



IRF 24/2051

Gateway determination report – PP-2021-3409

*361-365 North Rocks Road, North Rocks - to facilitate
a mixed-use residential development with open space
and affordable housing*

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Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

Contents

1	Planning proposal.....	1
1.1	Overview	1
1.2	Objectives of planning proposal.....	1
1.3	Explanation of provisions.....	2
1.4	Site description and surrounding area	3
1.5	Mapping	4
1.6	Background	9
2	Need for the planning proposal	10
3	Strategic assessment	11
3.1	Central City District Plan.....	11
3.2	Local Strategic Planning Statement.....	12
3.3	Local planning panel (LPP) recommendation	13
3.4	Section 9.1 Ministerial Directions.....	15
3.5	State environmental planning policies (SEPPs)	18
4	Site-specific assessment	19
4.1	Proposed Planning Controls	19
4.2	Environmental	21
4.3	Social and economic	27
4.4	Infrastructure	29
5	Consultation.....	29
5.1	Community	29
5.2	Agencies	29
6	Timeframe	29
7	Local plan-making authority	30
8	Assessment summary	30
9	Recommendation.....	30

Table 1 Reports and plans supporting the proposal

Relevant reports and plans
A0 - Planning Proposal 2024
A1 - Draft LEP Maps 2024

A2 - Urban Design and Landscape Architecture 2024

A3.1 - Integrated Traffic and Transport Assessment 2021 and

A3.2 - Traffic and Transport Updated Addendum Advice Letter 2024

A4.1 - Community Needs and Social Impact Assessment 2021 and

A4.2 - Community Needs and Social Impact Addendum Advice Letter 2024

A5.1 - Social Infrastructure Options Analysis 2021 and

A5.2 - Social Infrastructure Addendum Advice Letter 2024

A6 - Community Engagement and Consultation 2024

A7.1 - Land Use and Economic Impact Assessment 2021

A7.2 - Land Use and Economic Impact Assessment Addendum Advice Letter 2024

A8 - Diverse and Affordable Housing Assessment 2024

A9.1 - Sustainability Strategy 2021 and

A9.2 - Sustainability Addendum Advice Letter 2024

A10.1 - Preliminary Geotechnical Assessment 2021 and

A10.2 - Geotechnical Addendum Advice Letter 2024

A11.1 - Bushfire Protection Assessment 2021

A11.2 - Bushfire Protection Assessment Addendum Advice Letter 2024

A12.1 - Preliminary Ecological Assessment 2021

A12.2 - Addendum Advice Letter 2024

A13 - Aboriginal Archaeology Assessment 2021

A14.1 - Electrical Services Report 2024

A14.2 - Hydraulic Services Report 2024

A15.1 - Flood Assessment 2021

A15.2 - Flood Assessment Addendum Advice Letter 2024

A16.1 - Acoustic Assessment 2021

A16.2 - Acoustic Assessment Addendum Advice Letter 2024

A17 - Environmental Review 2021

A18 – Visual Impact Assessment 2024

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	City of Parramatta
PPA	Sydney Central City Planning Panel
NAME	361-365 North Rocks Road, North Rocks (925 dwellings)
NUMBER	PP-2021-3409
LEP TO BE AMENDED	Parramatta Local Environmental Plan 2023
ADDRESS	361-365 North Rocks Road, North Rocks
DESCRIPTION	Lot 3001 DP 1115866
RECEIVED	31/07/2024
FILE NO.	IRF24/2051
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to facilitate the development of the site for:

- diverse residential development including 560 low rise apartments, 225 townhouses, 10 detached dwellings, 130 independent living units and an aged care facility (100 beds);
- Community (4,400m² floorspace) and recreation facilities;
- Commercial opportunities (2,800m² floorspace).

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend the Parramatta LEP 2023 as set out in the following table:

Table 3 Current and proposed controls

Control	Current	Proposed
Zone	R2 Low Density Residential	R3 Medium Density, R4 High Density, RE1 Public Recreation and C2 Environmental Conservation.
Maximum height of the building	9m	9m, 12m, 14m and 23m
Floor space ratio	05:1	1.1:1
Minimum lot size	700m ²	0
Number of dwellings	0	925
Key sites Map	-	Include that site on the Key Sites Map
Land reservation acquisition map	-	Include land proposed to be zoned RE1 Public Recreation on the Land reservation and acquisition map
Additional local provisions	-	<p>Include additional local provisions to address:</p> <ul style="list-style-type: none"> • The calculation of the floor space ratio • The requirement for a development control plan to be prepared • The inclusion of the design excellence clause for the site
Additional permitted uses	-	Include an additional permitted use clause to facilitate a restaurant, café and medical centre and related uses in the R4 High Density Residential zone within the village square

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

1.4 Site description 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 buildings and access roads associated with Next Sense (formerly the Royal Institute for Deaf and Blind Children). The site has open space areas associated with the previous use of the site as a school campus for children with hearing and sight impairment. The site is located directly opposite North Rocks District Shopping Centre and 5.7km north of Parramatta Train 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 established one and two storey residential areas.

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 2**).



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

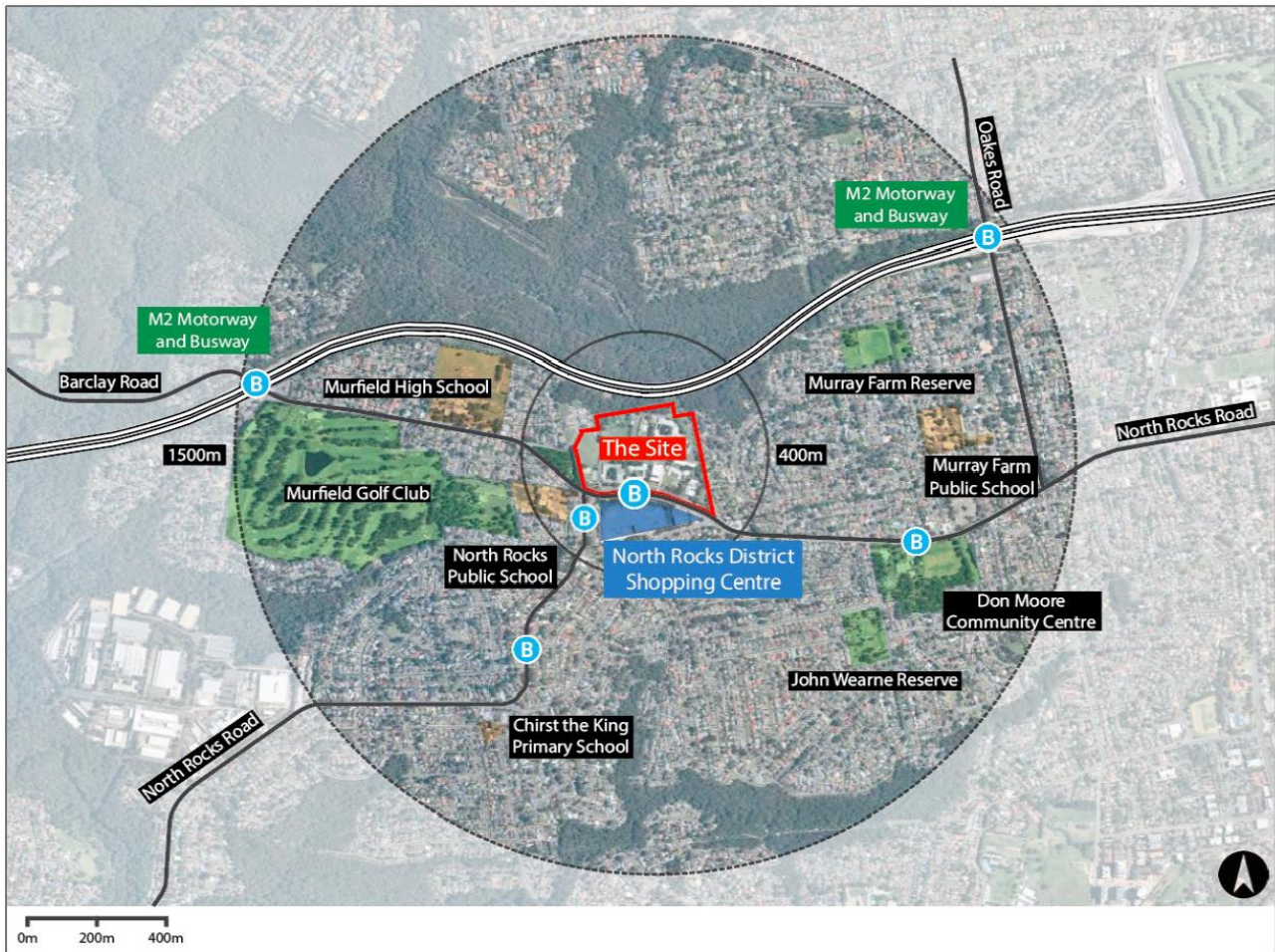


Figure 2 Surrounding areas (Planning Proposal – Nearmap modified by Mecone)

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the Parramatta LEP 2023 maps, which are suitable for community consultation.

