CITY OF PARRAMATTA

NOTICE OF LOCAL PLANNING PANEL MEETING

PUBLIC AGENDA

A Local Planning Panel meeting will be held in the Rydalmere Operations Centre, 316 Victoria Rd, Rydalmere Tuesday, 18 October 2022 at 3:30pm.

Bryan Hynes
CHIEF EXECUTIVE OFFICER

CITY OF PARRAMATTA

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	The City of Parramatta Council acknowledges the Burramattagal people of The Darug Nation as the traditional owners of land in Parramatta and pays its respects to their ancient culture and to their elders, past, present and emerging.	
2	**WEBCASTING ANNOUNCEMENT**	
	This public meeting will be recorded. The recording will be archived and available on Council's website.	
	All care is taken to maintain your privacy; however if you are in attendance in the public gallery, you should be aware that your presence may be recorded.	
3	**APOLOGIES**	
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DEVELOPMENT APPLICATIONS

18 OCTOBER 2022

5.1 PUBLIC MEETING:
225 Windsor Road, NORTHMEAD NSW 2152 (Lot 101, DP 1004873). 6

5.2 PUBLIC MEETING:
52 Essex Street, Epping NSW 2121 (Lot 2 in DP 305839) 173

5.3 PUBLIC MEETING:
West Epping Park, 17 Mountain Street, EPPING NSW 2121 (Lot 1 DP 230415, Lease DP 1025682, DP 1065642) 647

5.4 OUTSIDE PUBLIC MEETING:
43 Valley Road EPPING NSW 2121 (Lot 1 DP 1262933) 758

PLANNING PROPOSAL

ITEM NUMBER	6.2
SUBJECT	Pre-Gateway Planning Proposal for land at 361-365 North Rocks Road, North Rocks
REFERENCE	RZ/2/2021 -
APPLICANT/S	EG
OWNERS	NextSense (Former Royal Institute for Deaf and Blind Children)
REPORT OF	Senior Project Officer

DEVELOPMENT APPLICATIONS CONSIDERED BY SYDNEY CENTRAL CITY PLANNING PANEL Nil

PURPOSE

The purpose of the report is to seek the Parramatta Local Planning Panel's advice to Council on a recommendation to refuse a Planning Proposal at 361-365 North Rocks Road, North Rocks.

RECOMMENDATION

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

(a) **That** Council refuse the Planning Proposal at 361-365 North Rocks Road, North Rocks for the following reasons:

i. Planning Proposal is inconsistent with the Housing Diversity Precinct Criteria in Council's approved Parramatta Local Strategic Planning Statement as follows:

a. the proposed increases in height (between 9m to 25m) and density (overall site FSR of 1.35:1), and the site layout leads to built form outcomes that are incompatible with the local context;

b. the predominance of mid-rise 4-7 storey residential flat buildings that is incompatible with the local context and detracts from the strategic intent to promote medium density typologies of 2-3 storeys;

c. inadequate provision of affordable housing;

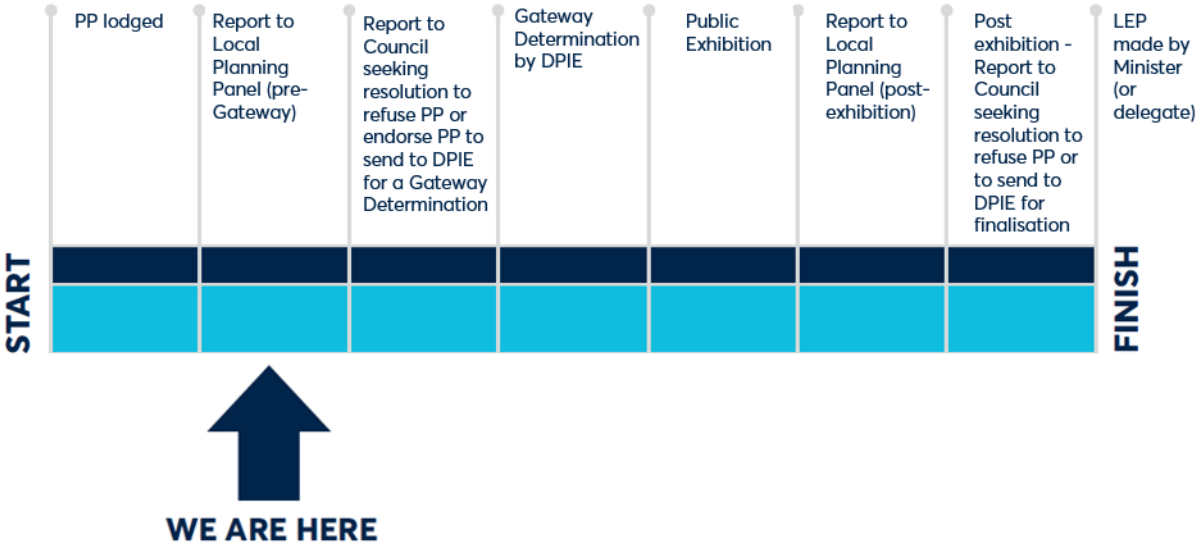
d. the lack of sufficient documentation to demonstrate no adverse traffic impacts, and the proposed measures to improve public transport access are not considered feasible;

e. poor response to site context considering topographical, environmental and amenity considerations; and

f. inadequate open space provision considering the requirements of Council's Community Infrastructure Strategy.

(b) **Further, that** the Applicant be advised of Council's decision.

PLANNING PROPOSAL TIMELINE



1. The subject site is located at 361-365 North Rocks Road, North Rocks and is an irregular-shaped lot with an approximate area of 12.67ha (refer to **Figure 1**). The site is currently occupied by low-scale, predominantly two storey buildings, which were previously being utilised by NextSense (previously known as The Royal Institute for Deaf and Blind Children). NextSense provides a range of educational services for students with vision and/or hearing impairment and is relocating to a new facility at Macquarie Park.

2. The subject site is identified as bushfire-prone land, and there is existing native vegetation in the rear (northern) portion of the site that is identified in the Biodiversity map under the draft Parramatta Local Environmental Plan (Harmonisation LEP). It is noted that the biodiversity land is not identified under the current Parramatta (former The Hills) LEP 2012. This vegetation forms part of a broader natural corridor.

3. The site topography slopes down from the southern boundary to the northern boundary, with a level change of approximately 17m from North Rocks Road to the lowest part of the site. There is a gully in the rear central portion of the site sloping down towards the existing bushland.

