

Pre-Gateway Report – PP-2021-3409

Planning Proposal to rezone 361-365 North Rocks Road, North Rocks to facilitate a mixed-use residential development with open spaces and affordable housing

1 Introduction

The purpose of this report is to update the Sydney Central City Planning Panel (the Panel) on the status of the planning proposal at 361-365 North Rocks Road, North Rocks (the site).

This briefing report and associated recommendations are intended to inform the Panel's decision on the planning proposal to be submitted to the Department for a Gateway determination. Following the Panel's decision, the proponent will be required to prepare an updated planning proposal in accordance with the LEP Making Guidelines and any Panel decision.

On 3 November 2023, the Panel determined at a rezoning review that the planning proposal had strategic and site merit, but revisions were required prior to submitting the planning proposal to the Department for a Gateway determination.

In response, the proponent has submitted a Planning Statement which includes:

- its response to the Panel's November 2023 rezoning review decision and associated recommendations; and
- proposed LEP provisions, including mapping.

The proponent is seeking minor departures from the Panel's recommendations. In this regard, the proponent's response includes two masterplan options, being:

- Option 1 – is consistent with the Panel's recommendations, including proposing a maximum 6 storey building height on the north and central portion of the site and a maximum 3 storey (with recessed 4th storey) interface with North Rocks Road.
- Option 2 – is inconsistent with the Panel's decision, because:
 - a maximum 7 storey building height is proposed on the north-west portion of the site; and
 - a maximum 4 storey (with recessed 5th storey) interface with North Rocks Road.

As a consequence of these increases in height, Option 2 proposes more residential floor area (approx. 6,394m²) and more affordable housing (approx. 870m² or 10 dwellings) than Option 1.

A comparison of the various Masterplans and associated LEP provisions can be found at **Attachment E**.

Section 3 of this report includes further assessment of the options against the Panel recommendations. This includes the proposed building height, open space provision, design excellence provision and affordable housing.

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This report recommends the Panel support Option 2 of the masterplans and the planning proposal be amended to reflect this and submitted to the Department of Planning, Housing and Infrastructure (the Department) for a Gateway determination.

Table 1 – Overview of planning proposal

Element	Description
LGA	City of Parramatta
LEP to be amended	Parramatta Local Environmental Plan 2023 (PLEP)
Address	361-365 North Rocks Road, North Rocks
Reason for review	<input type="checkbox"/> Council notified the proponent it will not support the proposed amendment. <input checked="" type="checkbox"/> Council failed to indicate support for the proposal within 115 days.
Background	<p>2 June 2021 – Planning proposal received by City of Parramatta Council (Council) (Attachment A).</p> <p>18 October 2022 – Parramatta Local Planning Panel (LPP) determined the planning proposal should be report to the City of Parramatta's Council.</p> <p>23 November 2022 – Rezoning Review request lodged by proponent (Attachment B).</p> <p>28 November 2022 – Council resolved to not support the planning proposal.</p> <p>19 December 2022 – Council responds to rezoning review request received by the Department (Attachment C).</p> <p>1 May 2023 – The Panel considered the rezoning review and decided that the planning proposal should not proceed to Gateway (Attachment F).</p> <p>18 August 2023 – the Minister's delegate wrote to Council noting the change that housing is a strategic priority for NSW, the Department has sought to reconvene a panel to reconsider the rezoning review having regard to the capacity of the proposal to deliver housing (Attachment G).</p> <p>19 September 2023 – Council responded to the reconvening of the Panel (Attachment G).</p> <p>20 September 2023 – The Panel undertook a site inspection, was briefed by the Department and the proponent. The proponent presented a revised masterplan at this meeting (Attachment G).</p> <p>22 September 2023 – the Department responded to Council's letter (Attachment G).</p> <p>13 October 2023 – Council provided a response (Attachment G).</p> <p>31 October 2023 – The Panel reconvened to consider the planning proposal.</p>

Element	Description
	<p>3 November 2023 – The Panel supports the planning proposal progressing to the Department for a Gateway determination, subject to conditions (Attachment I).</p> <p>22 December 2023 – The proponent provides its Response to the Panel's Decision and an updated Urban Design Report (Attachments J).</p> <p>30 January 2024 – The proponent provided its Affordable Housing Viability Report.</p> <p>31 January 2024 – The Department's Agile Planning Team requests additional information from the proponent to inform its pre-Gateway report to the Panel (Attachment L).</p> <p>14 February 2024 – Proponent provides additional information, requested by Department's Agile Planning Team (Attachment M).</p> <p>19 February 2024 – Proponent provides its Visual Impact Assessment (Attachment N).</p>
Department contact	Alexander Galea, Manager Agile Planning

1.1 The site and surrounding area

The Site

The site is located at 361-365 North Rocks Road, North Rocks and comprises of one lot (Lot 3001 DP 1115866) with a site area of approximately 126,700m² (**Figure 1**).

The site is currently occupied by several roads and buildings associated with NextSense (formerly the Royal Institute for Deaf and Blind Children). The site is located directly opposite North Rocks District Shopping Centre and 5.7km north of Parramatta Station.

Surrounding Area

To the site's immediate:

- north is Crown land adjoining the M2 Motorway corridor;
- south is the North Rocks Shopping Centre, which is approximately 2 storeys in height; and
- east and west are one and two storey residential development.