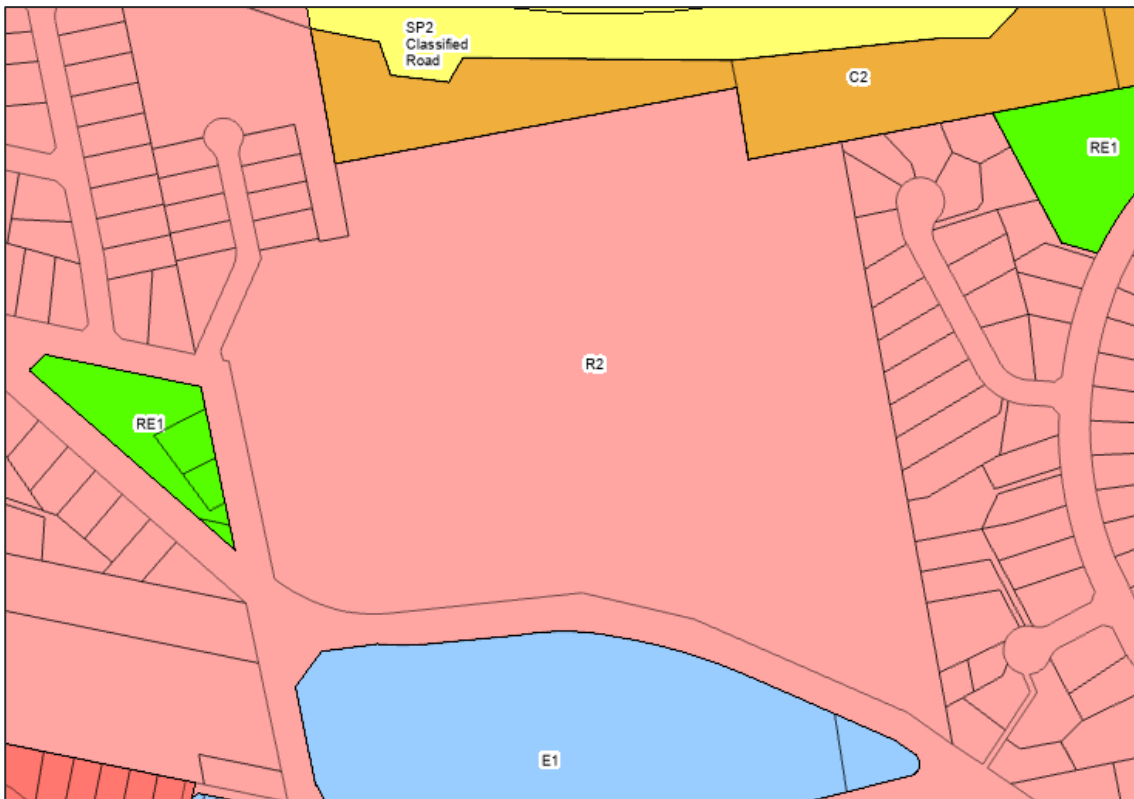


Figure 3 Current Land zoning map (source: Planning portal spatial viewer)

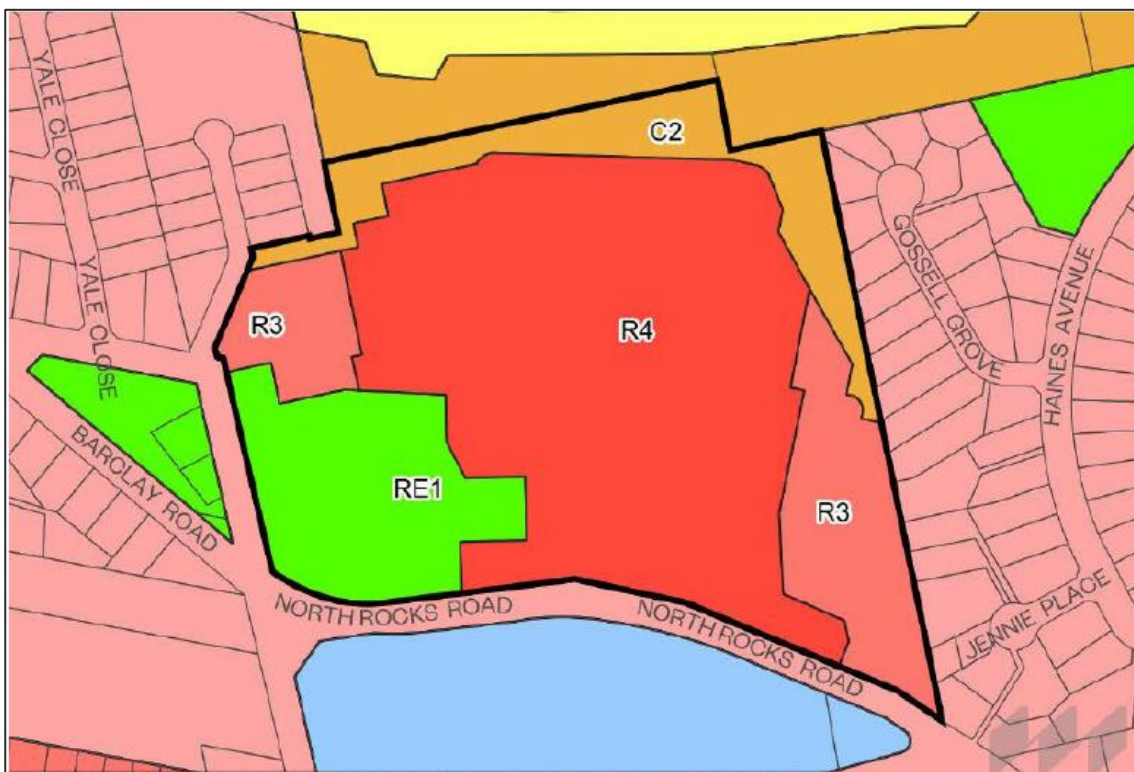


Figure 4 Proposed Land zoning map (source: Planning Proposal – Mecone)



Figure 5 Current height of building map (source: Planning portal spatial viewer)



Figure 6 Proposed height of building map (source: Planning Proposal – Mecone)

