ul>	<p>Yes, the subject site is not known to contain critical habitat or threatened species, populations or ecological communities, or their habitats.</p> <p>The site is not affected by any known natural hazards such as flooding, land slip or bushfire.</p> <p>Detailed shadow assessment has been undertaken having regard to the likely future context of the site as illustrated within the Urban Design Report prepared by JS Architects. The assessment of the potential impacts of overshadowing has demonstrated that the concept proposal will not result in an unacceptable shadow impact to adjacent properties which will remain capable of future development with Apartment Design Guide compliant solar access.</p>

There are no current deficiencies in public infrastructure to support the proposed land use.

Notwithstanding, a VPA letter of intent has been submitted which commits the proponent to entering into a VPA to deliver essential infrastructure to support urban growth.

### *Council Correspondence*

Relevant correspondence from Council is attached.

### *Conclusion*

The above assessment demonstrates that that the proposed rezoning for additional building height and FSR to support high-density residential development on the site, exhibits strategic merit and site-specific merit.

The planning proposal has strategic merit and should be supported so that additional diversity of housing can be provided along this strategic corridor linking Parramatta to Carlingford which is earmarked for renewal in the future as per Council's strategic planning framework.

Yours sincerely



**Wesley Folitarik**

B. Environmental Planning (UWS); M. Property Development (UTS)  
Managing Director | Urbanism

## ATTACHMENTS – COUNCIL CORRESPONDENCE



Wesley Folitarik &lt;folitarik@urbanism.co&gt;

## 169 Pennant Hills Road Carlingford - Comments in relation to the Planning Proposal

1 message

**Belinda Borg** <bborg@cityofparramatta.nsw.gov.au>

8 July 2022 at 13:41

To: "folitarik@urbanism.co" &lt;folitarik@urbanism.co&gt;, Simon Ochudzawa &lt;info@jsarchitects.com.au&gt;, Adrian Conditis &lt;adrian@aconprojects.com.au&gt;

Cc: David Birds &lt;DBirds@cityofparramatta.nsw.gov.au&gt;

Dear Wesley,

Thankyou for meeting with us on Thursday 1 July 2022 in relation to the Planning Proposal at 169 Pennant Hills Road Carlingford. As discussed at the meeting, Council has draft a report for consideration by the Local Planning Panel that does not support the Planning Proposal. We have deferred report the matter to the July Local Planning Panel Meeting to enable discussions with the owner/ extended family.

The purpose of this email is to outline the Urban Design and Traffic concerns raised during the assessment of the Planning Proposal for consideration. It is noted that some of the matters are DA related but have been identified through the review of the Concept Plans:

### Urban Design Comments – Preferred Apartment Concept (R4)

1. Rezoning the site from R2 Low Density Residential to R4 High Density Residential will create an isolated lot of higher-density development incompatible in form relative to the surrounding R2 zoned, low-scale context. The proposal does not consider key impacts of rezoning the site in isolation including the transition between adjoining land use zones, maintaining the visual character of the street given the increased density and impacts to neighbourhood amenity.

Rezoning the site to R4 would also be inconsistent with future proposed building and zoning patterns given the site's location outside the Carlingford Precinct and away from light rail and train stations (10–15 minute walk), where R4 zoning is primarily located.

2. An increase in building height from 9m to 20m would result in a development that is over twice the height of any surrounding dwellings. It would result in a built form overscale for the 2-3 storey context. As an isolated site, the proposal does not provide any transition in height or massing to address the interface between a 6-storey RFB and neighbouring 1-2 storey dwellings. The proposal does not include street elevations to show how the variance in height between the proposed site and neighbouring sites has been addressed.

Transitional heights further along Pennant Hills Road to the east leading to Carlingford town centre have a maximum building height of 14m. A proposed height of 20m away from the town centre is inconsistent with the future vision for the area which focuses on a transitional decrease in height outwards from the Carlingford Precinct.