The site is adjacent to several bus stops along North Rocks Road which provide connections to Parramatta CBD, Westmead Health Precinct, Beecroft, Epping, Carlingford, Pennant Hills, Seven Hills and Blacktown.



Figure 1: Aerial photo with the site outlined in red (source: Nearmaps, February 2024)

1.2 Planning proposal

Table 2 – Overview of planning proposal

Element	Description
Site area	126,700m ²
Preferred Proposal summary (Option 2 Masterplan)	<p>The objectives and intended outcomes of the planning proposal include:</p> <ul style="list-style-type: none">• to provide a diverse range of housing types to meet the needs of current and future residents of North Rocks including larger sized apartments, townhouses and detached housing.• to propose a site density befitting its local centre status, strategic context and accessibility, whilst being respectful of the neighbouring local character particularly to the east and west of the site.• community benefits such as a full-sized oval, Community Hub and Village Square will engender social interaction and a genuine sense of place for North Rocks residents.• to ensure design excellence is realised at the design and development stage, particularly in terms of environmental sustainability, built form outcomes and the landscape design response. <p><u>Amendments to PLEP</u></p> <p>The proposed amendments to the PLEP include:</p>

Element	Description
	<ul style="list-style-type: none"> rezoning the site from R2 Low Density Residential (R2) to part R3 Medium Density Residential (R3), part R4 High Density Residential (R4) and part RE1 Public Recreation (RE1); increase the maximum building height from 9m to part 9m, part 12m, part 14m, part 17.5m, part 23m and part 25m; increase the maximum floor space ratio (FSR) from 0.5:1 to 1.15:1; remove the minimum 700m² minimum lot size; introduce restaurants or café and medical centre as an additional permitted use to the site, but only if the combined gross floor area of these uses does not exceed 2,800m²; introduce a provision which allows the FSR to apply to the site, including public future public open space; introduce a provision which requires development that is greater than 6 storeys in the north western portion of the site or 4 storeys along the central part of the North Rocks Road interface (frontage) demonstrate no unreasonable or adverse environmental impacts through impact testing including overshadowing and visual impact analysis; introduce a provision which requires the preparation of a site specific development control plan (DCP) prior to development consent and specifies the matters it must address; and introduce a design excellence provision which will apply to residential flat building and multi-dwelling housing, which includes: <ul style="list-style-type: none"> a requirement for considering the relevant DCP; various matters for considering what is design excellence, including: <ul style="list-style-type: none"> whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved; the achievement of the principles of ecologically sustainable development; the impact on, and any proposed improvements to, the public domain; and impacts on the North Rocks Road streetscape. up to 10% additional FSR for development to which this clause applies determined by the consent authority. <p>The proposed LEP maps can be found at Attachment D.</p> <p>A comparison of the various Masterplans and associated LEP provisions can be found at Attachment E.</p> <p><u>Concept Master Plan – Preferred Option 2</u></p> <p>The concept masterplan supporting the planning proposal includes:</p> <ul style="list-style-type: none"> built form ranging from 2 to 7 storeys; a total gross floor area (GFA) of 145,260m², including: <ul style="list-style-type: none"> 126,080m² of residential;

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Element	Description
	<ul style="list-style-type: none"> ○ up to 2,800m² of commercial; ○ 4,400m² of community uses; and ○ 11,980m² of aged care. • 970 dwellings + aged care facility, including: <ul style="list-style-type: none"> ○ 598 low rise apartments; ○ 234 dwellings/townhouses; and ○ 138 independent living units. • approximately 220 jobs; and • 43,282m² (34% of the site area) as open space, including: <ul style="list-style-type: none"> ○ 18,317m² Sports Oval and Multifunctional Court; and ○ 1,600m² Village Square. <p>The Masterplan dated June 2021 can be found at Figure 2.</p> <p>The proponent's preferred Option 2 Masterplan can be found at Figure 3.</p> <p>A comparison of the various Masterplan proposed can be found at Attachment E.</p> <p>*PLEASE NOTE: The maximum GFA does not include the proposed design excellence additional 10% floor space.</p> <p><u>Public Benefit Offer</u></p> <p>The planning proposal is supported by a public benefit offer which includes:</p> <ul style="list-style-type: none"> • the dedication of the oval, village square and northern bushland areas identified as RE1 Public Recreation on the land zoning map; • construction and dedication of a community centre, library and adjoining 'village square' or community space; • approximately 2-3% affordable housing contribution (depending on level of density supported by the Panel); • provision of other parkland throughout the site, which is to be publicly accessible and reflected on title and when combined with the abovementioned open space will total approximately 34% of the site; and • embellishment of all proposed open space, including the village square, oval pavilion and multi-purpose court. <p>The proponent is confident that the VPA can be resolved with Council in draft form prior to public exhibition.</p>
Relevant State and Local Planning Policies, Instruments	<ul style="list-style-type: none"> • Greater Sydney Region Plan • Central City District Plan • Parramatta Local Environmental Plan 2023 • Parramatta Local Strategic Planning Statement • Parramatta Local Housing Strategy • 9.1 Ministerial Direction 1.1 Implementation of Regional Plans • 9.1 Ministerial Direction 1.3 Approval and Referral Requirements

