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Your Reference	RR-2022-31
Our Reference	RZ/2/2021
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19 December 2022

Dear Ms. van Veen

RE: Request for a Rezoning Review – 361-365 North Rocks Road, North Rocks

I refer to your letter dated 23 November 2022 advising that the Applicant for land at 361-365 North Rocks Road, North Rocks has requested a rezoning review.

This letter provides a response to the original Planning Proposal (June 2021) (refer to Volume 2 – Original Planning Proposal folder), which is the version that has been assessed by Council officers and reported to the Local Planning Panel and Council and therefore should be the subject of the rezoning review. The original Planning Proposal seeks to rezone the site from R2 Low Density Residential to part R3 Medium Density Residential and part R4 High Density Residential, increase the maximum height of buildings (HOB) from 9m (2 storeys) to 25m (7 storeys) and amend the Floor Space Ratio (FSR) map to apply a maximum FSR of 1.35:1.

Council officers note the Applicant has submitted a Covering Letter dated 21 November 2022, which refers to a revised proposal and associated supporting documentation. The revised proposal seeks to apply a reduced FSR of 1.1:1 to the site. Council officers have not previously assessed the revised proposal and advise that it should only be assessed if it is lodged as a new, separate Planning Proposal subject to Council's fees and charges. For this reason, the scope of this letter only covers the original Planning Proposal (June 2021) which was lodged with Council and is subject of this rezoning review.

Notwithstanding, Council officers have carried out a preliminary analysis of the amended scheme and have raised concerns as detailed in **Attachment 1**. Fundamentally, the changes made under the amended scheme do not address the key issues that Council officers have raised with the original Planning Proposal, critically the excessive height and density that is incompatible with the established low-density context of North Rocks and non-compliances with the Housing Diversity Precinct Criteria in the Local Strategic Planning Statement (LSPS). However, if the applicant wishes to pursue the revised scheme a new planning proposal should be submitted so that it can be fully assessed.

1. Background

1.1 Pre-lodgement

Between late 2018-2019, several discussions were held between Council officers and the Applicant regarding

concept plans for the redevelopment of the site prior to lodgement of the Planning Proposal. On 8 March 2019, Council officers provided preliminary urban design advice outlining key design principles to guide a potential future proposal for the site. While that advice indicated potential for the site to accommodate 8 storey building typologies, this was not an endorsed Council position and preceded the establishment of the current strategic planning framework by Council's LSPS, against which the proposal subject of this review needs to be assessed.

The Applicant subsequently lodged a Planning Proposal for the site on 21 March 2019 (RZ/2/2019), but this proposal was withdrawn before Council's LSPS came into effect on 31 March 2020. The LSPS establishes the strategic planning context with which the Planning Proposal needs to be consistent. The LSPS has been informed by detailed planning work and community consultation and sets clear objectives and criteria for future planning of North Rocks and, critically, prioritises the preservation of the low-scale character of the area. The LSPS does not identify the subject site as a Growth Precinct. The applicant had earlier requested the inclusion of the site as a significant renewal opportunity during the development of the LSPS but this was not supported and is not included in the approved document that was endorsed by the former Department of Planning, Industry and Environment. Therefore, any Planning Proposal for sites outside of the growth areas identified in the LSPS are required to satisfy the Housing Diversity Precinct Criteria (HDP Criteria) provided within the LSPS.

1.2 Lodgement and Preliminary Assessment

The Planning Proposal that is the subject of this letter was received by Council on 2 June 2021 and seeks to rezone the site from R2 Low Density Residential to part R3 Medium Density Residential and R4 High Density Residential, increase the maximum height of buildings from 9m (2 storeys) to 25m (7 storeys) and amend the FSR to 1.35:1 (where no FSR is currently applicable).

Between August and October 2021, discussions were held with the Applicant regarding the Planning Proposal. In these meetings, Council officers raised numerous concerns relating to non-compliances with the HDP Criteria, urban design, traffic, impacts upon natural areas, bushfire hazard, open space and tree canopy, flooding, water management and overall strategic merit. On 2 March 2022, the Applicant was formally advised in writing of these concerns via a Request for Further Information Letter (RFI) provided in **Attachment 2**, which had a key focus on the Housing Diversity Precinct Criteria. The Applicant requested and was granted an extension to the RFI deadline until 31 May 2022.

