

## REZONING REVIEW

### RECORD OF DECISION

STRATEGIC PLANNING PANEL of the  
SYDNEY CENTRAL CITY PLANNING PANEL

<b>DATE OF DECISION</b>	11 May 2023
<b>DATE OF BRIEFING</b>	1 May 2023
<b>PANEL MEMBERS</b>	Graham Brown (Alternate Chair), Blake Cansdale, Glennis James, Jane Fielding and Richard Thorp
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	<p>Abigail Goldberg (Chair), David Ryan and Stephen O'Connor declared a conflict of interest and withdrew themselves from the Panel.</p> <p>The City of Parramatta's four local members - Cr Sameer Pandey, Cr Dan Siviero, Cr Michelle Garrard, and Cr Georgina Valjak, were unable to sit on the Panel due to a conflict of interest, in that on 28 November 2022 they voted as councilors not to support the planning proposal (PP-2021-3409).</p>

## REZONING REVIEW

RR-2022-31 – City of Parramatta – PP-2021-3409 at 361-365 North Rocks Road, North Rocks (AS DESCRIBED IN SCHEDULE 1).

### Reason for Review:

- ☐ The council has notified the proponent that the request to prepare a planning proposal has not been supported
- ☒ The council has failed to indicate its support 115 days after the proponent submitted a request to prepare a planning proposal.  
Council has subsequently notified the proponent that the request to prepare a planning proposal has not been supported

## PANEL CONSIDERATION AND DECISION

The Panel considered: the material listed at item 4 and the matters raised and/or observed at briefings and site inspections listed at item 5 in Schedule 1.

Based on this review, the Panel determined that the proposed instrument:

- ☐ **should** be submitted for a Gateway determination because the proposal has demonstrated strategic and site-specific merit
- ☒ **should not** be submitted for a Gateway determination because the proposal has
  - ☒ not demonstrated strategic merit
  - ☐ has demonstrated strategic merit but not site-specific merit

The decision was 3:2 in favour, against the decision were Jane Fielding and Richard Thorp.

## REASONS FOR THE DECISION

The Panel had the benefit of a comprehensive site visit and presentations from the council and the applicant. The Panel considered the planning proposal submitted June 2021 and a revised proposal of November 2022. The revised proposal did not formally amend the June 2021 proposal but was the result of discussions with the council. The June 2021 proposal sought 6/7 storeys in the centre of the site and 6 storeys along part of North Rocks Road. The revised proposal sought heights of 4/5/6 storeys in the centre of the site and 5/6 storeys along part of North Rocks Road. The proposed height to the east and

west where the site adjoins existing residential development is 9m; the same height that applies to the existing residential development.

There was no disagreement amongst the Panel members that the site had potential for a greater density than the current R2 Low Density Residential zoning under Parramatta Local Environmental Plan 2012. The extent of any appropriate increased density was not agreed by the Panel nor was the means by which changes could occur. This resulted in a majority decision being reached.

The majority of Panel members, Graham Brown, Glennis James and Blake Cansdale concluded that the proposed planning proposal was not acceptable and did not satisfy the Strategic merit test. They relied on the importance of Council's adopted Local Strategic Planning Statement City Plan 2036 (LSPS) to reach this conclusion. This is a planning strategy advertised by the council, adopted by the council and endorsed by the Department of Planning and Environment. Put simply, the LSPS adopts the approach of clustering increased housing densities around specific centres, North Rocks not being one of those centres. Notwithstanding this approach, the LSPS recognises that there may be land that may be identified as a Priority Growth Area even though it is outside the identified centres that can accommodate additional density; the site being one example. These Priority Growth Areas are however limited to 2/3 storeys to maintain the character of the lower density areas around this site, as directed by the LSPS.

The Panel heard conflicting submissions from the council and the applicant on matters that go to the question of strategic merit, such as the achievement of the council's housing targets, access from the site to employment centres and the potential of the adjoining retail centre, however the absence of a definitive answer to these matters does not diminish the fundamental incompatibility with the LSPS in relation to building height and density.

The majority of Panel members were satisfied that the planning proposal and the revised planning proposal "did not give effect" to the council's LSPS and, if any amendments were to be made to address the requirements of the LSPS, those changes "would not result in substantially the same proposal" (Planning Circular 22-033, Independent reviews of plan-making decisions).

The majority of Panel members agree that the planning proposal (and the revised proposal) does not satisfy the strategic-merit test and must be refused.

Jane Fielding and Richard Thorp disagreed with the majority decision.

Jane Fielding supports the planning proposal to go to Gateway and for the Panel to appoint themselves as Planning Proposal Authority (PPA) to prepare an Amended Planning Proposal as council has resolved to not support the planning proposal. The amended planning proposal would be based on the Proponent's Amended Masterplan with refinement.

