

DETERMINATION

- (a) **That**, the Parramatta Local Planning Panel support the variation to Clause 4.3 of *Hornsby Local Environmental Plan 2013* under the provisions of Clause 4.6 for the following reasons:
1. That compliance with the development standard for height is considered unnecessary given the unique context and scale of the site and natural constraints present and,
 2. The proposed non-compliance will result in negligible visual impact to adjoining properties and the streetscape and,
 3. The non-compliance is minor and restricted to a small area of the roof.
- (b) Parramatta Local Planning Panel, exercising the function of the consent authority, **approves** development consent to DA/127/2022 for the alteration and additions to the existing dwelling on land at 30 Stanley Road, Epping, subject to the conditions of consent in **Attachment 1**, of the Council planning report.
1. The development is permissible in the R2 Low Density Residential zone pursuant to the Hornsby Local Environmental plan 2013 and substantially satisfies the requirements of all applicable planning standards and controls.
 2. The development is compatible with the existing and emerging and planned future character of the area.
 3. For the reasons given above, the site is suitable for the proposed development, and approval of the application is in the public interest.
- (c) **Further, that** submitters be advised of the Panel's decision.

The Panel decision was UNANIMOUS.

REPORTS - PLANNING PROPOSALS

6.1	SUBJECT	Post Exhibition: Planning Proposal and Draft Planning Agreement for 263-273 & 279R Pennant Hills Road and 18 Shirley Street, Carlingford.
	REFERENCE	RZ/4/2021 – D08734127
	APPLICANT/S	Karimbla Construction Services (NSW) Pty Ltd
	OWNERS	Karimbla Properties (No. 61) Pty Ltd
	REPORT OF	Project Officer Land Use

The Panel considered the matter listed at Item 6.1 and attachments to Item 6.1.

PUBLIC FORUM

1. Matthew Lennartz from Meriton spoke in favour of the report recommendation to approve and answered questions from the Panel in relation to the development application.

DETERMINATION

The Local Planning Panel supports the following Council Officer recommendation in its advice to Council with minor additional advice:

- (a) **That** Council receive and note the submissions (summarised in this report) made during the public exhibition of the Planning Proposal and draft Planning Agreement for 263-273 & 279R Pennant Hills Road and 18 Shirley Street, Carlingford.
- (b) **That** Council approve the Planning Proposal (**Attachment 1**) for land at 263 - 273 & 279R Pennant Hills Road and 18 Shirley Street, Carlingford for finalisation that seeks to amend the Parramatta (former The Hills) Local Environmental Plan 2012 as follows:
 - i. Amend Schedule 1 to permit 'shops' and 'food and drink premises', 'business premises' and 'recreational facility (indoor)' up to a combined total GFA of 2,000sqm on the R4 High Density Residential zoned part of the site.
 - ii. Addition of the R4 High Density Residential zoned part of the site to the Additional Permitted Uses Map to facilitate retail floor space, neighbourhood supermarket along with specialty retail, business, and recreational uses.
- (c) **That** Council approve the Planning Agreement at **Attachment 2** and the Chief Executive Officer be delegated authority to sign and execute the Planning Agreement on behalf of Council which will deliver:
 - i. A shared walking/cycling pathway through Council owned Shirley Street Reserve which forms part of the connection to the Carlingford Light Rail stop,
 - ii. A raised pedestrian crossing accommodating both cyclists and pedestrians on Shirley Street and, in addition,
 - iii. In addition, the above items i and ii be delivered prior to the occupation of any of the dwellings on the site.
- (d) **That** Council delegate authority to the Chief Executive Officer to exercise the plan making delegations as granted by the Gateway Determination for this Planning Proposal.

- (e) **Further, that** Council delegate authority to the Chief Executive Officer to make any minor amendments and corrections of a non-policy and administrative nature that may arise during the plan amendment process relating to the Planning Proposal and finalisation of the Planning Agreement.

The Panel decision was UNANIMOUS.

Note:

1. **As previously noted, Mary-Lynne Taylor, declared a conflict of interest in Item 5.1 –1 Windsor Road, North Rocks, NSW, 2151. She retired from the meeting prior to discussion and voting on the matter.**
2. **Deb Sutherland assumed the role of temporary Chairperson.**

5.1 SUBJECT OUTSIDE PUBLIC MEETING: 1 Windsor Road, NORTH ROCKS, NSW, 2151 (Lot 61 DP 1264730)

DESCRIPTION Construction of a commercial retail development comprising of a Woolworths supermarket, BWS liquor store, Direct to Boot distribution centre, gymnasium, and three (3) retail premises and associated car parking, landscaping, and business identification signage. The building is identified as a local heritage item A23 pursuant to THLEP 2012. The proposal is Integrated Development under Water Management Act 2000.

REFERENCE DA/318/2022 - D08693308

APPLICANT/S Fabcot Pty Ltd

OWNERS J L Dunrose Pty Ltd; Newtown Dyers & Bleachers

REPORT OF Group Manager Development and Traffic Services

The Panel considered the matter listed at Item 5.1 and attachments to Item 5.1.

PUBLIC FORUM

1. Sophie Perry from Planning Ingenuity answered questions from the Panel in relation to the development application.
2. Nathan Dundovic from Woolworths answered questions from the Panel in relation to the development application.
3. Gregory Malempre from LocationIQ was available to answer questions raised by the Panel.
4. David Puleo from Nettletontribe Architects was available to answer questions raised by the Panel.