1.3 Applicant Response and Council Officer Feedback

The Applicant provided an interim response to the RFI in April 2022, met with Council officers and presented design principles and draft masterplan amendments in June 2022, and provided a draft revised masterplan in August 2022. While the draft masterplan sought to resolve urban design matters such as the site layout, it did not address outstanding concerns raised in the RFI including the excessive height and density, non-compliances with the HDP Criteria, traffic impacts, bushfire risk, impacts upon natural areas, open space and tree canopy, flooding, water management, sustainability, economic development, affordable housing and community facilities. The draft revised masterplan has not been submitted with adequate supporting information and does not replace the June 2021 proposal, which is the subject of this rezoning review.

In July 2022, a further meeting was held with the Applicant to enable Council officers to present an urban design analysis of the site that included the site context, guiding design principles and a sample masterplan. The purpose of the masterplan was for Council officers to illustrate an example of appropriate built form outcomes for the site based on Council requirements particularly the established HDP Criteria.

1.4 Report to the Local Planning Panel and Council

To progress the assessment of the Planning Proposal in a timely manner, Council officers notified the Applicant on 28 July 2022 that the matter would proceed to the Local Planning Panel (LPP) on 18 October 2022. At this meeting, the LPP unanimously resolved the following:

(a) *The Panel notes that Councils' Strategic Planning officers believe that the proposal at present is inconsistent with the HDP Criteria in Council's approved Parramatta Local Strategic Planning Statement (LSPS) as follows:*

i. *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;*

ii. *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;*

iii. *there is inadequate provision of affordable housing;*

iv. *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;*

v. *there is poor response to site context considering topographical, environmental and amenity considerations; and*

vi. *there is inadequate open space provision considering the requirements of Council's Community Infrastructure Strategy.*

(b) *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.*

(c) *The Panel notes the difference between the two parties is considerable as Council planners believe the site is to be restricted to 2 to 3 storeys keeping with their understanding of the interpretation of HDP Criteria in the LSPS.*

(d) *The applicants' position is that they have provided sufficient opportunities for low density (69% of the site is low density) and believe there is some opportunity for residential flat buildings on this site up to 7 storeys.*

(e) *The Panel believes it is now time to report this situation to the full Council.*

(f) *Further, that the applicant be advised of Council's decision.*

The Planning Proposal was subsequently reported to Council on 28 November 2022, where it was unanimously resolved not to proceed with the Planning Proposal, as follows:

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

1. *The 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 site layout leads to built form and public domain 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. *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 strategic merit in relation to access, topographical, environmental and amenity considerations; and*

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

(b) ***That** the applicant be advised of Council's decision.*

(c) ***Further, that** Council note the following advice of the Local Planning Panel dated 18 October 2022 wherein:*

1. *The Panel noted the Council officer recommendation and the applicant's position;*

2. *The Panel noted the difference in the Council officer and applicant's position regarding the site's capacity to accommodate built form greater than 3 storeys, and the compliance of the proposal with Housing Diversity Precinct Criteria 6 within Council's adopted Local Strategic Planning Statement requiring the proposal to be predominantly low rise (2-3 storeys);*

3. *The Panel did not support the applicant's request to defer consideration of the matter and recommended the matter be reported to Council.*

The Applicant was advised in writing of Council's resolution on 6 December 2022.

Prior to the Council meeting, Council officers were informed on 23 November 2022 that a request for rezoning review was submitted by the Applicant to the Department of Planning and Environment for consideration by the Sydney Central City Planning Panel. The request was made on the grounds that Council has failed to indicate its support for the proposal within 115 days after the applicant submitted a request to prepare a Planning Proposal.

Please find below Council officers' justification for recommending this Planning Proposal not be progressed. Further details are provided in the Council officer report to the Local Planning Panel and to Council, which are provided in **Attachments 3 and 4**.

2. Assessment of Planning Proposal

Based on Council officer assessment, the Planning Proposal for 361-365 North Rocks Road, North Rocks cannot be supported for the following reasons:

2.1 Inconsistency with the Existing Strategic Planning Framework

2.1.1 Inappropriate location for major new housing growth

An assessment of the Planning Proposal against the State Government's *Greater Sydney Region Plan (Region Plan)* and *Central City District Plan (District Plan)* and Council's *Local Housing Strategy (LHS)* and *Local Strategic Planning Statement (LSPS)* identifies that the site is located outside of the Greater Parramatta Growth Area where the capacity for additional housing is identified and planned to be accommodated.