A summary of the reasons and requirements/conditions are:

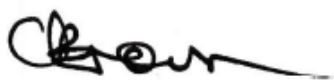

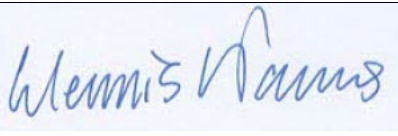

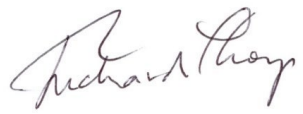
1. The planning proposal meets the assessment criteria for the strategic merit test, as:
  - a) It gives effect to the Greater Sydney Regional Plan and the Central City District Plan, as it provides a diversity of housing types including affordable housing, is located within 30 minutes of key employment centres by public transport and creates a walkable neighbourhood adjacent to local centre facilities.
  - b) It gives effect to the City of Parramatta Local Strategic Planning Statement, by offering housing diversity including affordable housing, providing supporting public open space and community infrastructure, and is capable of delivering a scale of built form that is compatible with surrounds.
2. The planning proposal meets the assessment criteria for the site-specific merit test, with application of a condition that 'buildings fronting North Rocks Road are to be reduced to no more than 3 storeys in height'.
3. In summary, the site is strategically placed adjacent a local centre and the M2 motorway with its Bus Transit Way. The proponent has prepared a considered masterplan for a planning proposal that will deliver much needed housing in Sydney's current "Housing Crisis".

Richard Thorpe considers that the site is unique with enormous potential given the site's proximity to the M2 motorway and the existing bus services provide excellent access to employment centres. The offer to provide a shuttle bus to the Barclay Road M2 bus stop for a period of ten years is a meaningful solution to ensure improved connections to the employment centres in the short term.

The planning proposal appropriately considers the interface with existing low-rise housing at relevant boundaries and locations, by inclusion of 1 to 2 storey dwellings. Other site boundaries are either to bushland and M2 (to the north), proposed open space of considerable dimension (to the west), and to North Rocks Road (to the south) where the proposal is for 5 to 6 storey multi-unit apartments.

If the planning proposal were to be revised at the south boundary by reducing the height of the apartment buildings that immediately front North Rocks Road, to 2 and 3 storeys, the planning proposal would then successfully achieve a compatible interface with the existing low-rise housing that typifies the North Rocks district. If the site is to be developed, there will be potential increases to local traffic; however, the difference between traffic impacts from a scheme such as council is proposing (perhaps 350 - 450 dwellings) and the Proponent's scheme (modified at the south boundary as above) and providing perhaps 900 dwellings should not be seen as a reason to refuse the planning proposal.

Given the very extreme shortage of housing in the Sydney area, and the reality that a significant effort will be required to provide additional dwellings, the potential that this site holds should be seen as an immediate opportunity.

PANEL MEMBERS	
 Graham Brown (Chair)	 Blake Cansdale
 Glennis James	 Jane Fielding
 Richard Thorp	