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Element	Description
	<ul style="list-style-type: none">• 9.1 Ministerial Direction 1.4 Site Specific Provisions• 9.1 Ministerial Direction 1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan• 9.1 Ministerial Direction 3.7 Public Bushland• 9.1 Ministerial Direction 4.1 Flooding• 9.1 Ministerial Direction 4.3 Planning for Bushfire Protection• 9.1 Ministerial Direction 5.1 Integrating Land Use and Transport• 9.1 Ministerial Direction 6.1 Residential Zones• SEPP (Housing) 2021• SEPP (Biodiversity and Conservation) 2021• SEPP (Resilience and Hazards) 2021• SEPP (Transport and Infrastructure) 2021• SEPP (Industry and Employment) 2021• SEPP (Sustainable Buildings) 2022 SEPP (Exempt and Complying Development Codes) 2022



Figure 2: Masterplan – May 2021 (Proponent's Urban Design Report dated May 2021)

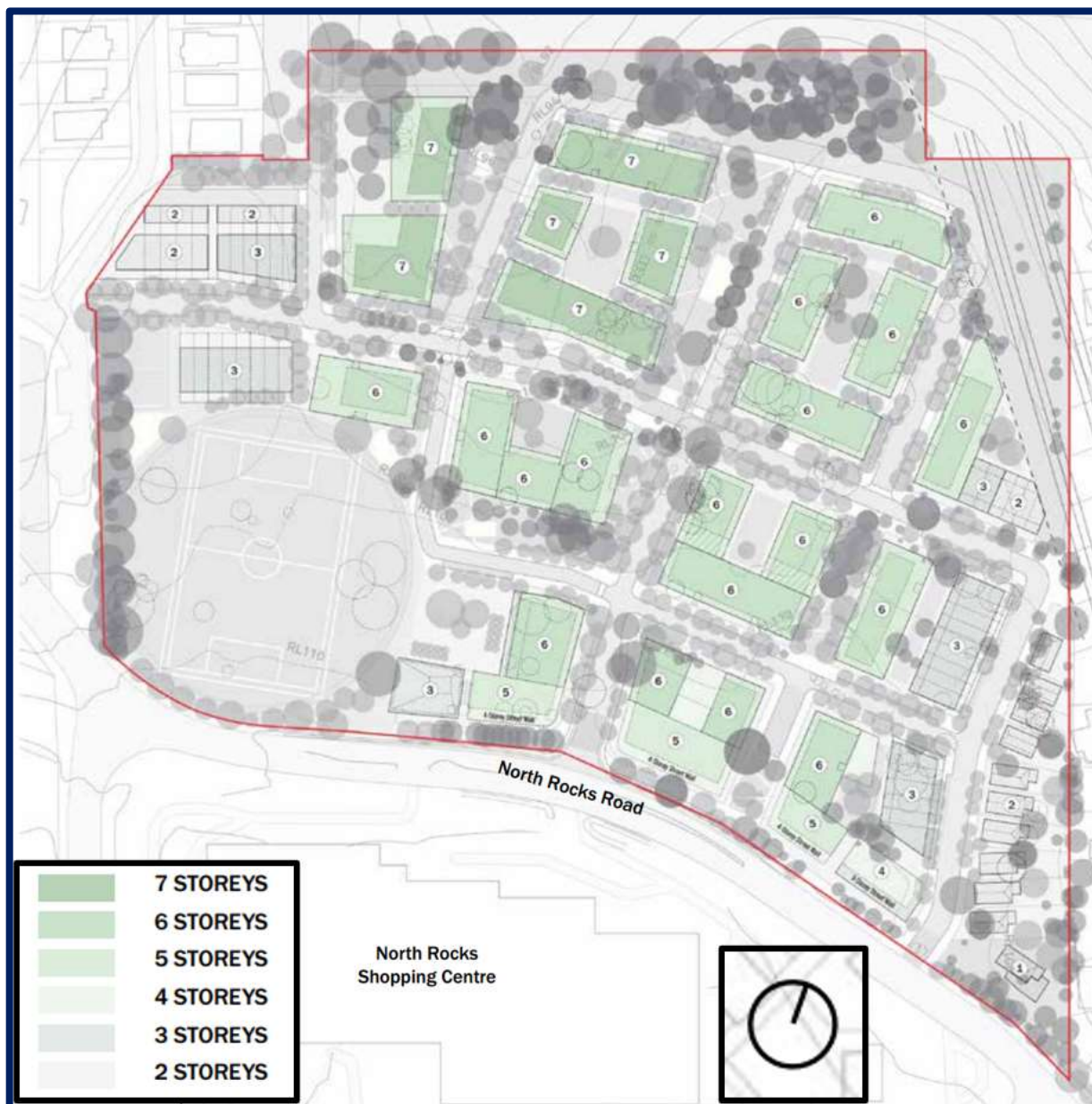


Figure 3: Revised Masterplan – Option 2 (Hassell, February 2024)

2 Rezoning review

Rezoning Review - May 2023

On 1 May 2023, the Panel considered a rezoning review request for this planning proposal because Council notified the proponent it will not support the proposed amendment.

This Panel decision found that the site had potential for greater density beyond the existing low density residential zoning, the Panel resolved that it did not satisfy the strategic merit test based on inconsistencies with Council's Local Strategic Planning Statement 2036 (LSPS).

Rezoning Review – August 2023

On 18 August 2023, the Minister's delegate wrote to Council noting the change that housing is a strategic priority for NSW, the Department has sought to reconvene a panel to reconsider the rezoning review having regard to the capacity of the proposal to deliver housing. The letter noted that Council will be provided an opportunity to speak to the proposal.

On 19 September 2023, Council responded to the reconvening of the Panel.