The LHS recommends not to actively facilitate additional major rezonings in high constraint localities such as North Rocks as there is no existing or planned major public transport infrastructure for the area. Accordingly, the LSPS identifies that planned housing growth will primarily occur in the growth precincts located within the Greater Parramatta and Olympic Peninsula (GPOP) corridor in the form of high-density development. The applicant requested the inclusion of the site as a significant renewal opportunity in the LSPS, however this was not supported noting Council approved the LSPS with key principles to focus housing growth in identified Growth Precincts and to preserve and enhance the low-scale character and identity of suburban Parramatta outside the GPOP area.

Additional housing, such as that proposed in this Planning Proposal, is not needed before 2036 in order to meet agreed City of Parramatta housing delivery targets of 77,000 new dwellings. Council is meeting its dwelling targets under the Central City District Plan (refer to Section 3.1.2 of the LSPS), therefore additional density outside of the growth precincts is not required to assist Council in achieving its targets. The Department of Planning and Environment (DPE), through the District Plan and the LHS, provides 'Implied Dwelling Targets' for the City of Parramatta of 77,000 new dwellings for the period to 2036. Council's LHS, that has been approved by DPE, notes that *already identified new housing sites will enable new housing supply that exceeds the implied dwelling target utilising the current development capacity within existing growth precincts, identified future growth precincts and through urban renewal within existing low density zoned area.* Details of the projected housing supply for the period to 2036 are provided in **Table 1**.

Period	District Plan Target	Housing Strategy Provision	Dwellings per year	Target achieved?	Comment
0-5 year (2016-2021)	21,650	23,720	4,744	Yes ✓	Target exceeded by 2070 dwellings
6-10 year (2022-2026)	Not provided	23,660	4,732	N/A	
11-20 year (2027-2036)	Not provided	40,520	4,052	N/A	
Total over 20 years (2016-2036)	**83,975[43]**	**87,900**	**4,395**	**Yes ✓**	**Target exceeded by 3,925 dwellings (with a further 20,020 dwellings in train in growth precincts beyond 2036)**

Source: *Central City District Plan* and Council data

Table 1: City of Parramatta is meetings dwelling targets under District Plan – extract from LHS

2.1.2 Requirements for Housing Diversity Precincts

As the site is not a growth precinct, the applicant is seeking to justify the additional housing based upon the HDP Criteria within the LSPS (see **Figure 1** below). Council officers consider the Planning Proposal to be inconsistent with the HDP Criteria, specifically Criteria 1, 5, 6, 7, 8 and 9 relating to urban design and compatibility; open space; predominance of low-rise building forms; housing diversity and maximum building storey height; requirements for residential flat buildings including affordable housing, and environmental and amenity considerations.

The Planning Proposal has not satisfied the urban design capability test in HDP Criteria 1 and the requirement to be predominantly low-rise, two to three storeys in HDP Criteria 6. A detailed assessment of the proposal

against the Housing Diversity Precinct Criteria and Urban Capability Test is provided in **Attachment 5** which accompanied the Council officer report to Council and the LPP.

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 1: Housing Diversity Precinct Criteria in LSPS

2.1.3 Impact on Local Character

The Planning Proposal is inconsistent with LSPS Planning Priority 5 to support and enhance the low-scale character and identity of suburban Parramatta outside of the GPOP area, and Policy Direction 18 which seeks to limit the height of mixed use and residential apartment development in Local Centres to low rise building forms.

Significant concern is raised over the proposed height and density on the site that would result in an unacceptable impact and transition to existing low-scale development including. This includes surrounding residential land zoned R2 Low Density Residential and the local shopping centre zoned B2 Local Centre, where a maximum building height of 9m and 12m apply respectively under the *Parramatta (former The Hills) Local Environmental Plan 2012 (PLEP 2012)*. Contrary to the applicant's submission there is no strategic intention in the LSPS to significantly increase the scale of this Local Centre, nor has such a proposal been submitted.