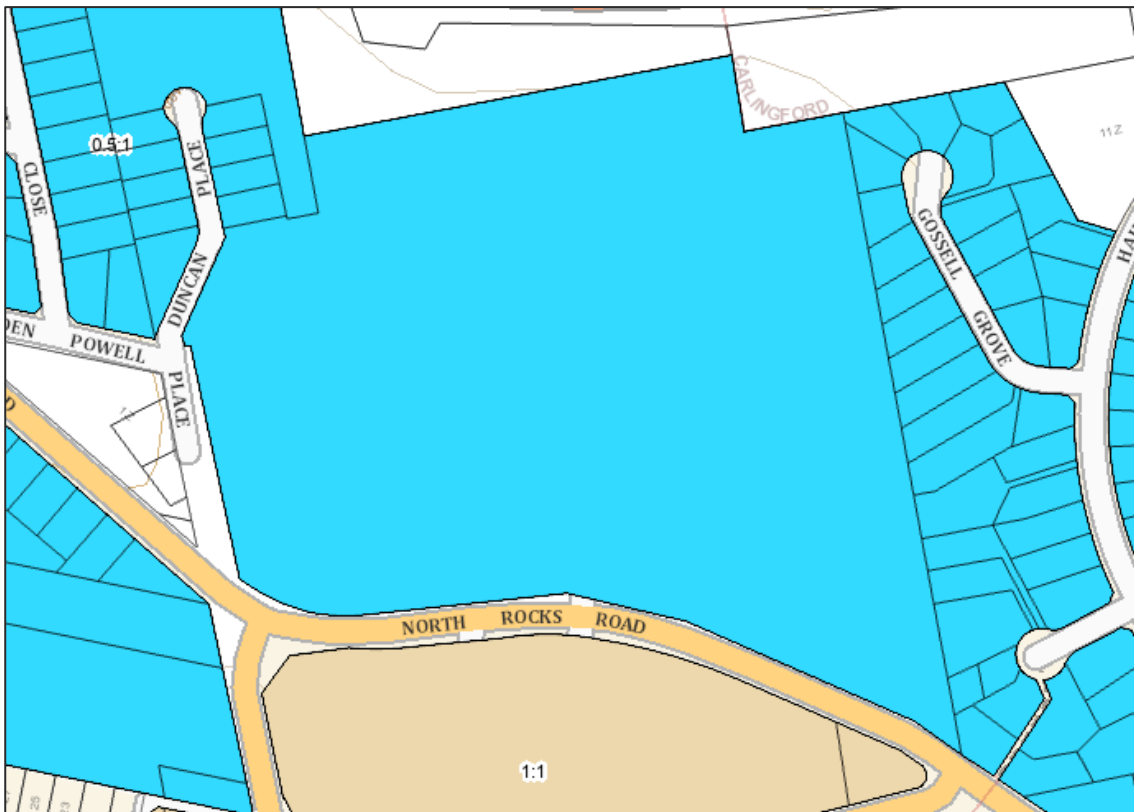


Figure 7 Current floor space ratio map (source: Planning portal spatial viewer)

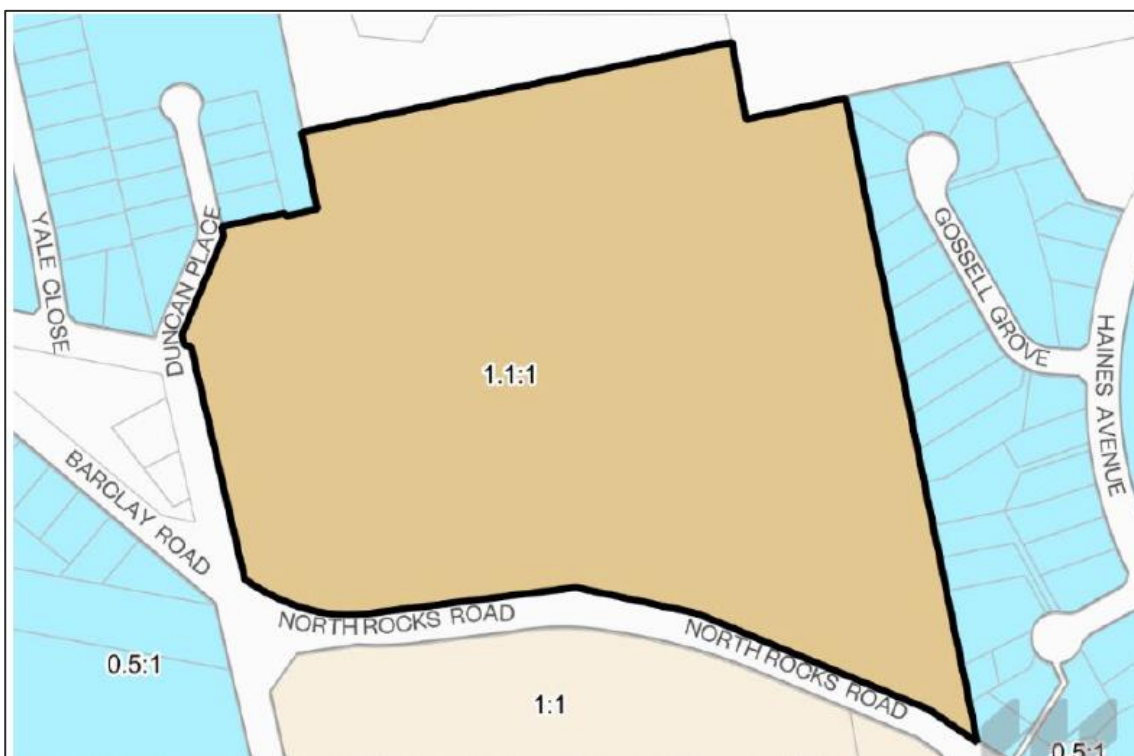


Figure 8 Proposed floor space ratio map (source: Planning Proposal – Mecone)

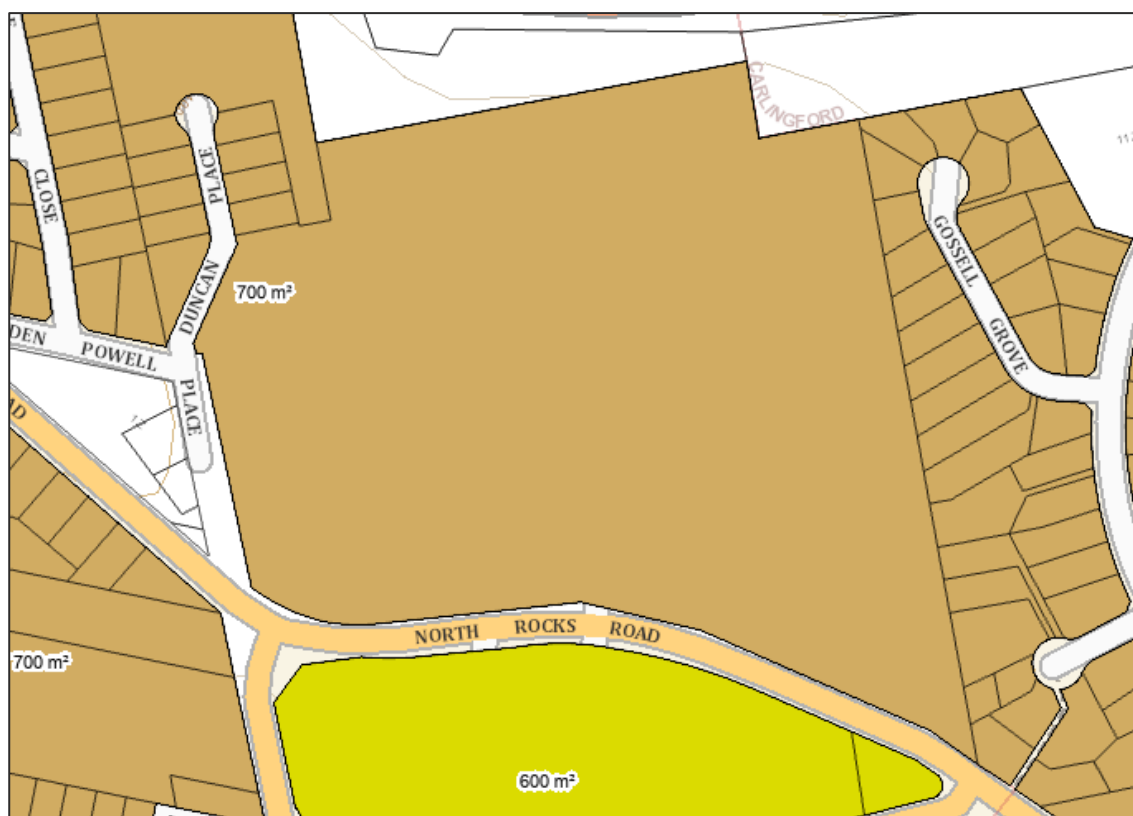


Figure 9 Current minimum lot size map (source: Planning portal spatial viewer)



Figure 10 Proposed minimum lot size map (source: Planning Proposal – Mecone)



Figure 11 Proposed Key Sites Map (source: Planning Proposal – Mecone)