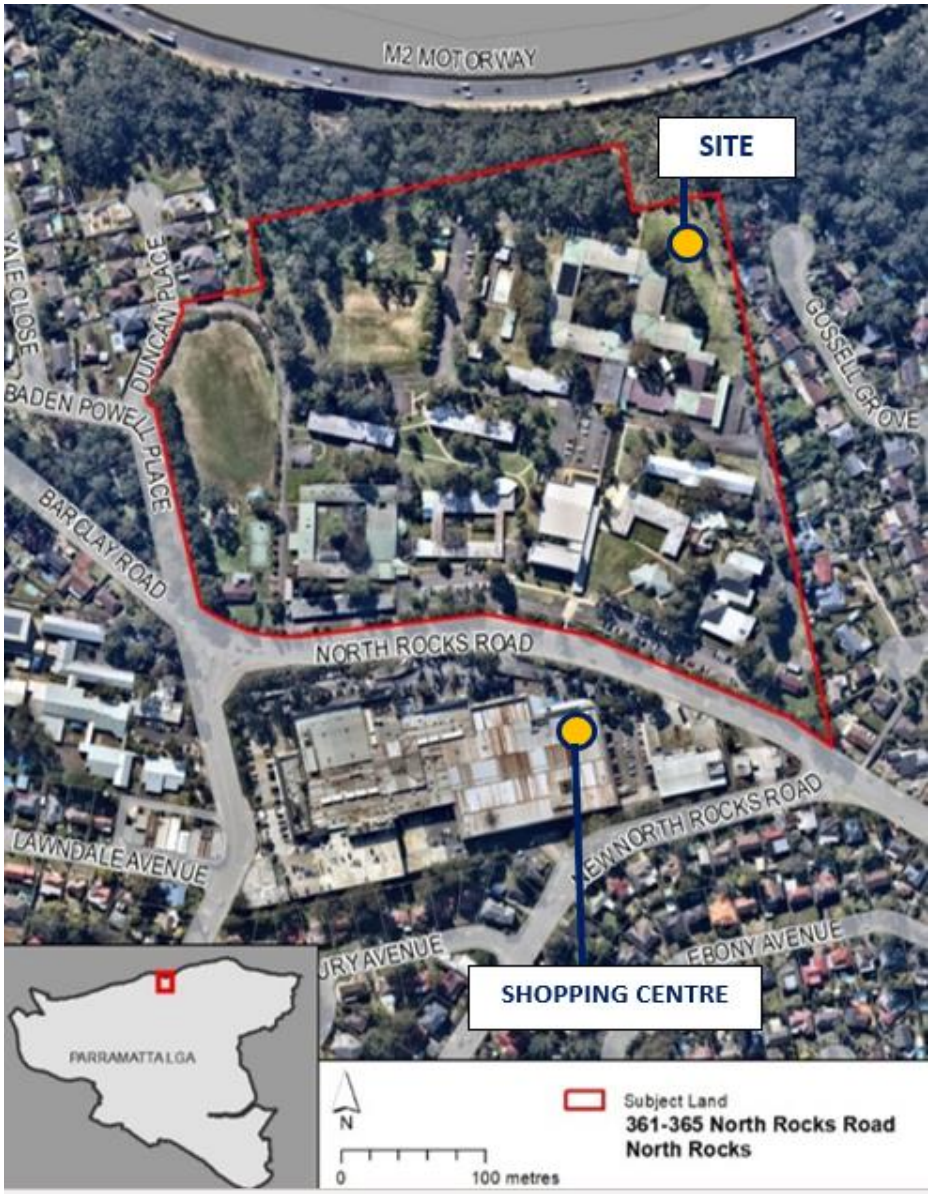


Figure 1: Aerial view of the subject site at 361-365 North Rocks Road, North Rocks

4. To the east and west of the site are single and double storey dwellings. Crown land is located north of the site containing dense vegetation adjacent to the M2 motorway. The North Rocks local shopping centre is located to the south, primarily internal-facing, and 1-2 storeys in height, with at-grade parking fronting North Rocks Road. It reads as a single storey from North Rocks Road due to the downward slope in topography and the shopping centre sitting lower in the landform (refer to **Figure 2**).

Figure 2: North Rocks Local Shopping Centre

5. Key strategic documents identify North Rocks as a Local Centre that is defined as a focal point for neighbourhoods, diverse and varying in size and providing essential access to daily goods and services close to where people live. Council's Local Strategic Planning Statement (LSPS) (p.21) contextualises North Rocks as having high levels of urban amenity and character, providing a diversity of housing offering in the LGA, providing a significant amount of the existing urban tree canopy, and constituting one of the areas to be protected from further encroachment of high-density development.

OVERVIEW OF THE PLANNING PROPOSAL

6. On 2 June 2021, a Planning Proposal in **Attachment 1** was lodged with Council by the Applicant (EG) for the subject site under the *Parramatta (former The Hills) Local Environmental Plan 2012*. The Planning Proposal seeks to rezone the site from R2 Low Density Residential to part R3 Medium Density Residential and part R4 High Density Residential to facilitate a new residential precinct of up to 1,080 dwellings (approximately) that is between 2-7 storeys as detailed in **Table 1** and visually represented in **Figure 3**.

Land use or typology	Quantum	Building height
Detached dwellings	9	2 storeys
Townhouses	236	2-3 storeys
Apartments	690	4-7 storeys
Independent Living Units	145	4-6 storeys
Aged Care Facility	60-80 beds	4-6 storeys
Open space	3.8ha (1.5ha public open space)	Not applicable
Community facility	2700m^2	4-6 storeys
Retail and commercial uses (childcare, general store and medical centre)	700m^2	4-6 storeys

Table 1: Proposed land uses and dwelling typologies

Figure 3: Applicant scheme - building types and height in storeys (2 June 2021)

7. An overview of the existing and proposed controls for the Planning Proposal is detailed in **Table 2** and **Figures 4-10.**

	Parramatta (former The Hills) LEP 2012	**Draft Parramatta LEP (Harmonisation LEP)**	**Applicant's Planning Proposal dated June 2021**
Zoning (LZN)	R2 Low Density Residential	R2 Low Density Residential	Part R3 Medium Density Residential and R4 High Density Residential
Additional Permitted Uses (APU)	N/A	N/A	Introduce an APU clause under Schedule 1 to facilitate a restaurant or café and medical centre in the R4 High Density Residential zone
Maximum Height of Building (HOB)	9m (2 storeys)	9m (2 storeys)	9m, 11m, 16m, 23m, and 25m (2-7 storeys)
Maximum FSR	No FSR currently applies to the site although it is noted an	0.5:1 to R2 Low Density Residential areas	Overall FSR of 1.35:1, individual lot net FSR of up to 3.43:1.