The existing character of development within the immediate and broader context of the site is predominantly single and double storey dwellings. The proposed increase in building heights from 9m (2 storeys) to 25m (7 storeys) would result in development that is over twice the height of surrounding dwellings as well as the existing local shopping centre. The proposed 5-storey interface to North Rocks Road is not appropriate as it is not within

the range of the local shopping centre height of 1 storey, with the centre also currently sitting lower within the landform. Furthermore, the proposal to locate greater height (4-7 storeys) on steep embankments or in gullies is not supported as it will require significant fill, and it can still be perceived from within the site, from new streets and public spaces. Overall, Council officers consider that the proposed height of 2-7 storeys is not compatible with the local character of North Rock and would unduly impact neighbourhood amenity by way of out-of-character building scale, overshadowing, and overbearing of surrounding low density residential and retail development.

Under the Planning Proposal, the proposed gross FSR of 1.35:1 and approximate net FSR within the developable area of the site of up to 3.43:1 is also not considered appropriate given the predominantly low density character of the area. While no FSR currently applies to the site under the PLEP 2012, a maximum 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.

2.2 Community Submission against the Proposal

Despite the Planning Proposal not having been placed on public exhibition, at its meeting on 28 November 2022, Council received a community petition seeking refusal of the Planning Proposal for land at 361-354 North Rocks Road, North Rocks. The community petition had 600 signatures and stated that the Planning Proposal should be refused for the following reasons:

a. The Planning Proposal will have adverse impacts on traffic conditions on North Rocks Road and Barclay Road, which already suffer from heavy traffic;

b. The Planning Proposal is inconsistent with the local context and strategic intent of the suburb, which is to maintain and promote low to medium density housing;

c. The Planning Proposal will lead to overpopulation which will result in adverse impacts on amenities (i.e. North Rocks Shopping Centre will not be able to accommodate another 1,000 households and North Rocks Public School is already at full capacity, etc.)

d. The Planning Proposal raises privacy concerns for all properties surrounding the site.

The issues raised in the petition are generally addressed in the Council officer reports to the Council and LPP meetings referred to at Section 1.4 above. However, Council officers provide the following comments on the specific community concerns raised:

- Regarding point (a), Council officers consider that there is insufficient documentation to demonstrate that the Planning Proposal will have no adverse traffic impacts on the locality. It is noted that the number of right turn movements at the intersection of Barclay Road and Baden Powell Place is expected to increase, raising potential adverse impacts in relation to traffic and safety at this unsignalised intersection. The Planning Proposal will have potential adverse impacts on the amenity of existing residents due to the additional traffic generated along Baden Powell Place.

- Regarding point (b), Council officers concur that the Planning Proposal is inconsistent with the local context and strategic intent for North Rocks whereby LSPS Planning Priority 5 provides that development is to support and enhance the low-scale character and identity of suburban Parramatta (refer to Section 2.1.3 – Impact on Local Character of this letter).

- Regarding point (c), Council officers concur that the proposal will place substantial demand on existing amenities of North Rocks, noting the proposed additional growth (of 2,000 residents) was not envisaged in Council's LSPS and Community Infrastructure Strategy (CIS). Noting the North Rocks suburb has approximately 3,000 dwellings and the proposal entails approximately 1,000 additional dwellings, the proposal would facilitate a dwelling increase of approximately 33% which would have substantial growth and infrastructure impacts on the locality. Ultimately, the extent of infrastructure required can only be assessed after the proposal is able to demonstrate an appropriate built form and density for the site. In relation to whether existing schools can cater to additional demand arising from the Planning Proposal, consultation with the Schools Infrastructure NSW (SINSW) would be required to confirm existing and future capacity.

- Regarding point (d), Council officers concur that the building heights proposed under the proposal have potential adverse impacts on the privacy of adjacent properties.

3. Conclusion

The Planning Proposal is not consistent with the State Government endorsed planned approach to delivering higher density developed in areas that are supported by existing and planned transport infrastructure. While the proposal cannot be supported in its current form, Council officers are able to consider a new proposal to facilitate redevelopment of the site where proposed outcomes are consistent with the established strategic framework, particularly the Housing Diversity Precinct Criteria in the LSPS.

Based on the information included in this correspondence, Council officers have fundamental concerns with the submitted Planning Proposal for 361-365 North Rocks Road, North Rocks, which were communicated with the Applicant throughout the assessment process.

These concerns have been considered and endorsed by Council and it is therefore recommended that the Planning Proposal not proceed to Gateway.

Should you wish to discuss this matter further please contact Jema Samonte, Senior Project Officer Major Projects and Precincts on 9806 5753.

Regards,

David Birds
Group Manager – Major Projects and Precincts