On 20 September 2023, the Panel undertook a site inspection, was briefed by the Department and the proponent. The proponent presented a revised masterplan at this meeting.

On 22 September 2023, the Department responded to Council's letter.

On 13 October 2023, Council provided a response.

On 3 November 2023, the Panel without any local members, determined that the planning proposal had strategic and site-specific merit, but required amendments prior to progressing for the Department for a Gateway determination.

November 2023 Panel Decision

The Panel considered that the planning proposal had strategic and site specific merit for reasons including:

- Strategic Merit:
 - *'The planning proposal is consistent with applicable strategic planning documents, particularly as they relate to the general objectives for housing. These include the greater Sydney Region Plan 2018; Sydney Central District Plan 2018; and the development is consistent with the outcomes sought under Schedule 7 of the Parramatta Local a Strategic Planning Statement, 2020 (LSPS)'; and*
 - *'Delivering housing is a priority for Sydney at all levels of Government'.*
- Site Specific Merit:
 - *'The site has no significant natural environmental constraints to preclude development';*
 - *'The site has the potential to provide housing diversity including affordable housing, seniors housing as well as community facilities and landscape amenity'; and*
 - *'The site is of sufficient area and self-containment to accommodate development that could have increased scale, density and compatibility with the locality'.*

The Panel's decision recommended that prior to a request to the Department for a Gateway determination, the proposed be revised to address several matters – these recommendations and the proponent's response are discussed in further detail in **Section 3** of this briefing report.

The Panel also appointed itself as the planning proposal authority (PPA).

On 24 November 2023, the alternate PPA fee payment from the proponent was receipted.

3 Assessment against Panel conditions

In response to the Panel's decision, the proponent has provided a Planning Statement which includes:

- the proponent's Response to the Panel's Decision and an updated Urban Design Report (22 December 2023);
- the proponent provided its Affordable Housing Viability Assessment (AHVR) prepared by Atlas Economics dated 29 January 2024 (30 January 2024);

On 31 January 2024, the Department's Agile Planning Team requested additional information from the proponent to assist with its assessment of their response and recommendation to the Panel. The requested information included:

- Clarification of which revised option in response package dated 22 December 2023 is preferred;
- provide an explanation of provisions with supporting LEP maps prepared in accordance with the [LEP Making Guidelines](#) of the preferred option;
- the proposed gross floor area (GFA) for the options will need to be provided;
- update on the status of the public benefit offer with Council; and
a comparison table identifying existing LEP provisions, the planning proposal initially lodged with Council, the amended masterplan considered at the 31 October 2023 rezoning review and Option 1 and Option 2.

On 14 February 2024, the proponent provided their response to the Department's Agile Planning Team's requested additional information. This should be read with the proponent's response dated 22 December 2023.

On 19 February 2024, the proponent provided their Visual Impact Assessment.

This section of the briefing report discusses:

- the Panel's recommendations for the revised planning proposal;
- the proponent's response to the Panel's recommendations; and
- the Department's Agile Planning Team's recommendation to the Panel. This includes an assessment of the proponent's response.

In summary, the Department's Agile Planning Team recommends that an updated planning proposal package be prepared in accordance with the LEP Making Guidelines to give effect to the proponent's preferred Option 2, with recommended amendments. The detailed assessment justifying this recommendation and associated amendments is discussed below.

Issue - Height and scale to integrate with topography and adjoining low density

Panel's conditions:

The Panel's decision included three recommendations to address the proposed built form/building height, being:

- *'The scale of the proposed development is to be compatible with the interface along North Rocks Road up to a maximum of three storeys'.*
- *'The scale of the proposed development along the eastern and western boundaries is to be no more than a maximum of two storeys'.*

- *'Notwithstanding the lower heights at the interface with the existing neighbourhoods, the heights of buildings across the site are to be stepped down the site to relate to the sloping topography, with a maximum of five storeys, with potential for an additional one storey at the top-level setback, to minimise visual bulk and amenity impacts, and stepping down to two to three storeys'.*

Proponent's Response:

In response, the proponent's justification for the revised built form in response to the Panel's recommendations includes:

- North Rocks Road - a maximum 3 storey building interface:
 - *'A four storey street interface can be supported due to the hierarchy of North Rocks Road and the interface to North Rocks Shopping Centre. It should be noted that the shopping centre has a long standing height limit of 12m, this height limit does not consider the future character or evolution of the local centre'.*
 - *'A setback fifth level can be included but with a generous 5m upper floor setback to allow for a landscaped edge and scale transition into the site, supporting the landscape character and urban design outcomes of the master plan'.*
 - *'A 10m southern boundary setback is provided along North Rocks Road to allow for the retention and establishment street trees along this edge to complement the landscape character of the North Rocks area'.*
 - *'The western section of the North Rocks Road site frontage contains the proposed oval, which retains existing vegetation (as well as new tree plantings) with no built form, thereby minimising visual change from this arrival. Similarly, the future three storey library and community centre supporting the functions of the Local Centre are inset 120m from the western boundary'.*
 - *'The eastern section of the North Rocks Road site frontage retains an existing single level cottage and surrounding landscape setting for future community use. The retention of this structure and immediate landscape will minimise visual change from the eastern boundary arrival. New development along the frontage is inset 95m from the eastern boundary. Along the eastern and western boundaries of the site, a maximum of 2 storeys was required'.*
- Eastern and Western Boundaries - a maximum 2 storey building interface:
 - *'The master plan proposes a responsive and compatible development approach to the eastern and western boundaries that include retention of significant vegetation, physical and visual separation, and compatible 2-storey built form'.*
 - *'In response to the Panel recommendation, further refinement along these boundaries can be undertaken to ensure a 2-storey interface in these locations is maintained with a stepping down of the built form towards the eastern and western boundaries. Upper-level setbacks can be increased and offset from these edges to further transition height towards the eastern and western boundaries of the site. Further, topography and existing vegetation have been considered in the northwestern corner of the site where future apartment development is:*
 - *separated by a generous landscaped setback,*
 - *set down into the lowest part of the site where their scale is minimised, and*
 - *further screened from surrounding existing residential areas via the retention of existing mature trees and the establishment of new tree and shrubbery plantings'.*