	FSR of 1:1 applies to the shopping centre. Based on site analysis, the FSR of the surrounding area ranges from 0.2:1 to 0.5:1.		
Minimum Lot Size (LSZ)	700m^2	700m^2	No changes proposed.
Biodiversity Map	N/A	A small area in the north-west is identified as 'biodiversity land'.	No changes proposed.
Prohibition of dual occupancy development	N/A	A prohibition of dual occupancy development applies to the site.	No changes proposed.
Additional Local Provisions	N/A	N/A	An Additional Local Provisions clause is proposed to Part 7 of the LEP to ensure design excellence is realised as part of future development applications. It is not proposed to enable FSR or height bonuses subject to design excellence.

Table 2: Existing and Proposed Planning Controls

PARRAMATTA (FORMER THE HILLS) LOCAL ENVIRONMENT PLAN 2012 PROPOSED MAPS

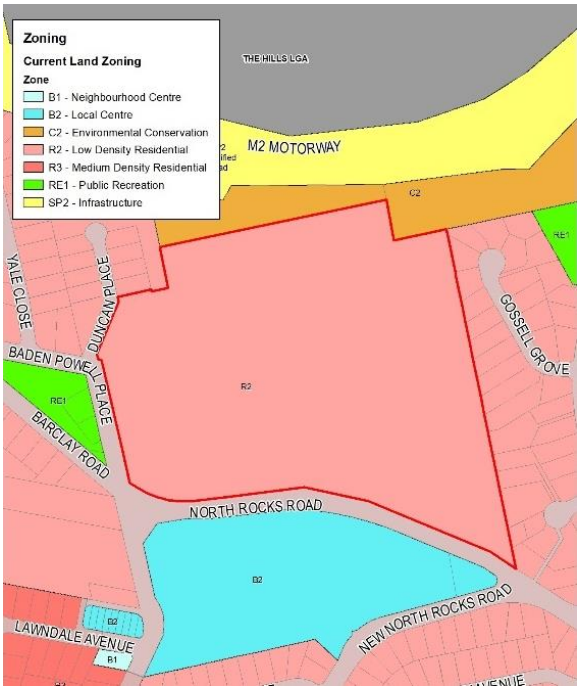


Figure 4: Existing Land Use Zoning

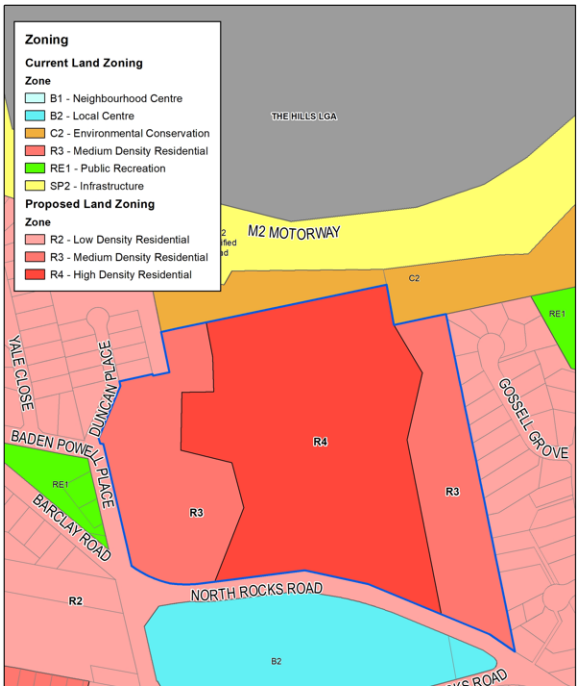


Figure 5: Proposed Land Use Zoning

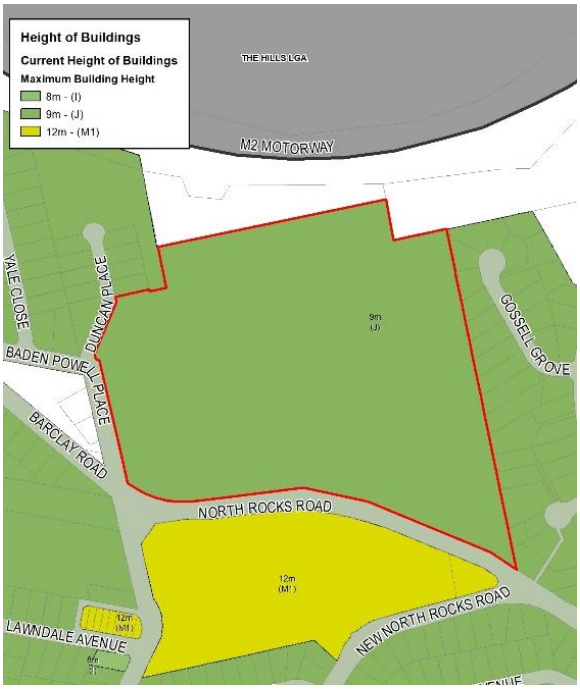


Figure 6: Existing Height of Buildings

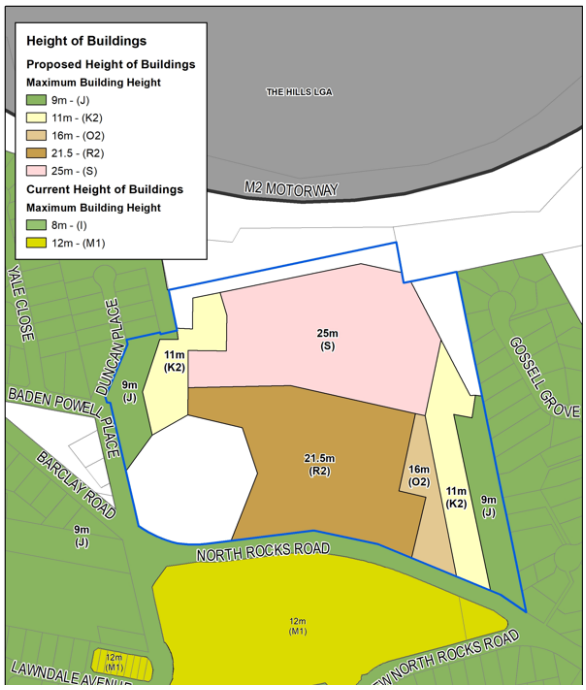


Figure 7: Proposed Height of Buildings

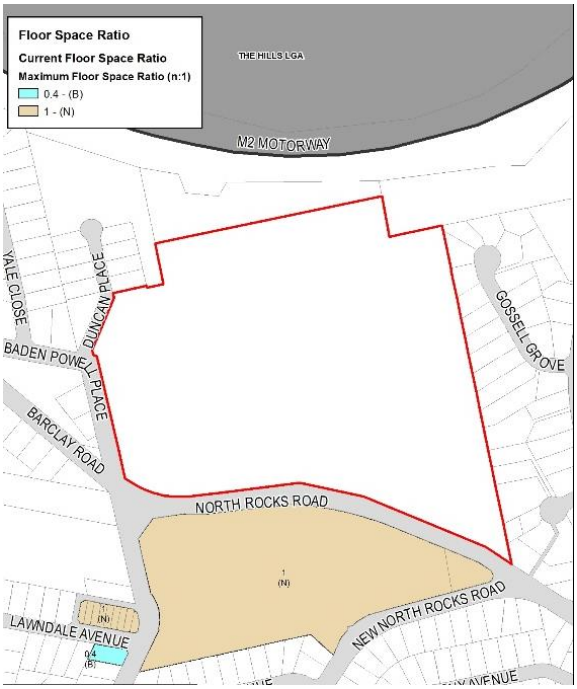


Figure 8: Existing Floor Space Ratio

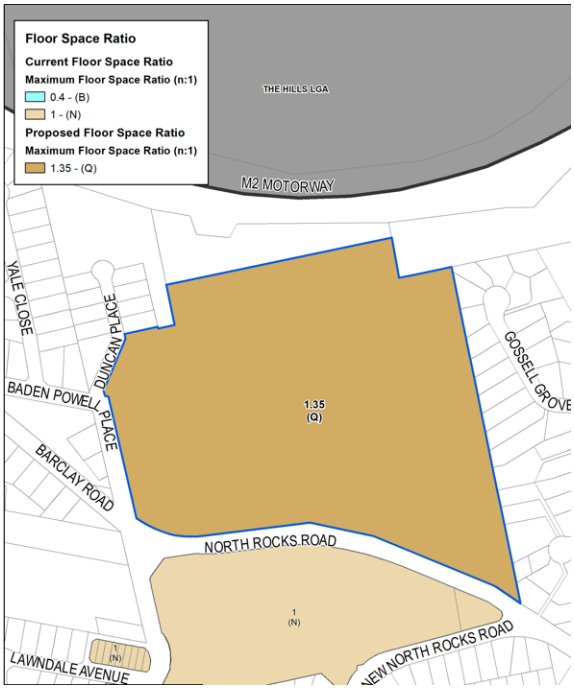


Figure 9: Proposed Floor Space Ratio

DRAFT PARRAMATTA LOCAL ENVIRONMENTAL PLAN (HARMONISATION LEP)

PROPOSED MAPS

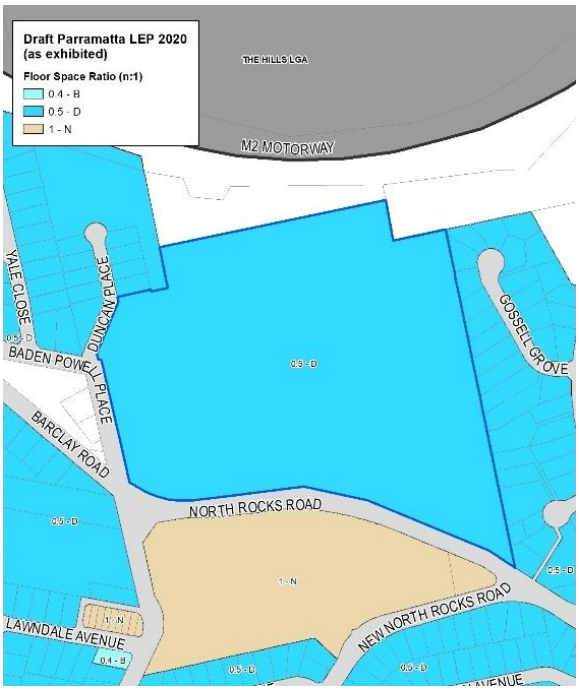


Figure 10: Floor Space Ratio under draft PLEP (FSR of 0.5:1 proposed for R2 zoned areas)

Planning Agreement

8. A Planning Agreement letter of offer dated 30 April 2021 has been provided indicating a willingness to enter into a Voluntary Planning Agreement to support the infrastructure needs of the proposal. The letter outlines potential public

benefits relating to open space, community infrastructure, transport accessibility, pedestrian and vehicular safety and affordable housing.

9. The letter specifically identifies potential inclusions:

   a. Open space - full-sized oval (1.8ha) and village square (1,600sqm);
   b. Community infrastructure – multi-purpose community facility and library (2,700sqm);
   c. Transport - temporary bus shuttle connecting to the M2 express bus services (with services running for at least 10 years);
   d. Affordable housing - approximately 5% affordable housing for key workers including a portion of affordable housing units to be retained by the Applicant for use of staff and visitors.

10. The letter does not identify monetary values for the nominated infrastructure.

11. The extent of infrastructure needed to support the proposal will need to be ascertained after the strategic merit and an appropriate built form outcome has been established.

COUNCIL OFFICER ASSESSMENT

Strategic Merit

12. Council officers have assessed the Planning Proposal, including the consideration of referrals to relevant sections of Council, with assessment outcomes detailed below. On 2 March 2022, Council officers issued a Request for Further Information Letter (RFI) to the Applicant with an assessment of key issues, to which the Applicant has not provided a comprehensive response.

13. The Applicant’s response in April 2022 did not directly address the concerns raised in relation to the Housing Diversity Precinct Criteria (HDP Criteria) within the LSPS, urban design, traffic, bushfire risk, natural areas, open space, tree canopy, flood and water management, sustainability, economic development, affordable housing and community facilities. Rather, the Applicant indicated that further specialist input was being prepared and consultation with Transport for NSW and NSW Rural Fire Services was being undertaken in order to address the key issues identified. In August 2022, the Applicant submitted a draft revised masterplan that sought to resolve urban design matters including issues relating the masterplan structure and layout. However this did not address other outstanding concerns previously raised in the RFI including the excessive height and density.