DETERMINATION

PLANNING PROPOSAL

ITEM NUMBER	6.1
SUBJECT	Post Exhibition: Planning Proposal and Draft Planning Agreement for 263-273 & 279R Pennant Hills Road and 18 Shirley Street, Carlingford.
REFERENCE	RZ/4/2021 -
APPLICANT/S	Karimbla Construction Services (NSW) Pty Ltd
OWNERS	Karimbla Properties (No. 61) Pty Ltd
REPORT OF	Project Officer Land Use

DEVELOPMENT APPLICATIONS CONSIDERED BY SYDNEY CENTRAL CITY PLANNING PANEL

Deferred Commencement Development Consent No.1103/2011/JP issued by the Joint Regional Planning Panel for demolition of existing structures and associated construction of five apartment buildings 9-11 storeys containing 450 units and basement parking for 662 cars (active consent granted 21 July 2015).

Development Application 53/2022 for construction of seven 10-13 storey buildings comprising 620 residential units, child care centre for 110 children, 1,735sqm of 17 neighbourhood retail shops and 864 basement car parking spaces; publicly accessible open spaces and through site links; roads; landscaping; and tree removal. The application was refused at 1 December 2022 Sydney Central City Planning Panel considered the report.

PURPOSE

To seek the Local Planning Panel's advice to Council on the outcome of the public exhibition of the Planning Proposal and draft Planning Agreement for land at 263-273 & 279R Pennant Hills Road and 18 Shirley Street, Carlingford.

RECOMMENDATION

That the Local Planning Panel support the following Council Officer recommendation in its advice to Council:

- (a) **That** Council receive and note the submissions (summarised in this report) made during the public exhibition of the Planning Proposal and draft Planning Agreement for 263-273 & 279R Pennant Hills Road and 18 Shirley Street, Carlingford.
- (b) **That** Council approve the Planning Proposal (**Attachment 1**) for land at 263 - 273 & 279R Pennant Hills Road and 18 Shirley Street, Carlingford for finalisation that seeks to amend the Parramatta (former The Hills) Local Environmental Plan 2012 as follows:
 - i. Amend Schedule 1 to permit 'shops' and 'food and drink premises', 'business premises' and 'recreational facility (indoor)' up to a combined total GFA of 2,000sqm on the R4 High Density Residential zoned part of the site.

- ii. Addition of the R4 High Density Residential zoned part of the site to the Additional Permitted Uses Map to facilitate retail floor space, neighbourhood supermarket along with specialty retail, business, and recreational uses.
- (c) **That** Council approve the Planning Agreement at **Attachment 2** and the Chief Executive Officer be delegated authority to sign and execute the Planning Agreement on behalf of Council which will deliver:
- i. A shared walking/cycling pathway through Council owned Shirley Street Reserve which forms part of the connection to the Carlingford Light Rail stop; and
 - ii. A raised pedestrian crossing accommodating both cyclists and pedestrians on Shirley Street.
- (d) **That** Council delegate authority to the Chief Executive Officer to exercise the plan making delegations as granted by the Gateway Determination for this Planning Proposal.
- (e) **Further, that** Council delegate authority to the Chief Executive Officer to make any minor amendments and corrections of a non-policy and administrative nature that may arise during the plan amendment process relating to the Planning Proposal and finalisation of the Planning Agreement.

SUMMARY

1. This report seeks the advice of the Local Planning Panel (LPP) on the outcomes of the public exhibition of a Planning Proposal and draft Planning Agreement for 263-273 & 279R Pennant Hills Road and 18 Shirley Street, Carlingford for Council consideration.
2. The Planning Proposal seeks to amend the Parramatta (formerly The Hills) Local Environmental Plan (LEP) 2012 to amend Schedule 1 and amend the Additional Permitted Uses Map to facilitate shops, food and drink premises, business premises and recreational facility (indoor) on the R4 High Density Residential part of site.
3. The Planning Proposal, draft DCP and Planning Agreement were placed on public exhibition from 12 October 2022 to 9 November 2022, with four (4) submissions received comprising of three (3) from the community and one (1) agency submission from Transport for NSW (TfNSW). A summary of the key issues raised in the submissions is provided in this report. Overall, one (1) of the resident submissions supported the proposal, one (1) partially supported the proposal and one (1) objected to the proposal. The agency submission from TfNSW neither stated objection or support.

BACKGROUND

4. In 2007 the then Baulkham Hills Shire Council (now The Hills Shire Council) rezoned the Carlingford Precinct to facilitate further growth in the Carlingford Precinct. The subject site (**Figures 1 & 2**) is located within the Carlingford Precinct.

