

Site History

263-281 Pennant Hills Road, Carlingford

1. Amendment 20 of the Baulkham Hills LEP 2005 was made on 3 March 2011 pertaining to the rezoning of the Carlingford Precinct (including the subject site) to facilitate further growth in Carlingford. The associated Development Control Plan and Contributions Plan came into force on 15 March 2011.
2. The Joint Regional Planning Panel (JRPP) granted development approval (DA1103/2011/JP) (**Figure 2**) on 11 April 2012 for the construction of five apartment buildings (9-11 storeys) containing 450 units and 662 basement parking spaces on Lot 1 DP 1219291 (the larger lot with a Shirley Street frontage as seen in **Figure 1**) which is part of the Planning Proposal subject site. The application was subsequently activated by demolition and other early site works. After this approval, a further six properties fronting Pennant Hills Road were acquired by Karimbla Properties (No. 61) Pty Ltd.



Figure 1 – Subject Site



Figure 2 - Approved Dyldam DA

3. A Planning Agreement operates in relation to (part) of the site, Lot 1 DP 1219291 (the larger lot with a Shirley Street frontage) in connection with DA/1103/2011/JP. The Planning Agreement was entered into in April 2015 between The Hills Shire Council and the then owners of the site (Golden Mile 1888 Pty Ltd, Pennant Hills Estate 88 Pty Ltd and Rainbowforce Pty Ltd). The Planning Agreement was transferred from Hills Shire Council to City of Parramatta Council when the land moved into the City of Parramatta local government area.
4. In December 2020, the former owners sold Lot 1 DP 1219291 (the larger lot with a Shirley Street frontage) to Karimbla Properties (No. 61) Pty Ltd. Subsequently a Deed of Novation was executed in respect of the Planning Agreement between Karimbla Properties and City of Parramatta Council.
5. In December 2021 Karimbla Properties (No. 61) Pty Ltd lodged a development application (DA/53/2022) for 620 residential apartments, a childcare facility and neighbourhood shops on 263-281 Pennant Hills Road, Carlingford (Figures 1, 3 & 4). The application was refused by the Sydney Central City Planning Panel on 7 December 2022. The reasons for refusal related to exceedance of the current height and FSR controls and not meeting appropriate design standards. The application is currently the subject of an appeal to the Land and Environment Court.



Figure 3 - Image of refused DA/53/2022



Figure 4 - Image of refused DA/53/2002

6. A Planning Proposal (RZ/4/2021) for 263-281 Pennant Hills Road, Carlingford was notified on 30 June 2023 which amended the Parramatta LEP 2023 to allow the addition of shops, food and drink premises and business premises as

additional permitted uses; and restrict them along with recreation facilities (indoor) to a maximum GFA 2,000 sqm.

7. A Planning Agreement between City of Parramatta Council, Karimbla Properties (No. 61) Pty Ltd and Meriton Properties Pty Ltd was executed on 21 June 2023 in connection with R/4/2021. The Planning Agreement is for the construction of a walking/cycling pathway through Council owned Shirley Street Reserve and a raised pedestrian/cycle crossing on Shirley Street in Carlingford.
8. On 22 September 2023, the applicant, Karimbla Properties (No. 61) Pty Ltd, lodged a Planning Proposal (RZ/5/2023) (refer **Figure 4**) for land at 263-281 Pennant Hills Road, Carlingford. The objective of the Planning Proposal is to increase the Floor Space Ratio and Height of Building controls to allow for the development of 723 residential units. A Letter of Offer to enter into a Planning Agreement was submitted with the Planning Proposal for the provision and dedication of public open space, publicly accessible space and the proposed delivery and dedication of a library and community facility on the site. The application also included a draft SSDCP to provide detailed controls for future development on the site.