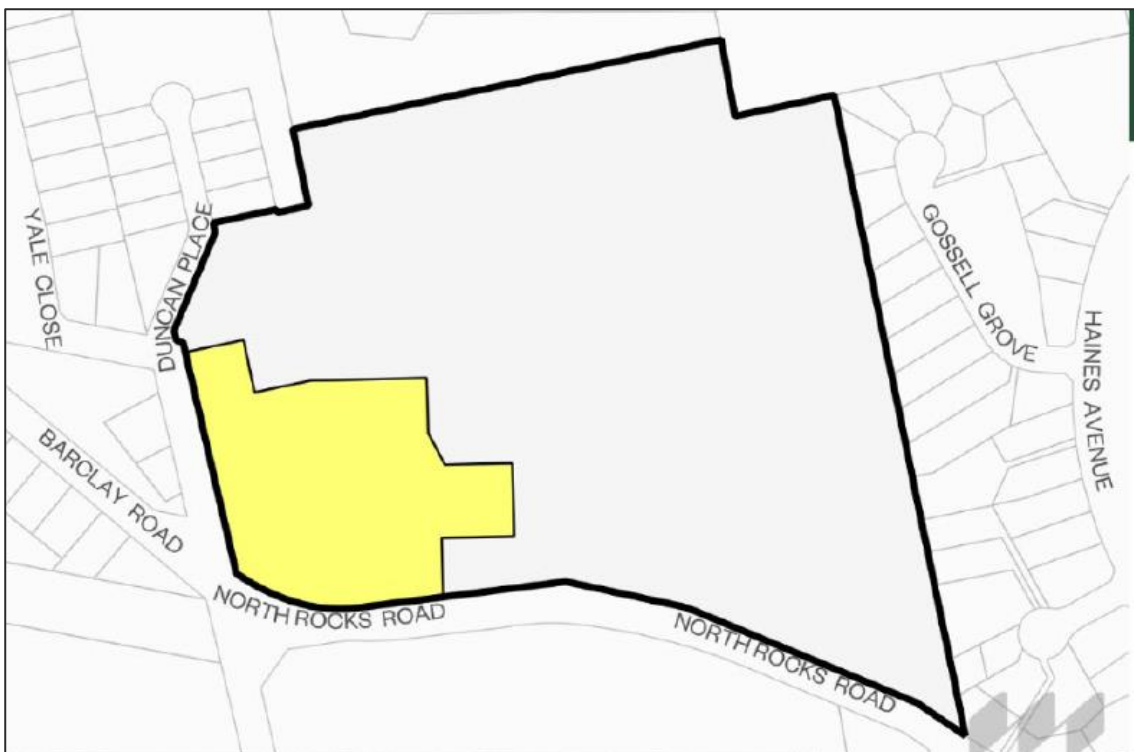


Figure 12 Proposed Land reservation acquisition map (source: Planning Proposal – Mecone)

1.6 Background

The following timeline sets out the background to the proposal:

2 June 2021 – Planning proposal received by City of Parramatta Council.

18 October 2022 – Parramatta Local Planning Panel determined the planning proposal should be reported to the City of Parramatta's Council.

23 November 2022 – Rezoning Review request lodged by proponent.

28 November 2022 – Council resolved to not support the planning proposal.

19 December 2022 – Council responded to rezoning review request received by the Department.

1 May 2023 – The Sydney Central City Planning Panel (the Panel) considered the rezoning review and determined that the planning proposal should not proceed to Gateway.

18 August 2023 – the Minister's delegate wrote to Council noting housing as a strategic priority for NSW and that the Department was seeking to reconvene a panel to reconsider the rezoning review having regard to the capacity of the proposal to deliver housing.

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.

31 October 2023 – The Panel reconvened to consider the planning proposal.

3 November 2023 – The Panel supported the planning proposal progressing to the Department for a Gateway determination, subject to conditions.

22 December 2023 – The proponent provided a response to the Panel's Decision and an updated Urban Design Report.

30 January 2024 – The proponent provided an Affordable Housing Viability Report.

31 January 2024 – The Department's Agile Planning Team requested additional information from the proponent to inform its pre-Gateway report to the Panel.

14 February 2024 – The proponent provided additional information, requested by Department's Agile Planning Team.

19 February 2024 – The proponent provides a Visual Impact Assessment.

13 March 2024 – The Panel determined that the planning proposal should be submitted to the Department for Gateway assessment on the condition that a number of changes stipulated in the attached Record of Decision are made.

16 May 2024 – The proponent provided a revised planning proposal and supporting reports and studies to the Panel.

12 June 2024 – The Department's Agile Planning Team requested additional information from the proponent to ensure strict consistency with the Panel's Record of Decision.

31 July 2024 – The revised planning proposal was submitted for Gateway Determination.

2 Need for the planning proposal

The planning proposal is needed to meet the demands for housing and community facilities in the metropolitan area. The additional 925 proposed dwellings, across numerous housing typologies and ranges of affordability will create a cohesive community that builds on the existing infrastructure in the area.

The proposal supports the Government's policy reforms around the permissibility of low and midrise housing around local centres.

The Sydney Central City Planning Panel has considered this proposal and agreed it has both strategic and site-specific merit.

It is considered the proposal, with minor changes as discussed in this report, is an appropriate means of achieving the intended outcomes.

3 Strategic assessment

3.1 Central City District Plan

The site is within the Central City District and the Greater Sydney Commission released the Central City District Plan District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan as outlined below.

The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following table includes an assessment of the planning proposal against relevant directions and actions.

Table 5 District Plan assessment

District Plan Priorities	Justification
C1 - Planning for a city supported by infrastructure	<p>As detailed in the planning proposal, the site has frontage to North Rocks Road, is adjacent to a local retail centre, school and bus transport. It is also within a walkable distance of Muirfield High school and an M2 express bus service, and other established recreational facilities.</p> <p>The proposal also seeks to provide new recreational and community infrastructure on-site in the form of a new public oval, community facilities, village square and other active/passive recreation spaces.</p>
C3 - Providing services and social infrastructure to meet peoples changing needs	<p>The proposal has the ability to improve the liveability and amenity of North Rocks. It will deliver a diversity of housing types to cater for different life stages, new open space and a multi-purpose community centre, learning hub or library centred around a new civic plaza space.</p>
C4 - Fostering healthy, creative, culturally rich and socially connected communities	<p>The current planning controls relating to the site restrict the creation of a healthy, creative and rich socially connected community.</p> <p>The proposal will facilitate development that can provide a mix of residential living, public spaces and retail opportunity.</p>
C5 - Providing housing supply, choice and affordability, with access to jobs and services and public transport.	<p>The proposal will deliver diverse and affordable housing typologies in an accessible location including one, two, three and four-bedroom dwellings including detached housing, townhouses, and low rise apartments. This includes approximately 130 Independent Living Units and aged care centre and 2% affordable housing.</p> <p>The site is well positioned to provide high quality housing in suitable infill locations to support access to amenity, jobs and services.</p>

District Plan Priorities	Justification
C6 - Creating and renewing great places and local centres, and respecting the District's heritage.	The proposal will improve the civic amenity within North Rocks by providing an oval for sporting activity, new parks, and a village square accessible to the general public. A multi-purpose community centre and neighbourhood library is also proposed.
C9 - Delivering integrated land use and transport planning and a 30-minute city	The site is immediately adjacent existing bus services along North Rocks Road, providing connection with Epping and Parramatta CBD. Further the M2 express bus interchange is within a 10-15 minute walk to the west, which can also be accessed via bus along Barclay Road.
C15 - Protecting and enhancing bushland and biodiversity	The proposal ensures the bushland edge along the northern boundary of the site will also be protected and enhanced.
C16 - Increasing urban tree canopy cover and delivering Green Grid connections	The proposal will retain existing mature trees on the site, where possible, and establish new tree lined streets in the local road network.
C17 - Delivering high quality open space	The proposal will deliver approximately 34% of the site as publicly accessible open space in the form of a village square, full-size oval, local parks and bushland edges. This will not only provide high quality open space for the benefit of on-site residents but will be utilised and accessible for the wider North Rocks population and visitors.
C19 - Reducing carbon emissions and managing energy, water and waste efficiently	The proposal intends to deploy water sensitive urban design throughout the public domain, and implement strategies to manage water demand, reduction, re-use and recycling.
C20 - Adapting to the impacts of urban and natural hazards and climate change	The proposal seeks to reduce urban heating via extensive tree and understory plantings throughout the site. It will also retain significant existing trees tree groupings within proposed open space areas. The proposal plans for 40% canopy coverage across the site.