5. The Joint Regional Planning Panel granted development approval (DA1103/2011/JP) in April 2012 for the construction of five apartment buildings (9-11 storeys) containing 450 units and 662 basement parking spaces at 18 Shirley Street, Carlingford which is part of the planning proposal subject site. The application was subsequently activated by demolition and other early site works. Subsequent to this approval, a further six properties at 263-273 Pennant Hills Road were acquired by Karimbla Properties (No. 61) Pty Ltd.
6. Part of the subject site (18 Shirley Street and 279R Pennant Hills Road) was previously owned by Dyldam and was purchased in December 2020 by Karimbla Properties (No. 61) Pty Ltd (part of the Meriton Group). It is noted that the site is already subject to a Planning Agreement relating to the dedication of land zoned RE1 Public Recreation to Council. This is further detailed in the Planning Agreement section of this report.
7. On 22 November 2021, the applicant, Karimbla Construction Services (NSW) Pty Ltd, on behalf of the landowner, Karimbla Properties (No. 61) Pty Ltd, lodged a Planning Proposal with the City of Parramatta Council for land at 263-273 & 279R Pennant Hills Road and 18 Shirley Street, Carlingford. The objective of the subject Planning Proposal is to facilitate additional permitted uses of up to 2,000sqm of 'shops' and 'food and drink premises' along with 'business premises' and 'recreational facility (indoor)' on the R4 High Density Residential part of the site.
8. In December 2021 the applicant lodged a development application (DA/53/2022) for the construction of six buildings up to 12 storeys in height, containing 629 residential apartments, a childcare facility and neighbourhood shops on the larger set of properties acquired by the current owner. It is noted that the additional land uses sought under the subject Planning Proposal are not included within the current development application. The development application was considered by the Sydney Central City Planning Panel on 1 December 2022. The decision of the Panel was to refuse the application.
9. On 17 May 2022, the Local Planning Panel provided advice to Council recommending it endorse this Planning Proposal for the purpose of requesting a Gateway Determination to amend Schedule 1 and amend the Additional Permitted Uses Map to facilitate shops, food and drink premises, business premises and recreational facility (indoor) on the site up to 2,000sqm on the R4 High Density Residential Part of the site.
10. At its meeting on 14 June 2022, Council resolved to endorse the Planning Proposal for the purpose of requesting a Gateway Determination and to amend Schedule 1 and amend the Additional Permitted Uses Map consistent with the recommendation of the Local Planning Panel. Council also resolved to prepare a draft Planning Agreement to be exhibited with the Planning Proposal. A more detailed summary of the Planning Proposal is provided later in this report.
11. On 29 July 2022, the Department of Planning and Environment issued a Gateway determination (**Attachment 5**) with an expiry date of 31 May 2023 which allowed the Planning Proposal to proceed to public exhibition.

12. The Planning Proposal and draft Planning Agreement were publicly exhibited from 12 October 2022 to 9 November 2022. This report addresses the outcomes of that exhibition and makes recommendations for progressing the matter.

PLANNING PROPOSAL TIMELINE



SITE DESCRIPTION

13. The subject site is known as at 263-273 & 279R Pennant Hills Road and 18 Shirley Street, Carlingford and comprises of 8 lots which are legally described as follows in Table 1:

Table 1 – Property address, Lots and DPs

Property Address	Lot & DP
263 Pennant Hills Road	Lot 22, DP 21386
265 Pennant Hills Road	Lot 2, DP 9614
267 Pennant Hills Road	Lot 3, DP 9614
269 Pennant Hills Road	Lot 4, DP 9614
271 Pennant Hills Road	Lot 62, DP 819136
273 Pennant Hills Road	Lot 61, DP 819163
279R Pennant Hills Road	Lot 1, DP 531044
18 Shirley Street	Lot 1, DP 1219291

14. The site has a total area of approximately 27,985sqm (**Figure 2**).
15. The site is located on the eastern side of Pennant Hills Road (classified road) and the northern and western sides of Shirley Street (local road). The site is predominately undeveloped and cleared of vegetation however there are five detached two-storey dwellings fronting Pennant Hills Road.
16. A pedestrian pathway runs along Pennant Hills Road, with connections into Lloyds Avenue to the south and Carlingford Town Centre to the north. The site is located approximately 400 metres east from of the Carlingford Light Rail stop (under construction).

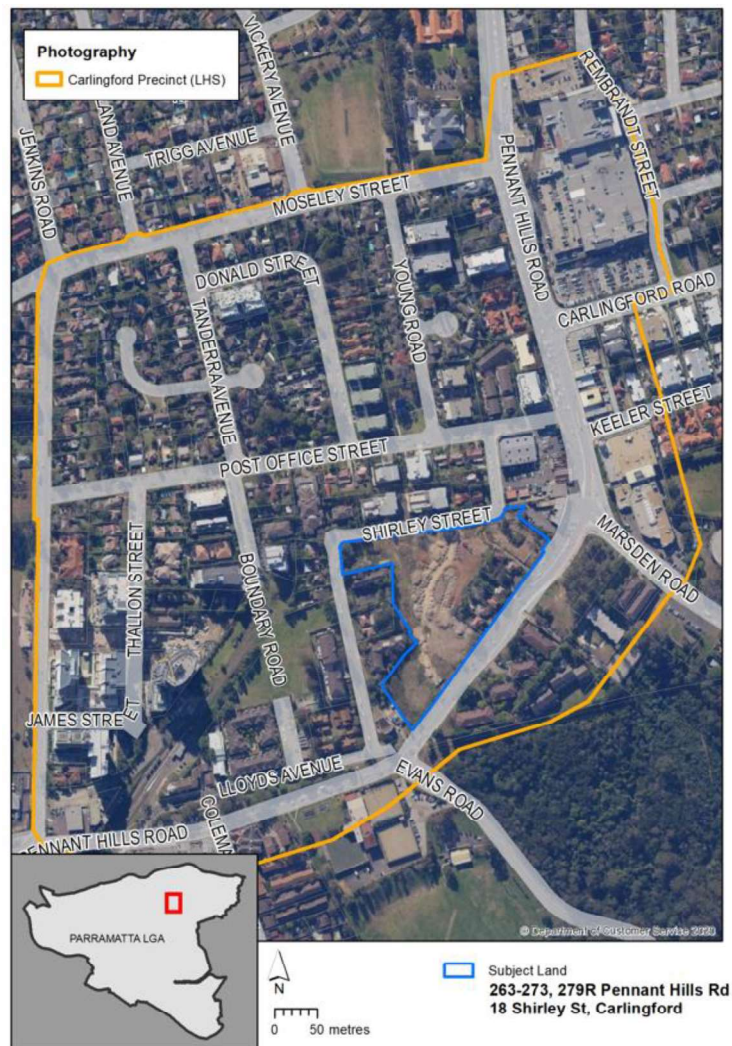


Figure 1 – Location of subject site within the Carlingford Precinct



Figure 2 – Subject Site in proximity to light rail stop

CURRENT PLANNING CONTROLS

17. The subject site is zoned part R4 High Density Residential, part RE1 Public Recreation and Part SP2 Infrastructure under the provisions of the Parramatta (former The Hills) Local Environmental Plan as shown in **Figure 3**. This Planning Proposal only amends the controls for the land zoned R4 High Density Residential. The current zoning is to be maintained.