- *'The View Shed Map undertaken by Urbis shows that the proposed development scale has extremely limited/no visibility from outside of the site from both the eastern and western residential areas'.*
- Built form across the site - a maximum of five storeys, with potential for an additional one storey at the top-level setback, to minimise visual bulk and amenity impacts:
 - *'...heights of buildings across the site have been stepped down with the topography further limiting any visual impacts from the surrounding areas as suggested in the recommendation. It should be noted that the level change between the front (North Rocks Road) and rear of the site equates to approximately 2-3 storeys further concealing taller built form within the site'.*
 - *'...the masterplan should retain the potential to achieve one (1) additional storey but in limited parts of the site, only where it will have negligible visual or other environmental impacts, such as overshadowing, whilst supporting and not compromising the suggested urban design rationale of the Panel'.*
 - *'A transition in scale can be further delivered through a stepping of the built form along the edges of the site with modulated upper floor setbacks to specifically respond to the recommendation'.*

Agile Planning Assessment:

Whilst the response to the Panel's recommendations by the proponent does not strictly meet the panel's recommendations, the Agile Planning team considers the response appropriate given the impending change to planning rules related to low and mid-rise housing.

On 15 December 2023, the Department placed on public exhibition the [Explanation of Intended Effect: Changes to create low-and mid-rise housing](#) (the EIE).

The EIE seeks to 'enable more diverse, well-designed, low-rise and mid-rise housing near established town centres and in areas where there is good public transport'. The EIE seeks to address the immediate urgency of the housing crisis and create a fairer and more resilient housing market for the future.

To facilitate these outcomes, the EIE includes amendments to planning controls which are relevant to the planning proposal. These amendments include:

- permitting residential flat buildings in the R3 Medium Density Residential zone within *station and town centre precincts*¹;

¹ *station and town centre precincts* means:

- within the Six Cities Region; and
 - 800m walking distance of a heavy rail, metro or light rail station; or
 - 800m walking distance of land zoned E2 Commercial Centre or SP5 Metropolitan Centre; or
 - 800m walking distance of land zoned E1 Local Centre or MU1 Mixed use but only if the zone contains a wide range of frequently needed goods and services such as full line supermarkets, shops and restaurants.
- The Department is seeking input from councils to determine which E1 and MU1 centres contain an appropriate level of goods, services and amenities to be included.

- introducing non-refusal standards that apply to RFBs and shop-top housing wherever they are permitted (excluding the R2 Low Density Residential zone) within *station and town centre precincts*, being:
 - 0-400m:
 - 21m maximum building height; and
 - 3:1 maximum FSR.
 - 400-800m:
 - 16m maximum building height; and
 - 2:1 maximum FSR.
 - amend the Apartment Design Guide to include suitable design criteria for this mid-rise housing, including building separation, setbacks and visual privacy.

The EIE was on exhibition until 23 February 2024. The Department is working towards responding to community submissions and finalising the proposed policy.

As exhibited, these provisions will apply to the site and neighbouring North Rocks Shopping Centre.

The EIE provides for a change in the site's permitted built form context to the immediate south. This facilitates a reconsideration of the Panel's recommended built form outcomes, particularly the suitability of a limited increase in building height at the interface with North Rocks Road.

The EIE provides for a 6 storey built form outcome at the North Rocks Shopping Centre.

- the preferred proposal (Option 2):
 - provides for built form compatibility for a 4 storey (with recessed 5th storey) built form interface with North Rocks Road; and
 - provides for built form compatibility for a 7 storey on the north-west portion of the site. It is also noted that an additional seventh building story responds appropriately to the up to 14m reduction in ground level on this part of the site. This reduction in ground level sufficiently mitigates the build and scale of the additional building storey.
 - provides for a built form transition on the eastern and western portions of the site which adequately addresses the immediately adjoining one and two storey residential development;
 - provides adequate envelope massing which demonstrates compliance can be achieved with State Environmental Planning Policy (Housing) 2021 - Chapter 4 and associated Apartment Design Guide (ADG), including:
 - building separation;
 - solar access to proposed open spaces (both public and private);
 - building depths, facilitating cross ventilation and solar access; and
 - built form layouts providing adequate solar access to existing and proposed dwellings.
 - includes design excellence and site-specific DCP provisions in the LEP which require provide an opportunity for a design review process which can facilitate appropriate built form outcomes which respond to the site's topography and context. It is noted that the design excellence provision requires consideration of the relevant DCP.