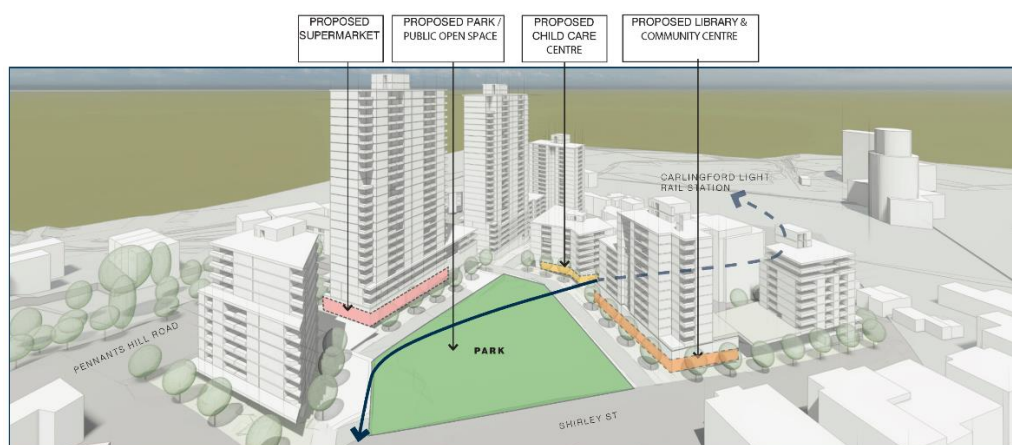


Figure 4 – Planning Proposal Reference Scheme`

9. On 8 November 2023, the Local Planning Panel (LPP) provided advice to Council recommending it endorse the Planning Proposal for the purposes of requesting a Gateway Determination for the site as per Council Officers recommendation that supported the proposed amendments to Parramatta LEP 2023 including: reconfigured of zoning, increasing the maximum Height of Building control, increasing the maximum Floor Space Ratio control and amending Schedule 1 Additional Permitted Uses to increase the maximum gross floor area of parts of the buildings used for business premises, food and drink premises, recreational facilities (indoor) and shops on the R4 High Density Residential zoned part of the site as noted in the recommendations.
10. This recommendation was subject to further consideration of several matters including exploring the potential adjusting of massing on the Pennant Hills frontage, further detailed shadow modelling to confirm the impact of properties on the opposite side of Pennant Hills Road, review of car parking rates. The Panel also suggested that Council initiate urban design and planning studies to guide future growth in the Carlingford Precinct.

11. On 4 December 2023 Council endorsed the Planning Proposal for the purposes of requesting a Gateway Determination for the site as per Council Officers recommendation that supported the proposed amendments to Parramatta LEP 2023 as noted above.
12. This endorsement was also subject to further consideration of several matters including a request that the CEO investigate work required to review the planning controls for this Carlingford Growth Precinct and for this to inform the 2024/25 budget, and that the CEO request a meeting with the Minister for Planning and Public Spaces to discuss increased density and the provision of infrastructure in the Parramatta LGA, particularly Carlingford.
13. On 19 February 2024, Department of Planning, Housing and Infrastructure issued a Gateway Determination which allowed the Planning Proposal to proceed to public exhibition. The Gateway Determination included several conditions which were required to be met prior to public exhibition the Planning Proposal:
 - Identify the proposed changes to the Land Reservation Acquisition (LRA) map;
 - Update the site address of the proposal;
 - Include further justification on the overshadowing impacts to properties south of Pennant Hills Road, particularly to demonstrate compliance with this aspect of the Apartment Design Guide can be achieved; and
 - Include discussion on the public amenity and proposed overshadowing of heritage item I032 – Carlingford
14. All these conditions were met prior to public exhibition of the Planning Proposal. This is discussed in detail in the post-exhibition report to the LPP.
15. The Planning Proposal, draft Planning Agreement and SSDCP were publicly exhibited from 25 March 2024 to 24 April 2024. Several issues were raised throughout the public exhibition period including but not limited to the increase in density and height, and traffic impacts. In response to the exhibition process and further review, post exhibition amendments are proposed to the Height of Building Map and the Land Reservation Acquisition Map, draft SSDCP and draft Planning Agreement These issues are discussed in detail in the post-exhibition report to the LPP.