Figure 3 – Current Zoning

18. The site currently has a height limit of 27 metres (6 storeys) fronting Pennant Hills Road and 33 metres (9 storeys) fronting Shirley Street under the Height of Buildings (HOB) map (refer to **Figure 4**). The current height is to be maintained.

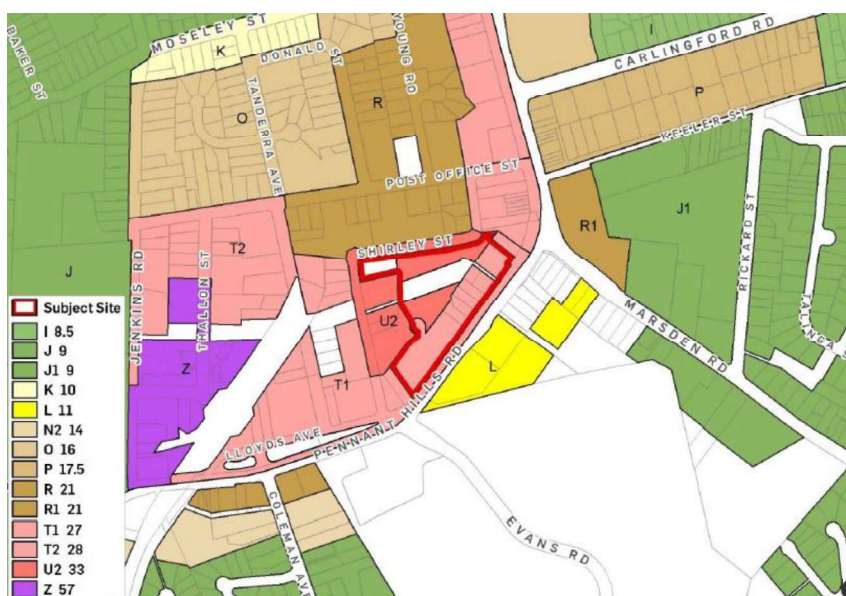


Figure 4 – Current Height of Buildings

19. The site currently has a floor space ratio of 2.3:1 under the Floor Space Ratio (FSR) map (refer to **Figure 5**). The RE1 Public Recreation zoned land has no nominated FSR. The current floor space ratio is to be maintained.