14. Importantly, the Housing Diversity Precinct Criteria (HDP Criteria) in Council’s LSPS is a key strategic policy test the proposal needs to meet and this is considered in detail below. The Council officer assessment detailed below concludes that due to the extent of density and scale being sought, the Planning Proposal does not exhibit strategic merit given it is inconsistent with Council’s LSPS and proposes predominantly high-density development that is incompatible with the local context.

Greater Sydney Region Plan and Central City District Plan

15. In March 2018, the Greater Cities Commission (GCC) released the Greater Sydney Region Plan: A Metropolis of Three Cities (Region Plan) a 20-year plan which outlines a three-city vision for metropolitan Sydney to the year 2036. The Central City District Plan (District Plan) was subsequently released by the GCC to implement the Region Plan.

16. The Region Plan and District Plan identify the site as an existing urban area within the North Rocks Local Centre. It is noted that the site is not identified as part of the Greater Parramatta Growth Area which comprises 12 precincts where the capacity for additional housing growth is identified and being planned for.

Local Housing Strategy

17. Council's Local Housing Strategy (LHS) (2020) identifies North Rocks as a high constraint locality due to having less public transport accessibility. The LHS recommends not to actively facilitate additional major rezonings for high constraint localities unless for the purposes of housing diversity. Furthermore, it provides that where there is renewal for these localities, it should be lower scale with low density development reflecting the surrounding character and consistent with the predominant building form.

18. The LHS recommends that no additional major precinct and/or rezonings for housing are required to meet the DPE's dwelling requirements over and above those already identified in the Strategy and should therefore not be actively facilitated until the post 2036 period.

19. The nearest train service is at Epping and the nearest light rail stop will be at Carlingford. There are limited bus services that operate through North Rocks connecting residents to Epping (22 minutes) and Parramatta (42 minutes) noting long travel times due to 'all stops' services. Furthermore, access to the M2 Express Bus Services (at the Barclay Road interchange) is located 1.2km west of the site, which would connect residents to Macquarie Park, Norwest, Rouse Hill and the Sydney CBD.

20. It is therefore considered that the strategic impacts of locating development of the density proposed on the site is not supported in principle due to local accessibility constraints.

Local Strategic Planning Statement

21. Adopted by Council on 23 March 2020, the LSPS sets out Council's 20-year vision for land use and infrastructure in the City of Parramatta. The LSPS identifies that most of the planned housing growth will occur in growth precincts along the Greater Parramatta and Olympic Park (GPOP) corridor, and that this will be in the form of high-density development. The Applicant requested the inclusion of the site as a significant renewal opportunity in the LSPS but this was not supported. The LSPS notes the key principles to focus housing growth in identified Growth Precincts only and to preserve the low- scale character and identity of suburban Parramatta outside of the GPOP area, such as North Rocks.

22. Planning Priority 5 of the LSPS seeks to support and enhance the low scale character and identity of suburban Parramatta including North Rocks, with Policy 18 providing that Council limit the height of mixed-use and residential apartment development in Local Centres outside GPOP.

23. The LSPS identifies actions to encourage a more diverse range of housing through new Housing Diversity Precincts (HDP) for areas located outside the growth areas. As the subject site is outside the growth precincts, the Planning Proposal would need to comply with the HDP Criteria which are set out below in **Figure 11**.

To be considered as a Housing Diversity Precinct, a site or area must satisfy the following criteria:

(1) Have urban design merit via an urban design capability test that demonstrates the proposed built form is compatible with surrounding development and neighbourhoods.

(2) Be at least 1 hectare and located either:

a. entirely within a 10 minute walk of, a Strategic or Local Centre, or

b. within the GPOP area, having 30 minute door-to-door access to employment in Parramatta CBD, Westmead or Sydney Olympic Park.

(3) Include or be located within walking distance (800m) of retail convenience.

(4) For sites 1-2 ha in size - contain or be entirely within a 5 minute walk of a park, sportsground or play space as detailed in the Community Infrastructure Strategy

(5) For sites greater than 2 ha in size – require the on-site provision of quality parks, sportsgrounds or play spaces as detailed in the Community Infrastructure Strategy

(6) Be predominantly low-rise, two to three storeys.

(7) Propose one or more of the following housing types:

- attached or detached dwelling houses
- terrace housing
- semi-detached housing
- villas
- townhouses
- manor homes
- co-housing (maximum 3 storeys)
- seniors housing (maximum 3 storeys)
- new age boarding houses (maximum 3 storeys)

(8) Residential flat buildings may be permitted in Housing Diversity Precincts, but only where:

a. The built form is compatible with the surrounding neighbourhood and meets the urban test as per clause (1); and

b. Other housing types are also provided in the precinct, as specified in clause (7); and

c. They contain at least 5-10% permanent affordable rental housing (subject to viability); however, where viable, Council's aspiration is for a higher provision.

(9) Have strategic merit in relation to: access (including to a regular public transport service); constraints; topography; environment; and amenity.

Figure 11: Housing Diversity Precinct Criteria in LSPS

24. The HDP Criteria identifies matters that must be satisfied to be considered a housing diversity precinct. It is noted the proposal meets HDP Criteria (2) and (3) by way of the location of the site in proximity to a Local Centre and retail convenience. Below is an assessment of the proposal against other key criteria with which it is considered the proposal is not consistent.

C1. Urban Design Capability Test

25. HDP Criteria (1) requires the proposal to demonstrate compatibility with surrounding development and neighbourhoods via an urban capability test. Compatibility is considered by Council officers to be built form and site planning that is of its neighbourhood context, not separate from it. Council officers do not

consider a significant departure from the existing character, to be an appropriate outcome.