It is recommended that prior to a request for a Gateway determination:

- remove the proposed additional local provision requiring the consent authority be satisfied of visual and environmental impacts from additional built 5th and 7th storey elements. The planning proposal adequately addresses built form impacts which can be further addressed

through the development application process. This includes through application of the design excellence provision and site specific DCP; and

- that the design excellence provision be updated to:
 - apply to shop-top housing, community facilities and library uses; and
 - require applicable development be subject to assessment by a design review panel and the consent authority takes into account the findings of the design review panel.

Issue - Proposed floor space ratio aligning with the building height

The Panel's Condition:

The Panel's decision included a recommendation to address the proposed FSR, being:

- *'The proposed floor space ratio is to be aligned to the new proposed heights'.*

Proponent's Response:

The proponent's justification for the floor space ratio in response to the Panel's recommendations, includes:

- Align floor space ratio with new proposed building heights:
 - *The proposed GFA for both proposals ('Masterplan confirming to rezoning review recommendations' and the 'Proposed current scenario') has been calculated based on two different methodologies, to give confidence that the proposed floor space can be reasonably achieved within a compliant building design. These methodologies are described below:*
 - 1. Application of Apartment Design Guide ADG Maximum Building Envelope. Adopting a 75% efficiency from the maximum envelope results in a total floorspace 145,467m², marginally higher than the proposed masterplan.*
 - 2. Application of Articulated Building Envelope. Adopting an 82% efficiency from this envelope results in a total floorspace of 145,260m², consistent with the proposed masterplan.*

'The two methodologies are depicted in the figure... below'.

	Maximum Building Envelope (ADG)			Articulated Building Envelope (ABE)		
Typology	Envelope Area	Efficiency	Floorspace	Envelope Area	Efficiency	Floorspace
Apartment	105,446	75%	79,481	95,898	82%	79,032
Under Building Townhouse	39,612	77.5%	30,699	39,612	82%	32,482
Attached Housing	14,003	90%	12,603	14,003	90%	12,603
Detached Housing	2,176	90%	1,958	2,176	90%	1,958
Aged Care	15,022	90%	13,520	13,310	90%	11,979
Community*	4,993	85%-90%	4,405	4,993	85%-90%	4,405
Commercial	3,294	85%	2,800	3,294	85%	2,800
Total GFA			145,467			145,260
Site Area			126,751			126,751
Site FSR			1.15:1			1.15:1

- the design excellence provision allows for the floor space ratio of residential flat buildings and multi-dwelling housing to exceed the floor space ratio by an amount to be determined by the consent authority, of up to 10%.
 - *'The proponent is committed to high quality design wherever possible across the lifespan of the project and ensuring that all significant structures make a positive contribution to the natural, cultural, visual and built character values of North Rocks'.*
 - *'As per the original and amended Planning Proposal, there will be a proposed Additional Local Provision proposed which offers an incentive to realise design excellence for all multi-unit housing and residential flat building developments, in addition to future public buildings, i.e., the library and community centre'.*

Agile Planning Assessment:

Options 1 and 2 appropriately address this Panel recommendation, because the planning proposal demonstrates that the envelopes and proposed built form can adequately accommodate the proposed maximum GFAs and the additional 10% of FSR for residential flat buildings and multi-dwelling housing. This has been reviewed against the relevant requirements in the ADG, including:

- building separation;
- solar access;
- building depths; and
- building envelope and massing.

It is also noted that the proponent is seeking to apply the maximum FSR across the site, including to land zoned RE1. To support this include a site specific provision clarifying that the FSR will apply to the whole site, including the proposed RE1 zoned land. The intent of this provision is clear and its application to the proposed RE1 zoned land is appropriate where supported by the resulting maximum GFA.

It is recommended that prior to a request for a Gateway determination:

- that the design excellence provision be updated to:
 - apply to shop-top housing, community facilities and library uses;
 - the design excellence provision be updated to apply the additional floor space requirement to shop-top housing. The additional floor space is not to be applied to community facilities and library uses. This land use aligns with the intended application of the design excellence provision; and
 - require applicable development be subject to assessment by a design review panel and the consent authority considers the findings of the design review panel.
- the explanation of provisions include a maximum GFA of 145,260m² to support the maximum 1.15:1 FSR to ensure the intended development density is clearly identified. This is to be supported by the GFA figure for the additional 10% design excellence floor space provision;
- to assist the Gateway assessment and community consultation, the urban design report include:
 - envelope modelling comparing the base FSR with the additional 10% design excellence floor space bonus; and
 - distribution of the different land uses across the site.

- the Transport and Traffic Assessment Report include modelling which addresses the realisation of the complete 10% design excellence floor space bonus across the site. This will assist the Gateway assessment and community consultation.

Issue - Provision of a mechanism to secure public open space areas

Panel's Conditions:

The Panel's decision included two recommendations to address open space on the site, being:

- 'The provision of a minimum 34% of the site as open space including the proposed oval'.*
- 'The identification of an appropriate zoning or other mechanism to ensure the proposed oval, public spaces, parks and bushland areas are retained for public use'.*

Proponent's Response:

Both Option 1 and 2 proposals identify 34% of the site will be provided as either public or publicly accessible open space (**Figure 4**). The proponent has proposed two possible potential mechanisms for securing the delivery of these public open spaces, being:

- 'All public open space to be zoned RE1 and dedicated to Council through the Voluntary Planning Agreement (VPA) process'.*
- 'Selected public open spaces (oval and northern edge park) be zoned RE1 and dedicated to Council. Smaller open space areas (linear parks, pocket parks, community gardens, etc) to be retained in private ownership (community association) and adopt an appropriate adjoining zoning. Encumbrances requiring the maintenance of these areas as publicly accessible open space could be registered on title'.*