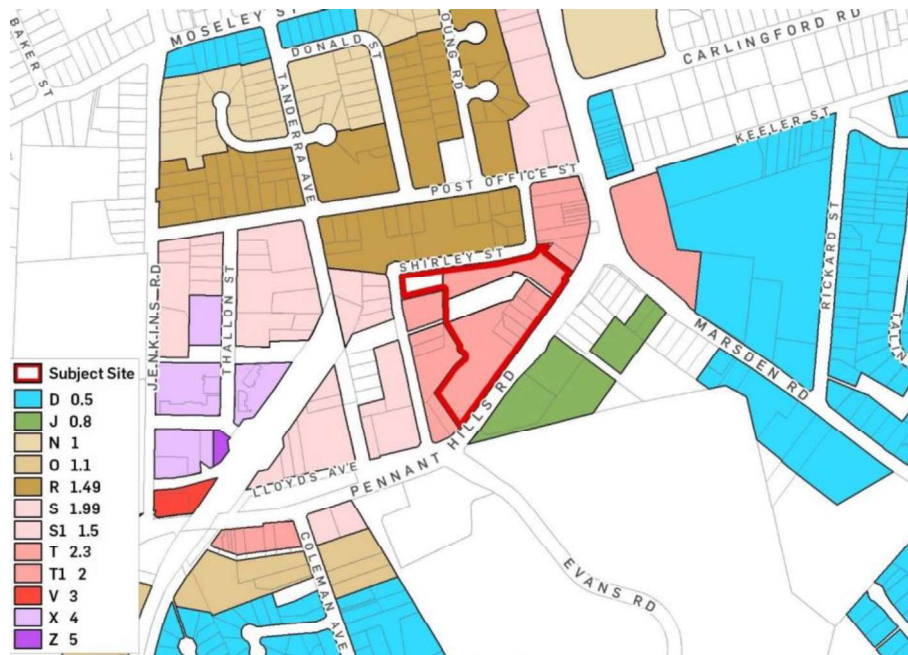


Figure 5 – Current Floor Space Ratio

20. The site is not currently on the Additional Permitted Uses Map (refer to **Figure 6**).

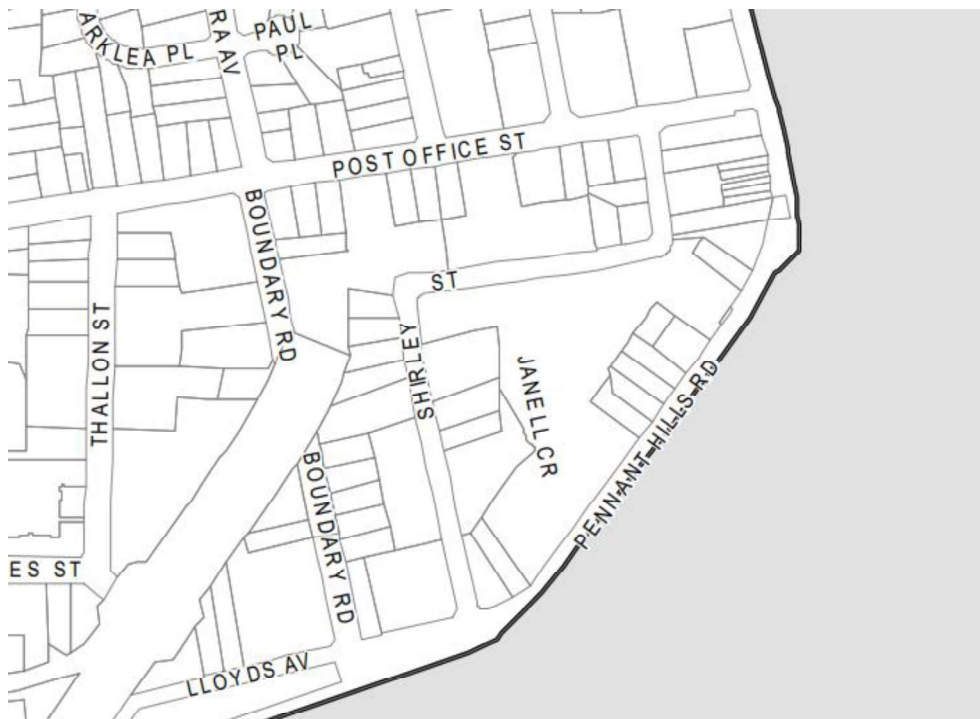


Figure 6 – Existing Additional Permitted Uses Map

PLANNING PROPOSAL

21. The objective of this Planning Proposal is to facilitate the permissibility of 'shops' and 'food and drink premises' along with 'business premises' and 'recreational facility (indoor)' up to a combined total GFA of 2,000sqm on the R4 High Density Zoned areas of the site.
22. Specifically, the Planning Proposal seeks to amend the Parramatta (former The Hills) Local Environmental Plan 2012 as follows:
 - a. Amend Schedule 1 to permit 'shops' and 'food and drink premises', 'business premises' and 'recreational facility (indoor)' up to a combined total GFA of 2,000sqm on the R4 High Density Residential zoned part of the site.
 - b. Addition of the R4 High Density Residential zoned part of the site to the Additional Permitted Uses Map to facilitate retail floor space, neighbourhood supermarket along with specialty retail, business, and recreational uses.
23. A copy of the Planning Proposal is included at **Attachment 1**.
24. The site is zoned R4 High Density Residential which allows a range of non-residential (and commercial) uses including childcare and minor neighbourhood shops, but not land uses which the Planning Proposal intends to permit. Table 2 outlines the current non-residential uses permitted within the R4 High Density Residential zone under the Parramatta (former The Hills) LEP 2012 on the site and what is sought under the Planning Proposal.

Table 2 – Current and Proposed Permitted Non-Residential Land Uses on the subject site

Currently permitted non-residential land uses within the R4 High Density Residential zone	Proposed <u>additional</u> permitted non-residential uses for the subject site under Planning Proposal
<p>The Parramatta (former The Hills) LEP 2012 currently permits (with development consent) centre-based and home-based child care facilities; community facilities; neighbourhood shops; places of public worship.</p> <p>Specifically, 'neighbourhood shops' are defined under the Parramatta (former The Hills) LEP 2012 as "premises used for the purposes of selling general merchandise such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, but does not include</p>	<p>Shops (smaller metro style supermarket), food and drink premises, business premises and recreational facility (indoor) up to a maximum combined gross floor area of 2,000sqm on the site.</p> <p>The Parramatta (former The Hills) LEP 2012 defines that "<i>Shops</i>" are <i>premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise and includes a neighbourhood shop and neighbourhood supermarket.</i></p>

neighbourhood supermarkets or restricted premises.” Under Clause 5.4 (7) of the LEP, the retail floor area of neighbourhood shops must not exceed 100 square metres.