26. For this urban capability test, Council officers have undertaken an extensive assessment of the Applicant's original proposal (June 2021). The assessment analyses the existing and desired future character of the surrounding area across 12 urban design metrics (refer to **Attachment 2** for full assessment). The urban capability test demonstrates the proposal is incompatible with surrounding development and neighbourhoods for reasons outlined below:

    a) Predominant residential typology and mix – The predominance of bulky residential flat buildings is far removed from the suburban setting of the neighbourhood, being single or double storey dwellings.

    b) Building height – The proposed number of storeys of 2 to 7 storeys is far removed from the surrounding low rise residential area and the low scale shopping centre. The proposal to locate more height within the suppression of the landform still results in visual impacts from within the site.

    c) Building footprints and site coverage – Excessive building envelopes (max 70m length and 26m depth) will contribute to perceived bulk and scale that is far removed from the surrounding context where building footprints cover approximately 30% of each lot with an average of 17m length and depth.

    d) Overshadowing and privacy impacts – 3 storey townhouses at the periphery will potentially encroach the privacy and overshadow the rear yards of adjacent low density properties.

    e) Solar access to open space - Excessive building and street wall heights, and narrow long courtyards may lead to inadequate solar access to public/private open space.

    f) Setbacks and landscape character - The generic application of a 3m setback does not respond to the distinctive landscape character of the locality with abundant mature native trees enabled by large front and rear setbacks (10m).

    g) Physical and visual connectivity – The proposal has an inwardly focused street network, with excessive cul-de-sacs and buildings that interrupt visual corridors.

    h) Street widths, hierarchy, and character – The proposal exhibits a complex winding structure without view corridors. This is exacerbated by the lack of a clear road hierarchy. Overall, this leads to poor legibility and integration with the surrounding road network.

    i) Street address and access to public domain – The proposal does not provide a clear street address to all buildings and does not clearly delineate public open space.

    j) Honouring topography - Several building envelopes are positioned on steep embankments or gullies resulting in significant fill.

k) Responsiveness to significant vegetation - The proposal entails a masterplan structure that does not optimise the retention of significant tree clusters.

l) Responsiveness to other natural features – Several building envelopes encroach too far into ecologically significant vegetation at the rear, with no buffer provided.

C5. Provision of open space

27. HDP Criteria (5) requires sites greater than 2ha in size to provide on-site quality parks, sportsground or play spaces as detailed in Council's Community Infrastructure Strategy (CIS). The CIS does not identify a specific need for a new full-sized field for the site but rather encourages pursuit of new provision opportunities as they arise. The CIS applies two benchmark requirements for the provision of open space:

    a) A minimum of 20% of the land area is for public open space; and

    b) A minimum of 3ha of open space is provided per 1,000 people (1ha per 1,000 people for parks, for active open space, and for natural areas or other open spaces respectively).

28. The proposal seeks to dedicate 15% (2ha comprising the oval and village square) rather than 20% of the site as public open space, without strategic justification. While the oval (1.8ha) and proposed play space area would provide substantial benefit to existing and future residents the proposal does not comply with the Council's CIS requirements and HDP Criteria (5) in that:

    a) The proposed location of play spaces on a narrow corridor between the oval and North Rocks Road is sub-optimal due to poor amenity resulting from road noise.

    b) The quality and accessibility of public open spaces are sub-optimal as they are not directly accessible from the street and are situated at the extremities of the site.

    c) There is no clear separation or buffer between development and open space areas, resulting in poor legibility.

29. The CIS identifies that there is a potential gap of 0.94ha of sportsground and recreational space by year 2041 for Catchment 2; whereby Catchment 2 comprises of Carlingford, North Rocks, Dundas, Dundas Valley and Telopea. While no specific recommendation has been identified for the specific site in relation to open space provision, the proposal and the full-sized oval it entails presents an opportunity to deliver additional open space that could bridge the identified gap for the broader catchment.

C6. Predominance of low-rise building forms

30. HDP Criteria (6) requires housing diversity precincts to 'be predominantly low-rise, two to three storeys.' The proposal is not compliant as it seeks to facilitate a scheme that is predominantly 4-7 storey residential flat buildings based on percentage gross floor area and housing mix (refer to **Table 3**). The Applicant notes 'only 23% of the site area contains buildings above three storeys' however this cannot be verified without the provision of full site area calculations. Council officers consider that it is more appropriate to consider percentage of gross floor area and housing mix as more meaningful metrics of which feature is predominant.

31. Furthermore, preliminary testing by Council officers found that to achieve the proposed gross floor area within a compliant building footprint, this would require up to 2 additional storeys than what is proposed by the Applicant. The potential for 9 storey buildings would not be supported on the site. The information submitted by the Applicant presents deficiencies which puts into question whether the aspired development parameters can be achieved through the proposed LEP controls.

Dwelling Type/Height	**No. of Dwellings**	**GFA** (%)	**Housing Mix** (%)
Residential flat buildings (4-7 storeys)	690	46%	63%
Low rise - dwellings and townhouses (2-3 storeys)	245	26.1%	22%
Seniors living (4-6 storeys)	145	25%	13%

Table 3: Proposed dwelling mix and Percentage (%) GFA and Housing Mix

C7. Housing Diversity and Maximum Building Height in Storeys

32. HDP Criteria (7) requires proposals to provide a mix of housing typologies (e.g., terrace housing, seniors housing, co-housing, boarding houses, etc.) and specifies a maximum 3 storeys building height for select typologies. The proposal is consistent with this criteria insofar as there is a mix of housing typologies, however the proposed 4-6 storey seniors housing is inconsistent with the identified maximum 3 storey building height for seniors housing.

C8. Criteria for Residential Flat Buildings (Compatibility and Affordable Housing)

33. HDP Criteria (8a) provides that residential flat buildings may be permitted only where the built form is compatible with the surrounding neighbourhood and meets the urban capability test as per Criteria (1). As previously noted, the proposal does not satisfy HDP Criteria (1) based on the Council officer's urban capability test. A significant reduction to the building density, site layout and street structure would be required to satisfy the test.

34. HDP Criteria (8c) provides residential flat buildings may be permitted only where they contain at least 5-10% permanent affordable rental housing. Based on the letter of offer, the proposal seeks to provide approximately 5% affordable housing with a focus on key worker housing with some of the units to be retained by the Applicant for the use of staff and visitors. Consequently the proposal does not satisfy the HDP criteria as:

    a. It does not seek to dedicate permanent affordable housing to Council.

    b. The allocation of affordable housing units for use of RIDBC/NextSense does not fit the definition of affordable housing in Council's Affordable Housing Policy (Policy) which defines affordable rental housing as 'rental housing that is provided to households on very low to moderate incomes and charged at a rental rate that does not exceed 30% of weekly income [abridged].

35. The extent and nature of affordable housing provision would need to be clarified as part of a future planning agreement and will need to be consistent with Policy requirements and definitions.

C9. Access, Site Context and Amenity

36. HDP Criteria (9) requires proposals to have strategic merit with regards to access (including regular public transport service); constraints; topography; environment; and amenity.

37. Public transport access - There are limited bus services through North Rocks and long travel times owing to 'all stops' services. Adjacent to the site, there are two existing bus shelters and pedestrian queuing areas on either side of North Rocks Road. The Barclay Road interchange (M2 Bus station) is approximately 1.2km west of the site, with M2 routes providing connections to Sydney CBD, Parramatta, Westmead, Norwest/Bella Vista, Castle Hill and Rouse Hill.