3.2 Local Strategic Planning Statement

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 6 Local strategic planning assessment

Local Strategies	Justification
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Local Strategic Planning Statement	<p>The City of Parramatta's LSPS identifies North Rocks as a Local Centre. It acknowledges that Local Centres have been changing from a retail focus to a service focus, providing for basic needs and a place for local communities to gather and socialise. The additional open space and community facilities proposed will reinforce the area within the Parramatta centres hierarchy.</p> <p>The LSPS contains actions to encourage a more diverse range of housing, including medium density housing for new growth. This includes provisions for new Housing Diversity Precincts. These precincts need to provide for a mix of housing types, including villas, townhouses, terrace housing, seniors housing and affordable rental housing as well as be predominantly low-rise, two to three storeys.</p> <p>The proposal includes a variety of housing typologies comprising one, two, three and four-bedroom dwellings including detached housing, townhouses, and low-rise apartments. This includes approximately 130 Independent Living Units and aged care centre and 2% affordable housing.</p>
Parramatta 2038 Community Strategic Plan	<p>Parramatta 2038 is a long-term Community Strategic Plan (Plan) for the City of Parramatta. The Plan considers that Parramatta CBD, Westmead, Camellia and Rydalmere will undergo significant change in the next 25 years and considers these areas to be key commercial precincts.</p> <p>The Plan notes that when plans are implemented for improving the city with better parklands, light rail, river pathways, and better motorway connections (M4, M2 and WestConnex), more housing and more jobs will be created in a sustainable way that minimises impacts on existing and future residents.</p> <p>Key strategies identified in the Plan of relevance to the proposal include:</p> <ul style="list-style-type: none"> • Invest in services and facilities for our growing community; • Support people to live active and healthy lives; • Design our city so that it is usable by people of all ages and abilities; and • Provide green spaces for recreation, relaxation and enjoyment. <p>The planning proposal is considered consistent with the strategies and key objectives of the plan by:</p> <ul style="list-style-type: none"> • Delivering significant on-site community infrastructure, including a multi-purpose community facility, neighbourhood library/learning hub, meeting rooms and a publicly accessible civic space; and • Providing a diversity of housing products including seniors housing, as well as a range of dwelling types that cater for singles, couples, families and the elderly and disabled. <p>Furthermore, the proposal will improve local connections by providing a series of through site links, a cycleway link and a potential recreational trail along the M2 Motorway.</p> <p>The proposal will deliver a high-quality master planned development that achieves all the strategic directions stated in Parramatta 2038.</p>

3.3 Local planning panel (LPP) recommendation

The Strategic Planning Panel of the Sydney Central Planning Panel has considered the proposal to develop this site.

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.

On 13 March 2024, the Panel considered a revised planning proposal that included 2 options for development of the site.

On 21 March 2024, the panel determined to:

1. Adopt Option 1 in the proponent's updated planning proposal statement subject to the following amendments.
 - the design excellence provisions be updated to include the site within clause 6.13 of Parramatta LEP 2023 (PLEP), including:
 - removal of the 'up to 10% design excellence floor space bonus' provision;
 - apply to shop-top housing, residential flat buildings, multi-dwelling housing, seniors housing, community facilities and library uses; and
 - require applicable development be assessed by a design review panel and for the consent authority to take into account the advice of the design review panel;
 - The Height of Building Map is to be updated to reflect the Panel's preferred Option 1 as amended which includes:
 - 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;
 - The maximum height of buildings is to be shown in metres rather than storeys;
 - consider an appropriate environmental zoning for the northern bushland interface (subject to further environmental studies);
 - confirm an appropriate mechanism to ensure the public open space is delivered;
 - the explanation of provisions to include a maximum GFA supporting the maximum FSR to ensure the intended development density is clearly identified;
 - the planning proposal is to include documentation (floor plate efficiencies and assumptions to be included) demonstrating that the proposed building envelopes can feasibly accommodate the estimated maximum GFA;
 - 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;
 - to assist the Gateway assessment and community consultation, the urban design report is to include distribution of the different land uses across the site;
 - include a land reservation acquisition map proposing that Council be the nominated acquisition authority in accordance with Clause 5.1 of PLEP;
 - include 2% 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 1 as amended:
 - tree retention, tree canopy and planting requirements; and
 - public domain connections on site and to surrounding land.
- 2. Request the proponent update the planning proposal and supporting reports and studies in accordance with point 1 above and the LEP Making Guidelines (August 2023) and including the following amendments:
 - a planning proposal report (updated to requirements in point 1 above);
 - urban design package, including:
 - details and figures adequately addressing the ADG, including:
 - solar access diagrams;
 - building depth and massing;
 - demonstrate that FSR and heights align with ADG efficiency ratio;
 - building separation; and
 - communal open spaces.
 - landscape masterplan.
 - Updated Visual Impact Assessment;
 - 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.
- 3. The proponent to submit the revised planning proposal and supporting reports and studies to the Panel within 8 weeks.
- 4. The Panel submit the revised planning proposal package for a Gateway determination.
- 5. The Panel may reconvene to consider the planning proposal package following the receipt of a Gateway determination and prior to public exhibition.

The planning proposal has been updated to generally reflect the Panel decision.

3.4 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 7 - 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Consistent	The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans. The planning proposal is consistent with the goals, directions and action contained in the Greater Sydney Region Plan and the Central City District Plan.
1.4 Site Specific Provisions	Consistent	<p>The objective of this Direction is to discourage unnecessarily restrictive site specific planning controls. The planning proposal permits site specific additional uses in the RU4 zone (café and restaurant and medical centre). Additional local provisions addressing design excellence, development control plan and floor space ratio calculations are not considered unnecessarily restrictive.</p> <p>It is considered the planning proposal is consistent with this Direction.</p>
3.1 Conservation Zones	Consistent	<p>The objective of this Direction is to protect and conserve environmentally sensitive areas. Part of the site is proposed to be zoned C2 Environmental Conservation. The proposed C2 zone is along the north boundary of the site (Figure 4) and includes a smaller area that corresponds to the area identified in the Parramatta LEP 2023 as having biodiversity value (as shown on the LEP Natural Resources Map) (Figure 17).</p> <p>It is considered this planning proposal is consistent with this direction.</p> <p>It will be recommended that the planning proposal be amended to remove the conservation zone due to that portion of the site not being identified on the existing biodiversity layer in the Parramatta LEP 2023 (informed by the Biodiversity Values Map prepared by the Department of Climate Change, Energy, the Environment and Water). This section of the site is not considered consistent with the objectives of the C2 zone given the area generally does not exhibit any high ecological, scientific, cultural or aesthetic value.</p> <p>The existing biodiversity layer in the Parramatta LEP 2023 will still apply to part of the site.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
3.7 Public Bushland	Consistent	<p>The objective of this direction is to protect bushland in urban areas, including rehabilitated areas, and ensure the ecological viability of the bushland.</p> <p>Part of the site that has urban bush land is proposed to be zoned C2 Environmental Conservation. This area corresponds to a smaller area identified in the Parramatta LEP 2023 as having biodiversity value.</p> <p>It will be recommended that that the planning proposal be amended to remove the conservation zone due to that portion of the site not being identified on the existing biodiversity layer in the Parramatta LEP 2023 (informed by the Biodiversity Values Map prepared by the Department of Climate Change, Energy, the Environment and Water). This section of the site is not considered consistent with the objectives of the C2 zone given the area generally does not exhibit any high ecological, scientific, cultural or aesthetic value.</p> <p>The existing biodiversity layer in the Parramatta LEP 2023 will still apply to part of the site.</p> <p>The masterplan for the site seeks to minimise impacts to public bushland by avoiding tree removal in existing areas of dense vegetation. Additional tree planting is proposed to complement the existing bushland character. The existing northern bushland will be retained</p> <p>It is considered this planning proposal is consistent with this direction.</p>
4.3 Planning for Bushfire Protection	Unresolved	<p>Part of the site is identified as being bushfire prone. A Bushfire Assessment Report supports this planning proposal. It recommends an Asset Protection Zone and other planning strategies to guide future development on the site.</p> <p>Consistency with this direction remains unresolved until consultation with the NSW Rural Fire Service has been undertaken.</p>
5.1 Integrating Land Use and Transport	Consistent	<p>The objective of this direction is to ensure that urban structures, building forms, land use locations improve access to housing, jobs and services by walking, cycling and public transport.</p> <p>The planning proposal will facilitate this Direction by increasing house supply and diversity, enhancing access to employment and services by providing appropriate walking and cycling opportunities and public transport options.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
5.2 Reserving Land for Public Purposes	Unresolved	<p>This Direction requires that where land is reserved for public recreation purposes, the land is to be outlined and annotated on the Land Reservation Acquisition Map, and the relevant acquisition authority is identified.</p> <p>The planning proposal seeks introduce an RE1 Public Recreation zone with Council identified as the acquisition authority to deliver some of the intended public open space.</p> <p>Consistency with this Direction is unresolved as Council has not given approval to be the acquisition authority. It is intended that this will be resolved through a VPA.</p> <p>The nominated acquisition authority must provide its approval prior to making the LEP in accordance with the Direction and the Act. The Gateway has been conditioned accordingly.</p>
6.1 Residential Zones	Consistent	<p>The objectives of this direction are to encourage a variety and choice of housing types, make efficient use of existing infrastructure and services and minimise the impact of residential development.</p> <p>The Planning Proposal is consistent with this direction as it aims to introduce a range of new housing typologies for the North Rocks area, higher density and community focused living that is cognisant of the existing surrounding residential land.</p>

3.5 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

Table 8 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
State Environmental Planning Policy (Resilience and Hazards) 2021	The aim of this policy is to manage impact to and from coastal management, hazardous and offensive industry, and remediation of land.	Yes	A site investigation report has previously been prepared for the site. It identified some minor soil impacts that could present a contamination risk. The report identified the impacts were not extensive and the site could be remediated prior to development.