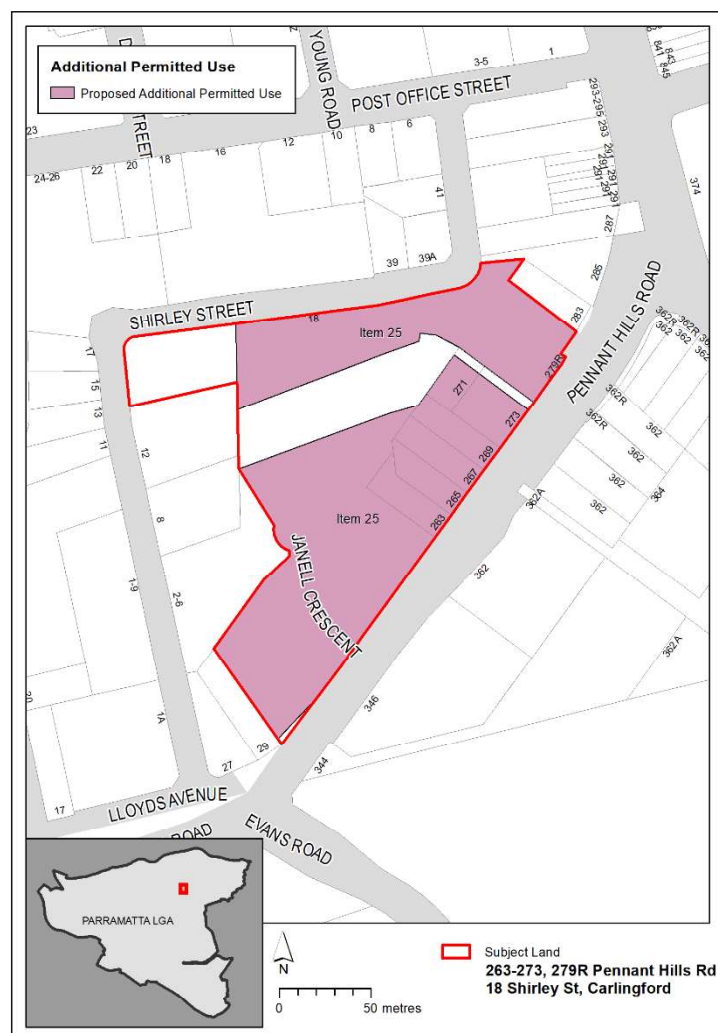


Figure 7 - Proposed amendment to the Additional Permitted Use Map

PLANNING AGREEMENT

25. The Planning Proposal is accompanied by a draft Planning Agreement (**Attachment 2**) which proposes to deliver the following public benefits:
 - i. A shared walking/cycling pathway through Council owned Shirley Street Reserve which forms part of the connection to the Carlingford Light Rail stop; and
 - ii. A raised pedestrian crossing on Shirley Street accommodating cyclists and pedestrians.
26. It is noted that the Department of Planning and Environment (DPE) Planning Agreements Practice Note (February 2021) seeks to move away from value capture (as referred to in Council's Planning Agreements Policy 2018) towards an infrastructure needs approach to negotiating planning agreements.

27. The purpose of the draft Planning Agreement is to provide for local infrastructure works required to be delivered as a result of the proposed redevelopment of the site and therefore is consistent with the objectives of the Practice Note.
28. The draft Planning Agreement offers a pedestrian link from the subject site to deliver a part of the planned cycle/pedestrian network on public land adjacent to the site which will improve connectivity and access to the Parramatta Light Rail for the wider Carlingford precinct and surrounding neighbourhood, and a pedestrian crossing on Shirley Street (see **Figure 8**).



Figure 8 – Subject Site and Planning Agreement Items

29. The draft Planning Agreement has been identified as an appropriate mechanism to ensure the increase in demand for infrastructure due to the Planning Proposal is satisfactorily addressed. The additional land uses sought by the Planning Proposal will increase the land value as they will allow for a supermarket facilitating higher rental value for the site (within a residential zone) and further ongoing revenue as it will bring more pedestrian traffic to the site. The shared path and crossing from the site to the light rail noted in the draft Planning Agreement relate to the provision of community infrastructure that will directly benefit and service future development at the site given the likely increase in demand for services and infrastructure arising from the Planning Proposal.
30. It is noted that the site is already subject to an existing Planning Agreement. That Planning Agreement was entered into in April 2015 between The Hills Shire Council and the then owners. The land subject to the Planning Agreement originally comprised of various lots previously known as 14-30 Shirley Street and 2-10 Janell Crescent, Carlingford, which have since been

consolidated as 18 Shirley Street, Carlingford. In summary, this Planning Agreement provided for the following to be provided to The Hills Shire Council:

- Dedication of land for public open space.
- Works in kind (including embellishment of public open space) – estimated value \$742,108.
- Monetary contribution (to be spent in Carlingford Precinct) – estimated value \$920,984 (subject to CPI increases).

31. The Planning Agreement was transferred from The Hills Shire Council to City of Parramatta Council on 12 May 2016, when the land subject to this Planning Agreement moved into the City of Parramatta local government area.
32. On 7 December 2020, Dylam (and its subsidiaries) exchanged contracts for sale with Karimbla Properties (No. 61) Pty Limited (a subsidiary of Meriton Group). The Deed of Novation included a contractual obligation that the purchaser must re-execute the Planning Agreement with Council. This was undertaken in 2021 once settlement of the land transfer had occurred. The land, works and monetary contribution subject to the existing planning agreement have not yet been delivered but will be required as part of approved development application.

SITE SPECIFIC DEVELOPMENT CONTROL PLAN

33. It is noted that the Planning Proposal is only seeking to include additional permitted uses within Schedule 1 of the Parramatta (former The Hills) Local Environmental Plan 2012. It is therefore not necessary to include a site-specific DCP to support the proposal in this instance. The existing provisions within The Hills Shire DCP 2012 are considered sufficient to manage the assessment of any development application on the site should the proposal proceed.

PUBLIC EXHIBITION AND CONSULTATION

34. The Planning Proposal, draft Planning Agreement and supporting documentation were publicly exhibited for 28 days from 12 October 2022 to 9 November 2022 as required by the Gateway Determination. Notification methods used in the exhibition included:
- Letters to surrounding landowners, including letters translated to Simplified Chinese.
 - Dedicated exhibition page on Council's Participate Parramatta website.
 - Advertisement on Council's website.
 - Advertisement in the Parra News.
 - Exhibition folders in Council's customer service centre and Carlingford Library.

35. Public agencies were also notified in writing of the public exhibition in accordance with the Gateway determination, with the following agencies consulted:

- Transport for NSW
- Transport for NSW (Parramatta Light Rail team).