38. The proposal seeks to improve existing bus stop facilities, increase pedestrian queuing capacity, increase bus service frequency (routes to Carlingford, Parramatta, and Epping station), and introduce temporary shuttle bus services that would link the site with the Barclay Road interchange where M2 bus services can be accessed. The letter of offer identified the shuttle bus service would be provided for at least 10 years.

39. The proposed measures are not considered adequate as they are contingent on commitment and funding from TfNSW; while the temporary bus shuttle services do not address how transport connectivity will be sustained in the long term. The extent of density proposed on the site that relies on such infrastructure upgrades is therefore not acceptable.

40. Vehicular access and traffic impacts - The proposed scheme identifies two proposed access points with the primary ingress and egress at North Rocks

Road and a secondary ingress at the intersection of Baden Powell Place and Duncan Place. There are limited opportunities to introduce additional access points to the site.

41. In relation to the second entry, the right turn from Barclay Road into Baden Powell Place could increase the risk of collisions at the unsignalled intersection and lead to possible queuing for westbound traffic. Consultation with TfNSW would be required in relation to the installation of new traffic signals and potential traffic impacts.

42. Additional information was requested by Council officers to enable the assessment of potential traffic impacts resulting from the proposal. Traffic modelling inputs and modelling of scenarios with proposed mitigation measures (i.e., intersection interventions and road works) were requested. The Applicant did not provide the additional information and therefore, there is insufficient information to address Council staff concerns that the proposal will adversely impact the surrounding road network.

43. Topography - The proposal presents building envelopes that do not positively respond to the steep topography, with several envelopes positioned on steep embankments or in gullies which will result in significant fill. Furthermore, the proposed 4-6 storey built form interface to North Rocks Road is inappropriate noting the fall in topography to the south and the single storey shopping centre sitting lower within the landform (refer to **Figure 12**).

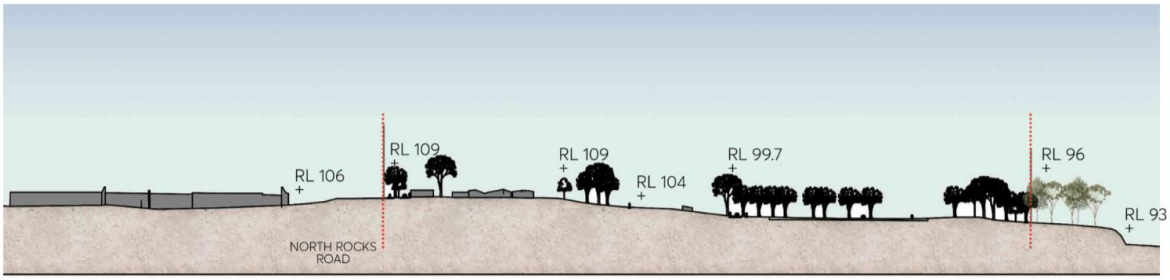


Figure 12: Cross-section showing local terrain with the subject site and adjacent shopping centre

44. Environment - The proposal has not adequately addressed existing environmental considerations, in particular:

    a. Bushfire risk: The Applicant was advised to consult NSW Rural Fire Service (RFS) noting an alternative method of risk assessment ‘short fire run methodology’ (SFR) was applied in the bushfire report (refer **Attachment 3**). SFR methodology is an alternative methodology used to assess bushfire risk for low-risk vegetation; for which RFS sets guidance on. Consultation with RFS is important for ensuring that the methodology is appropriate assessment of bushfire risk and that the proposal incorporated suitable asset protection zones (APZ) and perimeter roads; measures that are not reflected in the design scheme. As additional information was not provided, there is insufficient information to demonstrate that bushfire risk mitigation has been adequately considered.

    b. Existing vegetation: There is approximately 0.5ha of native vegetation (Coastal Shale Sandstone Forest) along the northern boundary. Noting

the potential establishment of an APZ along the north-east and north-west portion of the site, the removal of more than 0.25ha of bushland would trigger biodiversity offsets under the *Biodiversity Conservation Act 2016*. Insufficient information has been provided to demonstrate how bushfire mitigation will affect remnant vegetation and how biodiversity offsets will be provided if required.

c. Significant tree clusters: A preliminary survey included in the Planning Proposal identified significant tree groupings throughout the site. A preliminary arborist report was requested to identify significant high-value trees and any suitable medium-value trees to optimise retention and to inform the proposed scheme layout. As the arborist report was not provided, there is insufficient information to demonstrate that the proposal positively responds to vegetation conditions onsite.

d. Overland flooding: Council officers requested the Flood Study to include an investigation of overland flooding to inform the appropriate siting of built form. As additional information was not provided, there is insufficient information to demonstrate that the proposal adequately responds to overland flooding constraints.

45. Amenity - The proposal includes building forms that are excessive in height and scale, with lengths up to 70m and depths to 26m. The proposed building footprints and the scale of the street walls do not provide sufficient internal amenities in terms of solar access and ventilation. Furthermore, the 3 storey townhouses at the periphery have potentially adverse impacts on the privacy and solar access of adjacent properties.

46. The assessment of the proposal against the HDP criteria addresses detailed matters that would normally be considered under a merit assessment of such a proposal, including impacts on amenity and the broader locality. It is therefore considered that the proposal is unacceptable due to the various non-compliances with the HDP criteria, demonstrating its incompatibility with the local character of North Rocks.

APPLICANT RESPONSE

47. On 2 March 2022, Council officers issued a formal Request for Further Information Letter (RFI) with a request to submit this information by 23 March 2022. However, the Applicant issued a request for an extension to the submission deadline to 31 May 2022 to enable the proposal to be reported to the Local Planning Panel meeting scheduled for June. The extension was agreed to by Council officers however a full comprehensive response to the RFI has not been provided to date. While the Applicant has issued a revised masterplan (August 2022) to provide a response to urban design matters, they have not addressed outstanding concerns in relation to the HDP Criteria, bushfire risk, natural areas, open space, tree canopy, flood and water management, sustainability, economic development, affordable housing and

provision of community facilities; requiring further specialist studies and relevant agency consultation.