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP (Housing) 2021	The aims of this policy is to ensure housing diversify, affordable housing and appropriate designs of residential apartment buildings	Yes	The master plan that supports this proposal includes provisions that can deliver residential buildings that are consistent with SEPP's principles and the Apartment Design Guideline.
SEPP (Biodiversity and Conservation) 2021	Chapter 2 Vegetation in non-rural areas	Yes	<p>The aims of this Chapter are to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.</p> <p>The proposal identifies the development of the site will retain existing trees where possible and establish vegetation buffers to adjoining developed areas. Clearing of land will be less than required for any biodiversity offsets requirements.</p>
State Environmental Planning Policy (Sustainable Buildings) 2022		Yes	<p>An aim of this Policy is to encourage the design and delivery of sustainable buildings.</p> <p>It is considered the proposed urban design of the proposal is consistent with the intent of this SEPP. The future design of the buildings can meet the requirements of the Apartment Design Guide and detailed compliance with this SEPP will be demonstrated at the time of the development application stage.</p>

4 Site-specific assessment

4.1 Proposed Planning Controls

Zoning

The planning proposal seeks to rezone the site from R2 Low Density Residential to part R4 High Density Residential, part R3 Medium Density Residential, part RE1 Public Recreation and part C2 Environmental Conservation (**Figures 3 and 4**). The proposed zones and the relevant land use tables in the Parramatta LEP 2023 are considered appropriate to achieve the North Rocks Village Master Plan. The extent of the proposed C2 zoned land is discussed further below but it is recommended that the planning proposal be altered prior to consultation to reflect a balance of the biodiversity value of the land with the need for bushfire protection, open space requirements and public access to this land.

Minimum lot size

It is proposed to remove the minimum subdivision lot size control (**Figure 9** and **10**). This will enable flexibility for the future subdivision pattern and land uses on the site. An appropriate density for the site will be established through the height of building and floor space area controls proposed for the site. This approach is considered appropriate in this instance.

Height of Buildings

It is proposed to introduce a range and maximum building height controls across the site, including building height areas of 9m, 12m, 14m and 23m high (2 – 6 storeys) (**Figures 5** and **6**). These height controls reflect the built form outcomes expressed in the master plan and the outcomes of the Rezoning Review by the Strategic Planning Panel of the Sydney Central Planning Panel. It ensures there are low scale building heights (2 storeys) along the eastern and western boundaries and a maximum of 3 storeys along North Rocks Road. This responds to the surrounding low scale residential development and the scale of the existing local centre across North Rocks Road. Taller building forms are proposed across the remainder of site and are stepped down to relate to the northwards sloping topography of the site (approximately 17m fall from southern boundary to the northern boundary across the site). These proposed building heights are a maximum of 5 storeys, with potential for an additional 1 storey at the top-level setback, to minimise visual bulk and amenity.

The proposed height controls and their locations take into account visual impacts, sightlines, privacy and potential overshadowing and are considered to result in an appropriate built form scale for the site. The built form on the site will also require compliance with the Government's Apartment Design Guide.

Floor Space Ratio

It is proposed to alter the floor space ratio on the site to 1.1:1 which will equate to a maximum permissible gross floor area of 139,436m². These floor space ratio controls reflect the built form outcomes expressed in the master plan and the outcomes of the Rezoning Review by the Strategic Planning Panel of the Sydney Central Planning Panel and are considered appropriate in this instance (**Figures 7** and **8**).

Additional Local Provisions

It is noted that Table 9 of the planning proposal includes suggested wording for the additional local provisions discussed below. The final drafting of the amending LEP will be undertaken by Parliamentary Counsel and may differ from that proposed by the proponent. It is recommended that the suggested wording of the clauses is removed from the planning proposal. Further explanation of the intent of each individual clause is recommended to be included so that the public and government agencies can understand the intent and impact of the clauses clearly.

Additional Local Provisions – Development on certain land at North Rocks

This new clause is expected to be a new addition to Division 6 Site Specific Provision of the Parramatta LEP 2023. It will identify the subject site on the Key Sites Map (**Figure 11**).

Additional Local Provisions – Calculation of floor space ratio

The proposed additional local provision addressing the calculation of floor space ratio will be a new clause in the Parramatta LEP. In effect, this clause will enable a concept DA to utilise the entire site area (including future public open space) when allocating GFA to development lots, providing certainty to both Council and proponents around future built form outcomes.

Additional Local Provision – Development requiring the preparation of a development control plan

This local provision is proposed to require the preparation of a development control plan for the site. This will provide additional certainty to the community regarding the built form permissible on the site.

Additional Local Provision – Design Excellence

A design excellence clause is currently in the Parrmatta LEP 2023. This proposed additional local provision builds on this clause and is specific to the subject site. The proposed considerations for development included in the suggested clause are considered appropriate for this site.

Schedule 1 – Additional Permitted Uses

An additional permitted use clause is proposed to facilitate a restaurant, café and medical centre and related uses in the R4 High Density Residential zone within the proposed village square area of the master plan. These additional uses are supported and the limitation of gross floor area to 2800m² are considered appropriate in this location.

4.2 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

Flooding

The site is not subject to flooding.

Geotechnical

A Preliminary Geotechnical Assessment supports this proposal. It concludes that site has been assessed to be 'stable' overall but further detailed geotechnical investigation will be required at the development application stage for the proposed buildings, particularly those requiring below ground basements and carparking.

Acoustic

An Acoustic Assessment supports this proposal which investigates the traffic noise levels likely to be experienced at the residential and aged care lots within the development. It identifies that acoustic mitigation design will need to be included in the future development of the project particularly with respect to noise from the M2 Motorway and North Rocks Rd. The primary means for control of noise ingress to internal spaces will be via architectural treatments, expected to include façade and glazing upgrades and alternative ventilation.

Bushfire

The site is located within a highly developed area with urban land adjoining the site to the south, east and west. The land to the north is zoned C2 Environmental conservation and consists of a strip of bushland backing onto the M2 motorway, with a width of 40m-120m. Part of the site is mapped as prone to bushfire (**Figure 13**).