36. A total of four (4) submissions were received comprising three (3) from the community, with the remaining one (1) agency submission from Transport for NSW (breakdown provided in **Table 3**). Overall, one submission supported the proposal and the draft Planning Agreement in full, one objected in full, and one partially supported the Proposal. The agency submission from TfNSW neither stated objection or support.

Table 3 - Breakdown of submissions received

	Number	Breakdown
Community/landowners	3	various landowners
Public Agencies	1	Transport for NSW
Total	4	

COUNCIL OFFICER RESPONSE TO KEY ISSUES RAISED IN SUBMISSIONS

37. Table 4 summarises the key issues raised in the community submissions including a Council officer's response.

Table 4 - Summary of issues raised by the community during public exhibition period

Submission Number	Submission Summary	Council Officer Response
1	<p>Object</p> <ul style="list-style-type: none"> • Submitter considers that the addition of a supermarket is not needed. • Submitter considers that the supermarket will generate additional traffic. 	<p>The proposed supermarket will assist in addressing the substantial undersupply of supermarket floorspace within the Carlingford area. The Retail Impact Assessment (Attachment 3) notes there is sufficient supermarket floorspace demand over the short to long term to justify the proposed development on the subject site</p> <p>As a result of the proposal, the expected additional trips on the main road network would be limited to around 47 to 113 vehicles per hour (vph) during the weekday AM peak period and around 92 to 152 vph in the PM peak periods, which is equivalent to one to three additional vehicles per minute, which is considered minor in the surrounding context.</p>

		<p>The traffic and parking assessment (Attachment 4) notes if there is no retail component within this precinct, then trips to retail developments beyond the site by the approved residential component would generate external trips to the road network to access other local retail centers.</p> <p>The site would accommodate a small neighbourhood supermarket which will provide limited day to day items and groceries so it will not necessarily require or encourage access by cars unlike larger format supermarkets.</p>
2	<p>Support</p> <ul style="list-style-type: none"> • The submitter queries if the traffic assessment includes delivery vehicle trips and that delivery vehicles would require different roadway specifications to passenger vehicles. • The submitter notes the proposal provides good local access to food supplies. 	<p>The traffic and parking assessment does not specifically note delivery vehicle trips however given the limited nature of the retail component they would be less than passenger vehicle trips which are considered to be minor in the surrounding context and are deemed acceptable by Council Officers.</p> <p>Roadway specifications for both passenger and delivery vehicles will be assessed in detail at development application stage.</p> <p>Noted.</p>
3	<ul style="list-style-type: none"> • The submitter noted that infrastructure in Carlingford is over stretched with road issues and there are existing potholes. 	<p>Additional infrastructure is being provided within the proposed planning agreement which will facilitate a raised pedestrian/cycle crossing over Shirley Street and a shared pedestrian/cycle path through Shirley Street Reserve.</p> <p>Rectification works to potholes cannot be delivered as a part</p>

	<ul style="list-style-type: none"> • The submitter considers the above issues need rectifying before adding additional density to the site. 	<p>of this Planning Proposal. Council's customer service centre can be contacted to report potholes or other damage to the local road network.</p> <p>The Planning Proposal only introduces additional permitted uses of shops, food and drink premises, business premises and recreational facility (indoor) to the site. The proposal will not facilitate any residential development and will not result in an increase in residential density on the site.</p>
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AGENCY SUBMISSIONS

Transport for NSW

38. The planning proposal was referred to TfNSW for comment. TfNSW do not object to the Planning Proposal but raise matters for consideration.
39. **Table 5** below summarises the key issues including a Council officer's response.

Table 5 - Summary of Issues raised by TfNSW during public exhibition period

Consultation Issues	Council Officer Response
The subject site is partly over land owned by Transport for NSW (Road), being Lot 1 DP531044. This land is yet to be dedicated as public road. Should landowners' consent be required for any future proposed works over TfNSW owned land, the proponent would be required to contact the Regional Land Information & Corridors.	Noted. This matter will be considered as part of any future development application on the site and TfNSW and Regional Land Information & Corridors will be consulted.
The subject site is also affected by a road proposal.	Noted. This matter will be considered as part of any future development application on the site and TfNSW will be consulted.
A sizable portion of traffic generated by the proposal will utilise the Pennant Hills Road / Evans Road / Shirley Street / Lloyds Avenue intersection in the future, thus adding additional delay to vehicles safely turning onto Pennant Hills Road.	Council officers agree that the piece of land noted by TfNSW (Figure 9) will be required for a future road upgrade. The land is currently zoned SP2 Infrastructure and identified for acquisition by TfNSW. The issue has been discussed with the Applicant which opposes the inclusion of the clause proposed by TfNSW. Council
TfNSW currently does not have any committed / funded upgrades at this	

<p>intersection, it is likely that any potential future upgrade of this intersection will require the land identified in pink (Figure 9). As a minimum (to facilitate any possible upgrade of this intersection in the future) the proponent should dedicate the land identified in pink (located within Lot 1 DP1219291) as road at no cost to TfNSW.</p> <p>To address the comments above, TfNSW requires the use of the Department of Planning and Environment's (DPE) Secretary's Concurrence Clause to ensure that this will occur at the subsequent Development Application stage. Therefore, this shall require a new clause within <i>Parramatta (former The Hills) Local Environmental Plan 2012</i> under <i>Part 7 – Additional Local Provisions</i> which would be applicable to 263-273 & 279R Pennant Hills Road and 18 Shirley Street, Carlingford, which would state the following:</p> <ol style="list-style-type: none"> 1. <i>This clause applies to (insert land description here – address / lot and DP).</i> 2. <i>Development consent must not be granted to development on land to which this clause applies unless the consent authority has obtained the concurrence of the Planning Secretary.</i> 3. <i>In deciding whether to grant concurrence, the Planning Secretary must consider the potential effects of the development on existing and proposed transport infrastructure in the locality.</i> 4. <i>The Planning Secretary must notify the consent authority of the Planning Secretary's decision within 21 days of receiving the request for concurrence.</i> 	<p>officers do not consider it necessary to include the additional LEP clause sought to achieve the outcome sought, as a process for the acquisition of the land by TfNSW is already in place. The matter can be dealt with at the development application stage.</p>
<p>Comment on the proposed shared path in Shirley Street reserve being aligned with any future entrance to the proposed supermarket/ground floor retail on Shirley Street.</p>	<p>This will be considered as part of any future development application.</p>
<p>Figure 6 of the Carlingford Precinct DCP shows that the shared path is potentially on the southern end of</p>	<p>The exact location of the shared path will be determined at development</p>