3. The proposed FSR of 2.0:1 has been calculated from a building envelope that exceeds the maximum building height of 9m for the site and will result in a built form that is incompatible with surrounding

development and the visual character of the street which is primarily single 1-2 storey dwellings.

There is a discrepancy between the total GFA (5,571m<sup>2</sup>) proposed and calculations based off the areas off the concept plan envelopes (4,943m<sup>2</sup>). These figures allow for a total FSR of 1.9:1 and 1.7:1 respectively, both lower than the proposed FSR allowance of 2.0:1. GFA and FSR calculations should be clarified in any future planning proposal as an inflated FSR could result in larger, more disproportionate building envelopes on the site in the future.

It should be clarified whether balcony areas have been included in the GFA calculations. Balconies should not be included as GFA, and if they are there is the potential that they could be developed into enclosed rooms in future proposals, further increasing the mass and bulk of development

4. Solar analysis provided shows overshadowing to adjacent properties to the east and west as well as properties on the other side of Pennant Hills Road. A detailed solar analysis providing an hour-by-hour breakdown between 9am and 3pm at mid-winter (21 June) should be provided to accurately assess overshadowing impacts to neighbouring lots.
5. Matter to be addressed to ensure compliance with ADG requirements:
  - Preliminary internal apartment plans. There is at least one two-bedroom apartment on each floor that may not be able to provide external windows or doors to all bedrooms and living areas.
  - Solar access and natural ventilation details for all apartments.
  - The overall depth for the 3-bedroom apartments located in the middle of each floor to ensure they do not have an overall depth greater than 18m.
  - At least one 2-bedroom unit on each floor does not achieve the minimum balcony area required (10m<sup>2</sup>).
  - Apartments are centred around lengthy and narrow hallways and there is no internal access to the fire stairs at ground level. The corridors should be articulated with wider areas at apartment entry doors or foyer areas with windows and spaces for sitting.
  - The ground floor apartments and private gardens facing Pennant Hills Road appear to be located partially below ground level on the concept plan sections. These apartments should be at ground level or elevated above the street level by 1-1.5m to improve privacy and safety.
  - Adaptable apartments have not been identified.
  - Concept plans show a narrow and elongated communal space at the rear of the site, the usability of which may be impacted due to the irregular shape of the area. The site area for the communal space has not been included on the drawings but it does not appear to be the required 25% of the total site area (ADG).
  - The ADG requires an additional 3m setback to development at the boundary between a change in zone from apartment buildings to lower density areas. The concept plan should illustrate efforts to improve the transition from adjacent low-scale development to high-scale development.
6. Most balconies are located behind the boundary setbacks, except for the front setback to Pennant Hills Road. Despite this, all balconies are identified as being in a 'balcony articulation zone' but further details on this zone are not provided. Balconies should comply with the Parramatta DCP 2012.
7. Preliminary plans for the basement levels have not been provided..
8. There is a discrepancy in the proposed number of parking spaces for the site with 103 proposed in the Urban Design Report and 110 in the Traffic and Transport Study. Preliminary basement plans should be provided to show that the on-site provision of either 103 or 110 car parking spaces is achievable.

#### Public Domain - Apartment Concept

9. The proposal should provide a deep soil zones in accordance with DCP 2012.
10. Since street trees are not possible within public domain along Pennant Hills Road due to it being a classified road, large street trees, able to grow to a height of more than 15m, should be planted within the front setback

along this street to enable shade, screening from the traffic and public amenity to pedestrians within the public domain.

The Parramatta *Public Domain Guidelines* recommend the following species for tree planting within setbacks along this road:

- Eucalyptus scoparia;
- Brachychiton acerifolius;
- Jacaranda mimosifolia; and
- Angophora floribunda.