'There are various options to secure in-perpetuity public access to and maintenance of privately-owned public open space:

a) In respect of open space land that Council will not accept as a dedication, it is proposed that this land will be owned by the proponent (i.e., EG) or the relevant community association for that part of the site.

b) If owned by a community association, terms will be included in the community management statement for that community association requiring each of its members, through common levies, to contribute to the maintenance costs of the open space.

c) In addition to the proposed ownership arrangements, suitable encumbrances would be registered on title to ensure that the open space is made publicly accessible in perpetuity. For example, an easement will be registered on the title to the land requiring it to be made available for public access at all times, a restrictive covenant would prevent the open space being lawfully used for anything other than its intended purpose and a positive covenant would require the owner of the land (i.e. the community association) to maintain and keep the open space in good condition and working order'.



Figure 4: Open Space (source: Response to Panel Decision, December 2023)

Agile Planning Assessment:

Securing the delivery of the proposed public open space areas is necessary to give effect to the planning proposal's intended outcomes. This is reflected in the Panel's decision.

In accordance with the Section 9.1 Ministerial Direction 5.2 Reserving Land for Public Purposes, land zoned RE1 Public Recreation requires the nomination of a relevant acquisition authority in an LEP.

Therefore should any land be zoned RE1 under this proposal the agreement from Parramatta City Council must be sought prior to the LEP amendment being made.

A VPA is a suitable mechanism to satisfy these requirements and secure the delivery of the public open spaces on the site through a RE1 zoning.

Despite this, it is necessary to consider an alternative mechanism to secure the delivery of public/publicly accessible open space, either wholly or partially where the approval of the acquisition authority cannot be obtained because of the planning proposal's intended outcomes. The Act provides for the developer to have an incentive to use the identified areas as public open space.

The planning proposal can be updated to provide that, if the identified land is used as public open space, then the developer is entitled to the proposed uplift elsewhere on the site.

The advantage of this approach is that it is unlikely to trigger an owner-initiated compulsory acquisition and does not require an authority to be identified as the relevant acquisition authority in the LEP. This works because a developer is free to use the identified land for other purposes, but will not get the associated development uplift. The planning proposal facilitates this approach by:

- identifying the quantum of public/publicly accessible open space;
- mechanisms for future maintenance and ownership of public/publicly accessible open space; and
- includes a site specific DCP requirement which requires consideration of the open space layout and the public domain. This is further given effect by the proposed design excellence provision.

It is considered that an incentive approach to secure the delivery of public/publicly accessible open space can be further considered following community and agency consultation. This is appropriate because either zoning and/or an incentive approach are a mechanism giving effect to the planning proposal's intended outcomes.

It is noted that the proposed height of building map does not include a building height for proposed open space areas. A maximum building height should be applied to this land to ensure appropriate built form outcomes on this land. It is suggested a 2.5m building height is appropriate.

It is recommended that the planning proposal be updated prior to a request for a Gateway determination to include a land reservation acquisition map and confirm that Council is the nominated acquisition authority in accordance with Clause 5.1 of PLEP.

Issue - Affordable Housing

Panel's Condition:

The Panel's decision included a recommendation concerning affordable housing, being:

- *'Prepare an affordable housing viability report and clarify housing affordability rates, including floor space and number of units and method of management in perpetuity to consider the delivery of affordable housing in the development consistent with the government's strategic housing policy. The Greater Sydney Region Plan and Sydney Central District Plan have affordable housing targets in the range of 5-10% of new residential floor space subject to viability'.*

Proponent's Response:

In response to the Panel's requirement to consider the delivery of affordable housing consistent with the Greater Sydney Region Plan and Sydney Central District Plan targets of 5-10%, the proponent prepared an AHVR.

The AHVR concludes *'the proposal (under either of the current density scenario's 1 or 2) does not have the capacity to contribute to public benefit works as well as Affordable Housing at 5% of the new residential floorspace'.*

However, the proponent is committed to establishing a reasonable affordable housing contribution at a lower rate than 5% and also a Voluntary Planning Agreement in consultation with Council. The proponent notes that discussions to this effect have commenced with Council.

The Proponent states that it is willing to proceed on this alternate contribution basis and where all dwellings would be dedicated in perpetuity. Assuming a mix of dwelling unit sizes and types, the suggested contribution rates could result in:

- Option 1 - 1,358m² of GFA; and
- Option 2 - 2,228m² of GFA.

Agile Planning Assessment:

While the provision of affordable housing in new development projects such as this is encouraged. Section 7.32(3)(b) of the Act requires any condition imposed relating to contributions for affordable housing on a development consent must be authorised by an LEP and must be in accordance with a Council scheme for dedications or contributions set out in or adopted by the LEP.

To date, Parramatta Council has not sought to amend the PLEP to reference an affordable housing contribution scheme to levy for affordable housing on this site.

It should be noted that as part of the Department's review and approval of Council's Local Housing Strategy, Condition 4 of this approval recommended Council adopt a Scheme to support the outcome for affordable housing to be included in Council's LEP. This approval was issued on 29 July 2021 and since this time council hasn't adopted an Affordable Housing Contribution Scheme (AHCS).

In the absence of an endorsed AHCS, the LEP can include a minimum floor space requirement for the provision of affordable housing.