<p>Shirley Park. However, the draft VPA shows the proposed shared path on the Northern end of the park. can this please be clarified with regards to the location to ensure that the pedestrians have a direct connection</p>	<p>application stage and will be subject to detailed design and assessment.</p>
<p>The concept drawings within the draft VPA do not show the proposed shared path connecting to the shared path that connects Carlingford Light Rail stop to Boundary Road.</p>	<p>Council Officers have approached TfNSW and Greater River City Light Rail (GRCLR) to discuss the connecting link between the proposed share pathway in the draft planning agreement and the Parramatta Light Rail and Active Transport Link (ATL) and are waiting for TfNSW and GRCLR to review the proposal with the aim to meet and discuss further.</p>
<p>The supporting Traffic and Parking Assessment did not conduct any detailed traffic modelling to clearly identify the traffic impacts of the Planning Proposal on surrounding intersections as the report was prepared at the time when covid restrictions were starting to be relaxed. Subject to the approval of this Planning Proposal, the proponent must ensure that appropriate traffic survey collection and detailed traffic modelling (in accordance with TfNSW requirements) is undertaken as part of a future Traffic and Transport Assessment Report supporting the subsequent Development Application on this site.</p>	<p>Noted. Traffic survey collection and detailed traffic modelling (in accordance with TfNSW requirements) will be undertaken as part of a future Traffic and Transport Assessment Report supporting the subsequent Development Application on this site.</p>



Figure 9 – Pink section of Lot 1 DP 1219291 is land required for future intersection upgrade at noted by TfNSW

FINANCIAL IMPLICATIONS FOR COUNCIL

40. If Council resolves to approve this report in accordance with the recommendation, the draft Planning Agreement is for the following works to be conducted by the developer, with an approximate value of \$431,388.45 (subject to CPI):
 - i. A shared walking/cycling pathway through Council owned Shirley Street Reserve which forms part of the connection to the Carlingford Light Rail stop; and
 - ii. A raised pedestrian crossing accommodating both cyclists and pedestrians on Shirley Street.
41. It is noted that land identified as part of the future shared path and the pedestrian crossing is on Council land and will be subject to ongoing maintenance costs. However, it is acknowledged that these items will have a public benefit by facilitating an improved part of the connection to the Carlingford Light Rail stop with the boarder cycle/pedestrian network. Council Officers have approached TfNSW and Greater River City Light Rail (GRCLR) to discuss the connecting link between the proposed share pathway in the planning agreement and the Parramatta Light Rail and Active Transport Link (ATL) and are waiting for TfNSW and GRCLR to review the proposal with the aim to meet and discuss further.
42. It is proposed that the works would be completed prior to an Occupation Certificate being issued for the Additional Permitted Use on the site.
43. The costs associated with the preparation, exhibition and finalisation of the draft Planning Agreement involve internal resources and legal costs. The developer has/will reimburse any legal costs relating to the negotiation and execution of the Planning Agreement, which will then result in nil cost to Council for this item.

CONCLUSION AND NEXT STEPS

44. It is recommended that the Local Planning Panel supports the Council officer recommendation for Council to approve for finalisation the exhibited Planning Proposal for 263-273 & 279R Pennant Hills Road and 18 Shirley Street, Carlingford and exercise its plan-making delegations as granted by the Gateway Determination. The LEP amendment will then be signed by the CEO before being notified on the NSW Legislation website.
45. It is recommended that the Local Planning Panel supports the Council officer recommendation for Council to execute the draft Planning Agreement for 263-273 & 279R Pennant Hills Road and 18 Shirley Street, Carlingford.
46. Following Local Planning Panel consideration of the recommendations of this report, the outcomes of the exhibition period for the Planning Proposal and draft Planning Agreement will be reported to an upcoming Council meeting along with the Panel's advice.











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ATTACHMENTS:

- | | | | |
|---|---|--------------------------------|----------|
| 1 |   | Planning Proposal | 34 Pages |
| 2 |   | Draft Planning Agreement | 36 Pages |
| 3 |   | Retail Impact Assessment | 28 Pages |
| 4 |   | Traffic and Parking Assessment | 10 Pages |
| 5 |   | Gateway Determination | 2 Pages |

REFERENCE MATERIAL

Link to full Local Planning Panel Report

Follow the link to the 20 December 2022 Business Paper to view the full LPP report including attachments:

- 1: Planning Proposal
- 2: Draft Planning Agreement
- 3: Retail Impact Assessment
- 4: Traffic and Parking Assessment
- 5: Gateway Determination

See Item 6.1 at page 518:

https://businesspapers.parracity.nsw.gov.au/Open/2022/12/LPP_20122022_AGN_719_AT.PDF