11. The driveway should comply with a preferred maximum width of 6m as per the *Parramatta Public Domain Guidelines*. A landscape separation of a minimum 1.5m needs to be provided on the boundary next to the driveway, sufficient to provide small to medium trees.
12. A new 1.8m wide concrete footpath should be provided at the property boundary along the Pennant Hills Road frontage which should merge seamlessly with the adjoining footpaths (it is noted that this would be a DA matter).
13. New kerb and gutter should be constructed along the extent of the property boundary (it is noted that this would be a DA matter).
14. All aspects of the public domain design must be delivered according to the requirements of the AS1428 suite and best practice universal design.

#### Traffic Matters - General Comments

15. The classified roads within and adjacent to the Carlingford precinct are congested and do not have the capacity to cater for the level of traffic generated by any proposal to increase the level of permitted development within the Carlingford Precinct. The section of Pennant Hills Road between Jenkins Road and Moseley Street is also at capacity with the current level of development that is permitted.
16. The subject site is not considered accessible given its distance to major public transport (e.g. approximately 1.3km walking distance to Carlingford light rail stop) and shops (e.g. approximately 2.3km walking distance to Carlingford Court).
17. Other land owners in the area have expressed their interest in applying for higher density. If the proposed increase in the number of units in the subject site is approved, it will set a precedent for other land owners to request for higher density. Given that the majority of state roads and arterial roads within the area are already congested, the overall traffic impact of such cumulative uplift in density is expected to be significant.

#### Traffic Generation

18. Based on the submitted traffic report prepared by TEF Consulting dated 24 December 2021, the traffic generation rate of 0.32 trips per dwelling in the AM peak and 0.41 trips per dwelling in the PM peak was used to assess the traffic impact of the proposed uplift. On this basis, the proposed 48 dwellings would generate a net additional traffic generation of 12 and 16 vehicle trips per hour during the AM and PM peak periods respectively, compared to R2 developments (i.e. 4 dwelling houses). This is approximately equal to 1 additional vehicle trip every 5 minutes.
19. The submitted traffic report states that the difference between the additional traffic generation for the "R2 to R4" zoning options for the subject lot is very low and that the additional traffic will have no noticeable effect on the existing traffic conditions. The report then concludes that the proposed rezoning and the potential development are supported on traffic grounds.

20. Although the proposed development in itself may not have a significant impact on the Classified Road and the surrounding road network, consideration is to be given to the cumulative traffic impacts that this planning proposal will have in the Carlingford Precinct as it will set a precedent for future developments in this area, as mentioned above.

### Parking Requirements

21. Based on Table 1 of Part C Section 1 of the Hills DCP 2012, off-street parking for residential flat buildings is to be provided at the rates of 1 parking space per 1br unit, 2 parking spaces per 2 or 3br unit, and 2 visitor parking spaces per 5 units.
22. Considering the unit mix of 6 x studios, 30 x two-bedroom units and 12 x three-bedroom units (as stated in the submitted traffic report), the proposal would require to provide a total of 110 (rounded up from 109.2) parking spaces including 90 parking spaces for residents and 20 spaces for visitors.
23. Given that the planning proposal is proposed to provide 103 parking spaces, the proposed parking provision does not comply with the DCP requirements.

As discussed, I am need to take personal leave and will be expecting to return to the office on Monday 1 August 2022. Therefore if you choose to withdraw the Planning Proposal while I am on leave, could you please include David Birds in your response no later than the close of business on Friday 15 July 2022.

Regards,

**Belinda Borg**

Team Leader – Major Projects and Precincts | City Planning

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I acknowledge the Traditional Owners of the land I work on, the Darug Peoples, and pay my respects to their Elders past and present.