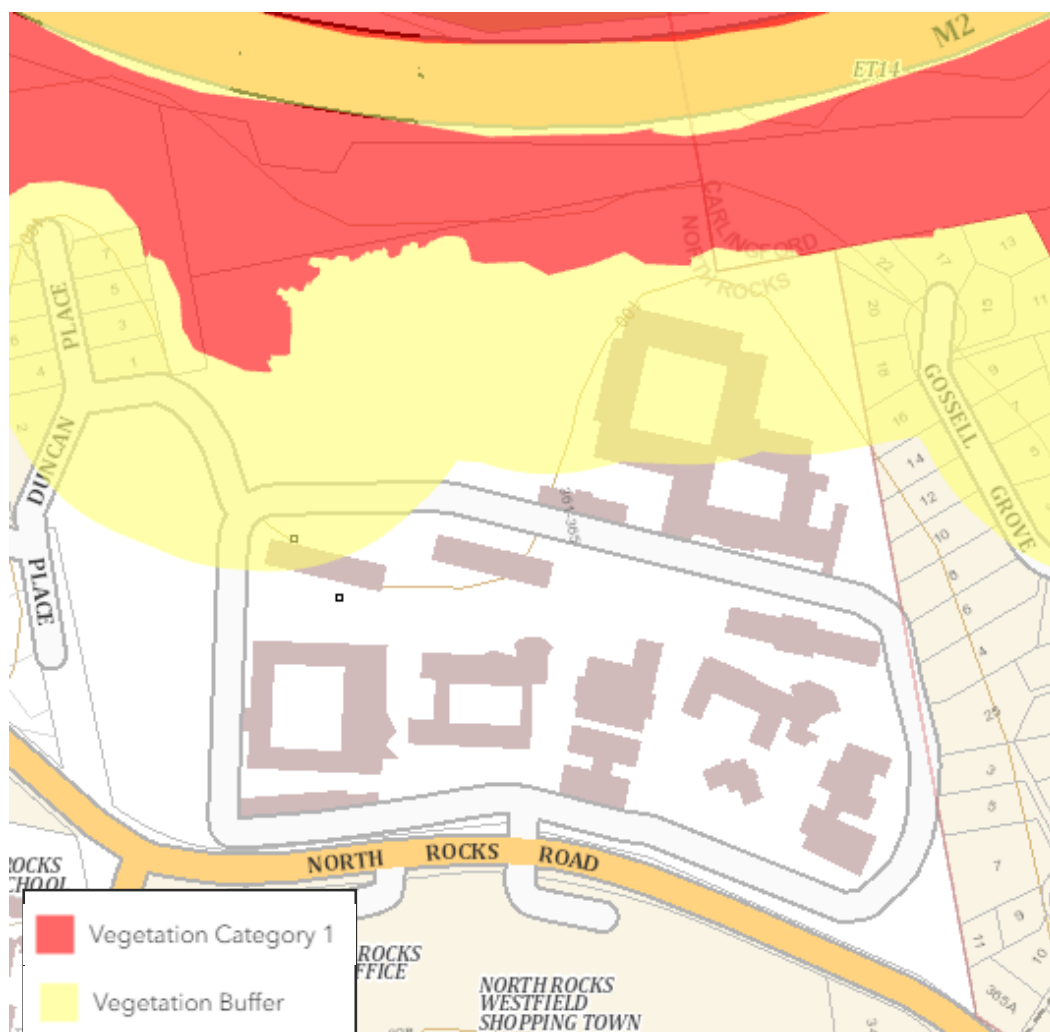


Figure 13 Bushfire Prone Land Map (Source: NSW Planning Portal Spatial Viewer)

The Hills Bushfire Risk Management Plan, which is the most relevant bushfire study that applies to this site, identifies the site as being exposed to a medium bushfire risk with an unlikely chance of bushfire. The bushfire impact and risks are mitigated by the M2 motorway and surrounding urban land.

The supporting Bushfire Protection Assessment concludes that future development on site is capable of providing compliance with the planning principles of Planning for Bush Fire Protection 2019 guide. Asset Protection Zones are proposed along the northern boundary of the site (**Figure 14**).

Consultation with the NSW Rural Fire Service is required to comply with the S9.1 Direction 4.3 Planning for Bushfire Protection and ensure that the bushfire risks associated with the site can be appropriately managed onsite, including the extent of the proposed Asset Protection Zones.

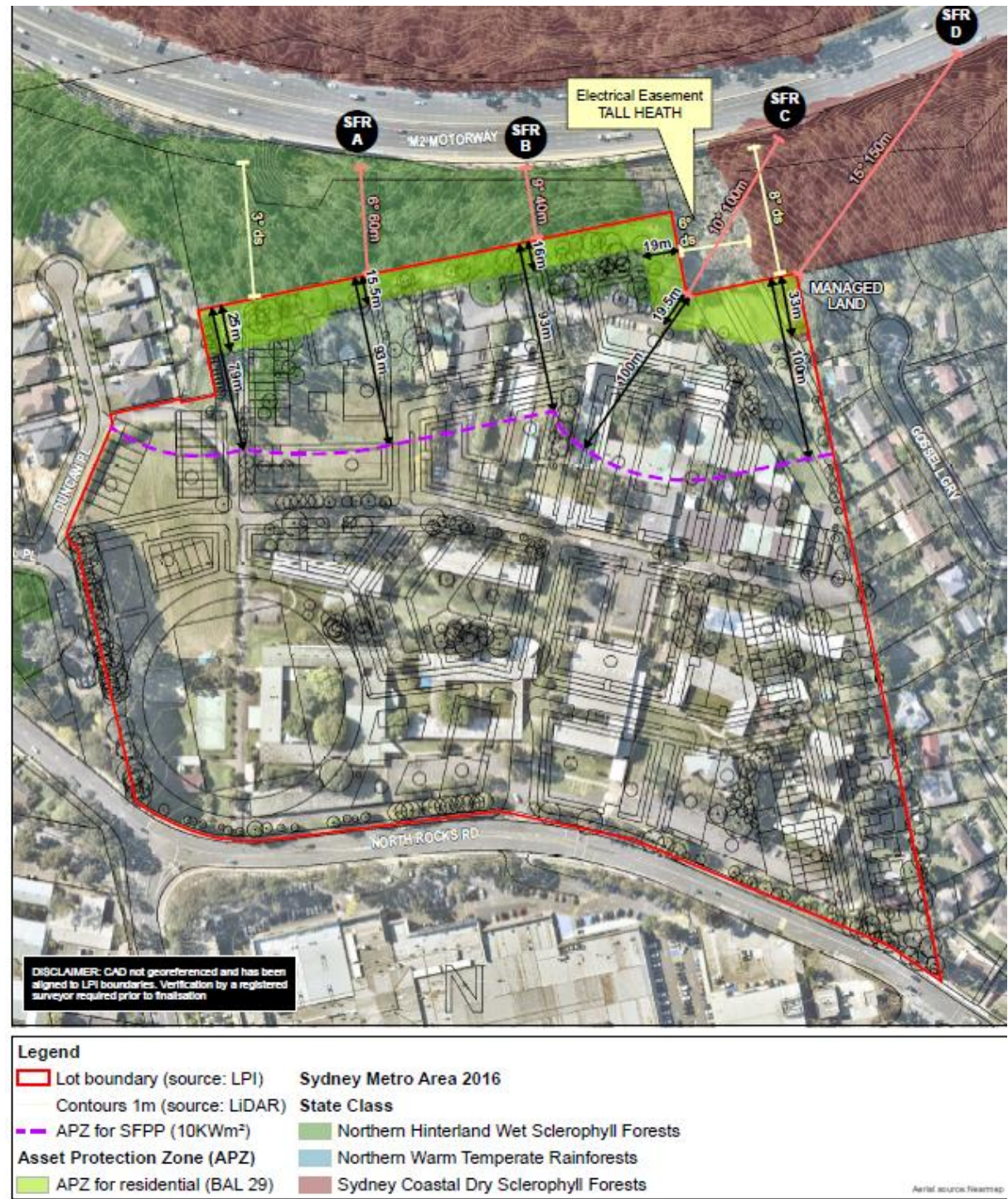


Figure 14 Bushfire Protection Methods (Source: Bushfire Protection Assessment March 2021)

Native vegetation and fauna

The Site

Vegetation on the site includes areas of planted exotic trees and shrubs, exotic native species (i.e. not endemic to this area), planted native vegetation and remnant trees associated with the Smooth-barked Apple - Red Bloodwood - Blackbutt tall open forest in the far north of the property (**Figure 15**).