SCHEDULE 1		
1	PANEL REF – LGA – DEPARTMENT REF - ADDRESS	RR-2022-31 – City of Parramatta – PP-2021-3409 at 361-365 North Rocks Road, North Rocks.
2	LEP TO BE AMENDED	Parramatta Local Environmental Plan (2012)
3	PROPOSED INSTRUMENT	<p>The proposal seeks to facilitate the redevelopment of the site for residential development ranging from 2 to 7 storeys, 38,000m<sup>2</sup> for private and public open spaces, 2,700m<sup>2</sup> floor area for community facilities and 700m<sup>2</sup> floor area for retail and commercial uses, including childcare facilities, general stores, and medical centre.</p> <p>Proposed to amend the Parramatta Local Environmental Plan 2012 by changing the zoning from R2 Low Density Residential to R3 Medium Density Residential and R4 High Density Residential; changing maximum height of building from 8m to 9m, 11m, 16m, 23m and 25m: inserting additional floor space ratio of 1.35:1; inserting additional permitted use clause to facilitate a restaurant or café and medical centre in the R4 High Density Residential zone; and inserting a local provision for design excellence.</p>
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Rezoning review request documentation</li> <li>Briefing report from Department of Planning and Environment</li> </ul>
5	BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li><b>Site inspection:</b> 10:10am to 11.05am, 1 May 2023 <ul style="list-style-type: none"> <li><b>Panel members in attendance:</b> Graham Brown (Chair), Glennis James, Jane Fielding, Richard Thorp</li> <li><b>Department of Planning and Environment (DPE) staff in attendance:</b> Louise McMahon, Kendall Clydsdale, Jazmin Van Veen &amp; Lisa Kennedy</li> <li><b>Key issues discussed:</b> <ul style="list-style-type: none"> <li>Proposed zone boundaries;</li> <li>Local adjoining character/ interface, particularly with North Rocks Road and adjoining shopping centre and Motorway;</li> <li>Northern bushland;</li> <li>Noise attenuation along Motorway and existing tree canopy.</li> </ul> </li> </ul> </li> <li><b>Briefing with Department of Planning and Environment (DPE):</b> 11:20am to 12.02pm, 1 May 2023 <ul style="list-style-type: none"> <li><b>Panel members in attendance:</b> Graham Brown (Chair), Blake Cansdale, Glennis James, Jane Fielding &amp; Richard Thorp</li> <li><b>Department of Planning and Environment (DPE) staff in attendance:</b> Louise McMahon, Kendall Clydsdale, Ingrid Zhu, Jazmin Van Veen, Lisa Kennedy &amp; Mary Francis</li> <li><b>Key issues discussed:</b> <ul style="list-style-type: none"> <li>The material identified in the briefing package being the proposal, site location, background and identified key issues</li> <li>Master planning for the site</li> <li>Housing Diversity Precinct checklist</li> </ul> </li> </ul> </li> <li><b>Briefing with City of Parramatta:</b> 12:05pm to 1.03pm, 1 May 2023 <ul style="list-style-type: none"> <li><b>Panel members in attendance:</b> Graham Brown (Chair), Blake Cansdale, Glennis James, Jane Fielding &amp; Richard Thorp</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>• <b>Department of Planning and Environment (DPE) staff in attendance:</b> Louise McMahon, Kendall Clydsdale, Ingrid Zhu, Jazmin Van Veen, Lisa Kennedy &amp; Mary Francis</li> <li>• <b>Council representatives in attendance:</b> Jema Samonte, David Birds, Kelly van der Zanden, Mark Dillon, William Jones, Marco Marin, Michael Rogers, Muskan Singla &amp; Behzad Saleh</li> <li>• <b>Key issues discussed:</b> <ul style="list-style-type: none"> <li>• Strategic importance of site – precincts, transport, community infrastructure</li> <li>• Housing Diversity Precinct checklist – urban design merit, open space, low rise development, affordable housing, environment context</li> <li>• Site specific merit – urban design capability test</li> </ul> </li> <li>• <b>Briefing with Mecone (Applicant) / EG Funds Management (Landholder):</b> 1.17pm – 2.40pm, 1 May 2023 <ul style="list-style-type: none"> <li>• <b>Panel members in attendance:</b> Graham Brown (Chair), Blake Cansdale, Glennis James, Jane Fielding &amp; Richard Thorp</li> <li>• <b>Department of Planning and Environment (DPE) staff in attendance:</b> Louise McMahon, Kendall Clydsdale, Ingrid Zhu, Jazmin Van Veen, Lisa Kennedy &amp; Mary Francis</li> <li>• <b>Proponent representatives in attendance:</b> Georgia Sedgmen, Jordan Faeghi, Ben Hendriks, David Workman, James McBride, Michael Easson, Brett Maynard, Chris Wilson, Jane Maze-Riley, David Tickle, Chris Kelly, Tim Williams &amp; Louise Camenzuli</li> <li>• <b>Key issues discussed:</b> <ul style="list-style-type: none"> <li>• History of planning proposal &amp; background to proposal</li> <li>• Public benefits &amp; open space</li> <li>• Visual amenity &amp; impacts</li> <li>• Traffic &amp; transport analysis</li> <li>• Housing diversity and affordable housing</li> <li>• Strategic merit &amp; Housing Diversity Precinct Criteria</li> <li>• Site specific merit</li> </ul> </li> </ul> </li> <li>• <b>Panel Determination:</b> 2.55pm – 4.23pm, 1 May 2023 <ul style="list-style-type: none"> <li>• <b>Panel members in attendance:</b> Graham Brown (Chair), Blake Cansdale, Glennis James, Jane Fielding &amp; Richard Thorp</li> <li>• <b>Department of Planning and Environment (DPE) staff in attendance:</b> Louise McMahon, Kendall Clydsdale, Ingrid Zhu, Jazmin Van Veen, Lisa Kennedy &amp; Mary Francis</li> </ul> </li> <li>• <b>Panel Determination:</b> 3pm – 3.30pm, 5 May 2023 <ul style="list-style-type: none"> <li>• <b>Panel members in attendance:</b> Graham Brown (Chair), Blake Cansdale, Glennis James, Jane Fielding &amp; Richard Thorp</li> <li>• <b>Department of Planning and Environment (DPE) staff in attendance:</b> Louise McMahon, Kendall Clydsdale, Jazmin Van Veen, Angela Hynes, Aofie Wynter, Lisa Kennedy &amp; Mary Francis</li> </ul> </li> </ul>
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