*Disclaimer: Please be advised that the above advice/information is provided in good faith on a 'without prejudice' basis. This email does not constitute or imply any approval and any advice/information provided is based on author's own opinion and does not represent the opinion of the Council as a body corporate.*



Wesley Folitarik &lt;folitarik@urbanism.co&gt;

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**Meeting re: Planning Proposal for 169 Pennant Hills Road**

1 message

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**Michael Rogers** <MRogers@cityofparramatta.nsw.gov.au>

1 July 2022 at 15:57

To: "folitarik@urbanism.co" &lt;folitarik@urbanism.co&gt;, "info@jsarchitects.com.au" &lt;info@jsarchitects.com.au&gt;, "adrian@aconprojects.com.au" &lt;adrian@aconprojects.com.au&gt;

Cc: David Birds &lt;DBirds@cityofparramatta.nsw.gov.au&gt;, Belinda Borg &lt;bborg@cityofparramatta.nsw.gov.au&gt;

Gentlemen,

Thank you for meeting with us yesterday to go over the Planning Proposal at [169 Pennant Hills Road](#), Carlingford. As discussed, the following provides an overview of the current adopted Fees and Charges for Planning Proposals at City of Parramatta Council.

While today marks the new Financial Year 2022/23, at present the 2021/22 Fees are still in effect as Council has yet to adopt the *Delivery Program 2022-26, Operational Plan & Budget 2022/23*, however the new Fees and Charges will likely be adopted by Council at their next meeting on 11 July 2022 and come into effect on 1 August 2022.

As noted yesterday, should you wish to withdraw your current Planning Proposal, our 2021/22 Fees and Charges state:

*10.1m - Planning Proposal Refund - if withdrawn prior to Local Planning Panel or Council report to request a gateway determination - To be determined by Executive Director City Planning & Design up to a maximum of **50% of fee paid**.*

In addition, should you wish to lodge a new Planning Proposal more in keeping with the established policy position in Council's Local Strategic Planning Statement (LSPS) the applicable fee is as follows:

*10.1c - Planning proposals involving change to zoning and / or development controls of low complexity and / or where the planning proposal is consistent with the identified strategic framework - **\$82,400.00***

You also discussed the possibility of revising your current Planning Proposal to make it more aligned to a townhouse typology, however this would constitute a major change to the lodged Planning Proposal and would require the following:

*10.1k - Lodgement of substantial amendment to planning proposals – 50% of category fee payable immediately plus additional costs i.e independent review may also be charged on cost recovery - **50% of planning proposal fee***

The full list of Council's current Fees and Charges, including other Planning Proposal categories can be viewed here: <https://www.cityofparramatta.nsw.gov.au/sites/council/files/2021-07/City%20of%20Parramatta%20Fees%20and%20Charges%202021-22%20-%20Adopted%20%281%29.pdf> (See Page 37)

By way of comparison, the draft 2022/23 Fees and Charges for the same categories referenced above are:

*10.1m - Planning Proposal Refund - if withdrawn prior to Local Planning Panel or Council report to request a gateway determination - To be determined by Executive Director City Planning & Design up to a maximum of **50% of fee paid**. (No change)*

*10.1c - Planning proposals involving change to zoning and / or development controls of low complexity and / or where the planning proposal is consistent with the identified strategic framework (includes notification fee) - **\$88,520.00** (+\$6,120)*

*10.1k - Lodgement of substantial amendment to planning proposals – 50% of category fee payable immediately plus additional costs i.e independent review may also be charged on cost recovery - **50% of planning proposal fee** (No change)*

The full draft 2022/23 Fees and Charges can be viewed here: [https://hdp-au-prod-app-pcc-participate-files.s3.ap-southeast-2.amazonaws.com/4716/5346/2670/CoP\\_Draft\\_DPOP\\_2022\\_Part\\_5\\_Fees\\_and\\_Charges.pdf](https://hdp-au-prod-app-pcc-participate-files.s3.ap-southeast-2.amazonaws.com/4716/5346/2670/CoP_Draft_DPOP_2022_Part_5_Fees_and_Charges.pdf) (See Page 28)

As mentioned yesterday, we will postpone reporting this Planning Proposal to the Local Planning Panel until the meeting of 16 August 2022. If you wish to withdraw your Planning Proposal before this meeting and receive a partial refund, please advise us in writing by no later than cob Friday 15 July 2022.

If you wish to discuss this matter in further detail please let me know.

Regards,

**Michael Rogers | Land Use Planning Manager**

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