It is recommended the planning proposal be updated prior to a request for a Gateway determination to include a 2,228m² of the residential GFA be provided for the purposes of affordable housing.

Issue - Site Specific DCP required by the LEP

Panel's Condition:

The Panel's decision included a recommendation that the LEP include a provision requiring the preparation of a site-specific DCP, being:

- *'The inclusion of a proposed LEP provision for a site specific DCP. The site specific DCP is to be generally consistent with, and address, the proposed arrangement of development in the revised master plan and as modified by the requirements above. It is to be prepared by the proponent in consultation with the City of Parramatta and the Department of Planning and Environment'.*

Proponent's Response:

The Planning Proposal will include a new Local Provision for inclusion within Council's LEP requiring the preparation of a site-specific Development Control Plan.

A site-wide concept DA will be prepared and lodged, which will confirm all building envelopes, GFA distribution allocation across the site and other key features of the masterplan.

Agile Planning Assessment:

The proponent's proposed site specific DCP provision is adequate, noting the below recommended amendments.

It is recommended the planning proposal be updated prior to a request for a Gateway determination so the site-specific DCP provision include the following requirements which give effect to Option 2:

- tree retention, tree canopy and planting requirements; and
- public domain connections on site and to surrounding land.

4 Recommendation

The Agile Planning teams is satisfied the planning proposal giving effect to Masterplan Option 2 should be submitted to the Department for Gateway assessment, subject to the following recommendations.

Recommended Updates to the Planning Proposal

The recommendations to update the planning proposal are to occur prior to a request for a Gateway determination:

- that the design excellence provision be updated to:
 - apply to shop-top housing, community facilities and library uses;
 - the design excellence provision be updated to apply the additional floor space requirement to shop-top housing. The additional floor space is not to be applied to community facilities and library uses; and
 - require applicable development be subject to assessment by a design review panel and the consent authority considers the findings of the design review panel.
- the Transport and Traffic Assessment Report include modelling which addresses the realisation of the complete 10% design excellence floor space bonus across the site;
- the explanation of provisions include a maximum GFA of 145,260m² to support the maximum 1.15:1 FSR to ensure the intended development density is clearly identified. This is to be supported by the GFA figure for the additional 10% design excellence floor space provision;
- to assist the Gateway assessment and community consultation, the urban design report include:
 - envelope modelling comparing the base FSR with the additional 10% design excellence floor space bonus; and
 - distribution of the different land uses across the site.
- remove the proposed additional local provision requiring the consent authority be satisfied of visual and environmental impacts from additional built fifth and seventh storey elements;
- include a land reservation acquisition map and confirm that Council agrees to be the nominated acquisition authority in accordance with Clause 5.1 of PLEP;
- to include a 2,228m² of the residential GFA be provided for the purposes of affordable housing; and
- the site-specific DCP provision include the following requirements which give effect to Option 2:
 - tree retention, tree canopy and planting requirements; and
 - public domain connections on site and to surrounding land.

Adequate Planning Proposal package required for Gateway request

The proponent will also be required to provide an updated planning proposal in accordance with the Panel's decision and the LEP Making Guidelines (August 2023) to allow for the Gateway request, including:

- a planning proposal report (updated to requirements above);
- urban design package, including:
 - details and figures adequately addressing the ADG, including:
 - solar access diagrams
 - building depth and massing;
 - building separation; and
 - communal open spaces.
 - landscape masterplan;
 - envelope modelling comparing the base FSR with the additional 10% design excellence floor space bonus; and
 - distribution of the different land uses across the site.
- the Visual Impact Assessment prepared by Urbis dated 19 February 2024;
- Affordable Housing Viability Assessment (AHVR) prepared by Atlas Economics dated 29 January 2024;
- any correspondence with agencies and/or Council; and
- update June 2021 planning proposal supporting technical documents noting date of the original submission and any subsequent updates, including:
 - Preliminary Ecological Assessment dated March 2021;
 - Bushfire Protect Assessment dated March 2021;
 - Flood Assessment Report date March 2021. This report will need to address a Probable Maximum Flood event;
 - Integrated Traffic and Transport Assessments dated May 2021;
 - Acoustic Assessment dated March 2021; and
 - Environmental Review dated March 2021.

Attachments

Attachment A – Planning proposal dated June 2021

Attachment B – Panel’s Rezoning Review Request dated 23 November 2023

Attachment C – Council’s comments on Rezoning Review Request dated 19 December 2022

Attachment D – Proposed LEP Maps

Attachment E – Comparison table of LEP provisions and Masterplans

Attachment F – Panel’s Rezoning Review decision dated 1 May 2023

Attachment G – Council and Department Letters concerning rezoning review process from August to October 2023

Attachment H – The proponent’s presentation to the Panel on refined masterplan dated September 2023

Attachment I – Panel’s Rezoning Review decision dated 3 November 2023

Attachment J – Proponent’s Response to the Panel’s Decision dated 22 December 2023

Attachment K – Proponent’s Updated Urban Design Report dated 22 December 2023

Attachment L – Department’s Agile Planning Team requested additional information dated 31 January 2024

Attachment M – Proponent’s response to the Department’s Agile Planning Team’s requested additional information dated 14 February 2024

Attachment N – Proponent’s Visual Impact Assessment dated 19 February 2024



29 February 2024

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Manager, Agile Planning



5 March 2024

Louise McMahon

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Pre-Gateway Determination Report

PP-2021-3409 / RR-2022-31



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