48. The Applicant issued an interim response in April 2022 and further, a draft revised masterplan update in August 2022 (refer **Attachment 4**). The draft revised masterplan has a reduced gross FSR of 1.1:1 and approximate net FSR of up to 2.62:1. The draft revised masterplan would yield approximately 900-950 dwellings in addition to the aged care facility. In comparison, the original proposal (June 2021) lodged with Council has a gross FSR of 1.35:1 and approximate net FSR of up to 3.43:1, yielding up to 1,080 dwellings in addition to the aged care facility.

49. The draft revised masterplan maintains the building height range of 2-7 storeys, however 7 storey buildings have been contained in the central-west portion of the site in the existing gully. The heights required to accommodate the proposed gross floor area would need to be verified via further urban design modelling and testing. It is noted the draft revised masterplan has refined the masterplan structure and layout to respond to previous Council officer advice. However, the proposed height and density remain largely unchanged, and is still of a scale that is excessive for the site and incompatible with the low scale, residential context of the locality. The 4-6 storey built form interface to North Rocks Road remains and is considered unsympathetic to surrounding development. In particular, the topography slopes down to the south of the site towards the existing shopping centre which reads as a single storey built form as it sits lower in the landform.

50. The Applicant contends that the site is suitable for medium to high density as it should be integrated as part of the North Rocks Local Centre and thus, encourage redevelopment of the existing shopping centre so as to renew the broader Local Centre. This is not supported by Council officers noting the strategic direction in the LSPS to protect North Rocks from high-density development and maintain and enhance its low scale character. Specifically, the LSPS directs ‘Council to limit the height of mixed use and residential apartment development in Local Centres to low rise building forms’ whereby the HDP criteria defines low-rise as 2-3 storeys.

CONCLUSION AND NEXT STEPS

51. Based upon the Planning Proposal’s inconsistency with the HDP Criteria within the LSPS, it is recommended that the Planning Proposal be refused. The proposed height and density are significantly inconsistent with the existing and desired future character of North Rocks as outlined in Council’s LSPS. The proposal would have a negative impact on local amenity and would set an undesirable precedent for incompatible high-density development in suburban Parramatta that would undermine the strategic intent of the HDP Criteria.

52. If the Applicant seeks to pursue an amended proposal consistent with the Housing Diversity Precinct criteria, this will require a new proposal to be lodged.

FINANCIAL IMPLICATIONS FOR COUNCIL

53. There are no direct financial implications for Council as a result of the recommendations in this report.

Jema Samonte
Senior Project Officer

David Birds
Group Manager, Major Projects and Precincts

Jennifer Concato
Executive Director City Planning and Design

ATTACHMENTS:

1	Attachment 1 Original Planning Proposal June 2021	159 Pages
2	Attachment 2 Council officer assessment of proposal	7 Pages
3	Attachment 3 Bushfire Report	44 Pages
4	Attachment 4 Applicant draft revised masterplan update (August 2022)	53 Pages

REFERENCE MATERIAL

(a) **That** Council approve, for the purposes of seeking a Gateway Determination from the Department of Planning and Environment (DPE), the Planning Proposal at Attachment 1 for the land at 8 Lincluden Place, Oatlands, which seeks the following change to the Parramatta (former The Hills) Local Environmental Plan 2012:

i. Amend the Land Zoning Map from SP2 Infrastructure (Educational Establishment) to R2 Low Density Residential.

(b) **That** the Planning Proposal be forwarded to the DPE for a Gateway Determination.

(c) **That** Council advise the DPE that the CEO will be seeking to exercise its plan-making delegations for this Planning Proposal, as authorised by Council on 26 November 2012.

(d) **That** Council delegates authority to the CEO:

i. To draft the Planning Agreement based on the submitted offer provided at Attachment 2.

ii. In the event that a Gateway Determination is issued by DPE, that the Planning Agreement is placed on public exhibition concurrently with the Planning Proposal.

(e) **Further, that** Council delegates authority to the CEO to correct any minor anomalies of a non-policy and administrative nature that arise during the plan-making process or preparation of the Planning Agreement.

The Panel decision was UNANIMOUS.

6.2 SUBJECT Pre-Gateway Planning Proposal for land at 361-365 North Rocks Road, North Rocks

REFERENCE RZ/2/2021 – D08711383

APPLICANT/S EG

OWNERS NextSense (Former Royal Institute for Deaf and Blind Children)

REPORT OF Senior Project Officer

The Panel considered the matter listed at Item 6.2 and the attachments to Item 6.2.

PUBLIC FORUM

1. Michael Easson from EG spoke against the report recommendation to refuse the planning proposal.

2. Ben Hendriks from Mecone spoke against the report recommendation to refuse the planning proposal.

3. David Tickle from Hassell spoke against the report recommendation to refuse the planning proposal.

4. Gabrielle Morrish from GM Urban Design and Architecture spoke against the report recommendation to refuse the planning proposal.

5. Michael Morgan from Carlingford Rotary Club spoke against the report recommendation to refuse the planning proposal.

6. Councillor Georgina Valjak spoke in favour of the report recommendation to refuse the planning proposal.

DETERMINATION

The Panel notes that Councils' Strategic Planning officers believe that the proposal at present is inconsistent with the Housing diversity Precinct Criteria in Council's approved Parramatta Local Strategic Planning Statement as follows:

(a) the proposed increases in height (between 9m to 25m) and density (overall site FSR of 1.35:1), and the site layout will lead to built form outcomes that are incompatible with the local context;

(b) the predominance of mid-rise 4-7 storey residential flat buildings is incompatible with the local context and detracts from the strategic intent to promote medium density typologies of 2-3 storeys;

(c) there is inadequate provision of affordable housing;

(d) there is insufficient documentation to demonstrate that there are no adverse traffic impacts, and the proposed measures to improve public transport access are not considered feasible;

(e) there is poor response to site context considering topographical, environmental and amenity considerations; and

(f) there is inadequate open space provision considering the requirements of Council's Community Infrastructure Strategy.

The applicant and consultants seek to defer consideration of this proposal by the Council at this time as they disagreed that their proposal is widely different to the intent of Council Strategic Planning.

The Panels notes that difference between the two parties is considerable as Council planners believe that the site is to be restricted

to 2 to 3 storeys in keeping with their understanding of the interpretation of Housing diversity in the LSPS.

The applicants' position is that they have provided sufficient opportunities for low density (69% of the site is low density) and believes that there is some opportunity for residential flat buildings on this site up to seven storeys.

The Panel believes it is now time to report this situation to the full Council.

Further, that the Applicant be advised of Council's decision.

The Panel decision was UNANIMOUS.

The meeting terminated at 7:06 pm.

Chairperson