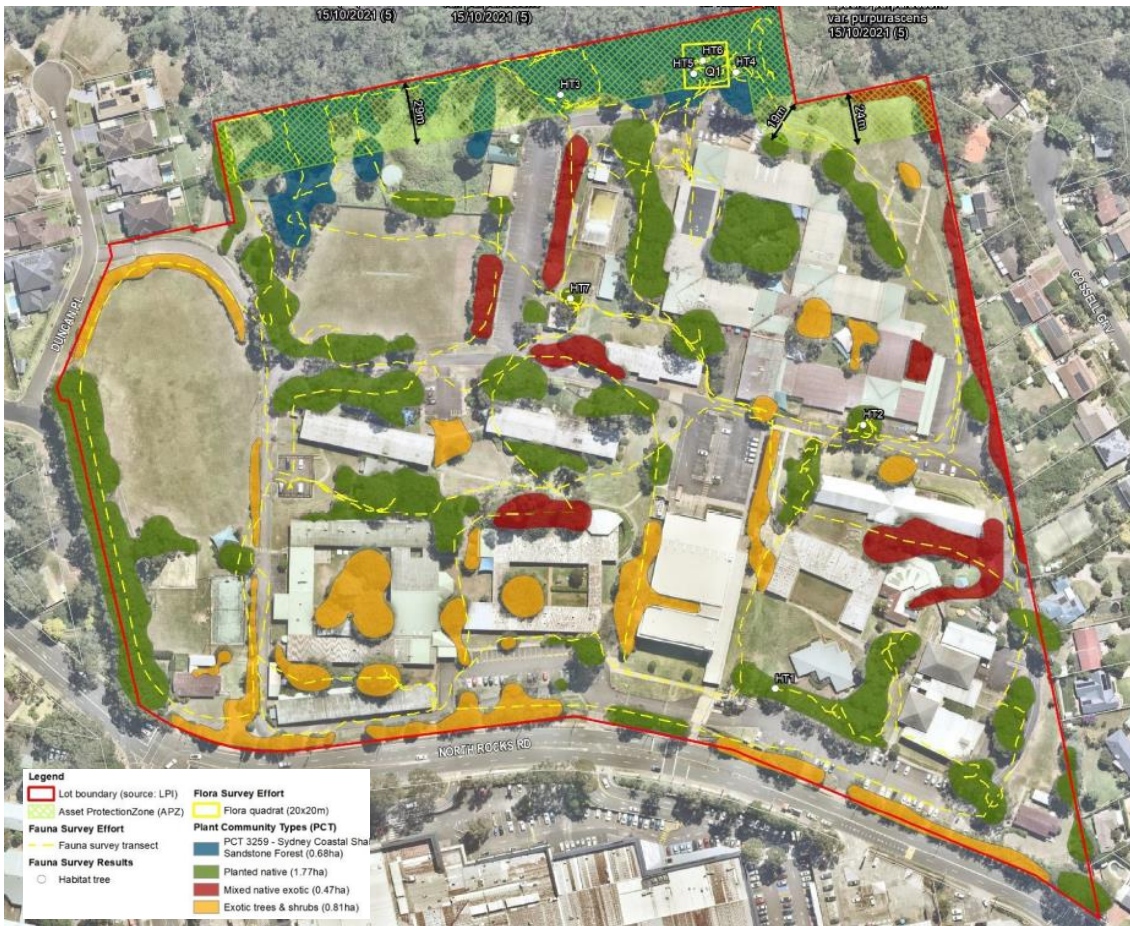


Figure 15 Vegetation on the site (Source: Ecological Assessment Report May 2024)

The Ecological Assessment Report supporting the planning proposal identifies the following:

- The remnant native vegetation in the north of the site is not representative of any threatened ecological community;
- The likelihood of threatened flora on site is considered very low given prior impacts and land use.
- No endangered fauna populations are expected to occur within the subject site due to high levels of previous disturbance and the lack of suitable habitat (Note: habitat trees located in north west corner of the site).
- Any clearing of native vegetation, including planted native vegetation, equal to or above 0.25 ha will require a biodiversity offset to be obtained.

The Department of Climate Change, Energy, the Environment and Water NSW (DCCEEW) (formerly Office of Environment and Heritage (OEH)) Vegetation Mapping of the Sydney Metropolitan Area identifies land on the site as being within the Plant Community Type “Smooth-barked Apple - Red Bloodwood - Blackbutt tall open forest on shale sandstone transition soils in eastern Sydney” (**Figure 16**). It is not identified on the Biodiversity Values Map which identifies land with high biodiversity value, such as native vegetation, threatened species habitat and creek lines, that is particularly sensitive to impacts from development.

Environmental Conservation Zone

The objectives of the C2 zone within the Parrmatta LEP 2023 are:

- The Parramatta LEP 2023 also includes a local biodiversity provision (clause 6.3) at Part 6. The objective is to maintain terrestrial and aquatic biodiversity by:

- A section along the northern boundary of the subject land is mapped on the Natural Resources Map in the LEP (area shaded green in **Figure 17**) and this clause applies to that land.

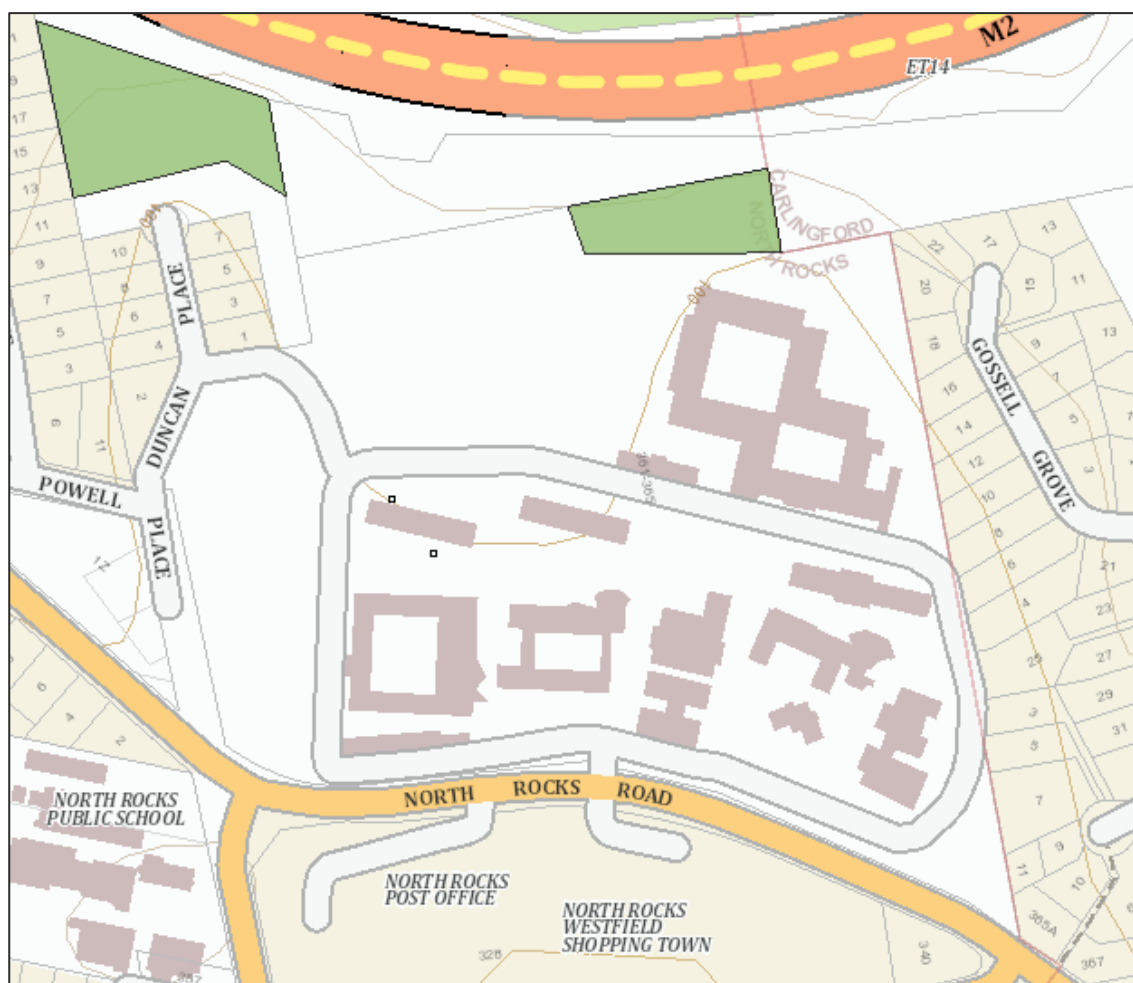


Figure 17 Natural Resources Map (Biodiversity) Parramatta LEP 2023 (Source: NSW Planning Portal Spatial Viewer)

The full extent of the C2 Environmental Conservation zone as proposed is not considered consistent with the objectives of the zone given the area generally does not exhibit any high ecological, scientific, cultural or aesthetic value (as set out in the proposal's supporting Ecological Assessment), apart from those identified under Council's biodiversity clause (also to be determined, addressed in the following section of this report). The proposed C2 zoned land is not identified on the Biodiversity Values Map prepared by DCCEEW.

In addition to the land not being consistent with a C2 zoning, much of the land is identified as forming asset protection zones to satisfy bushfire protection requirements. This will require the management of fuel loads through canopy and limb removal, understory management and mowing of grassland (currently undertaken). Furthermore, the Bushfire Protection Assessment Report submitted with the proposal recommends a new perimeter access way along the northern site boundary (8m wide carriageway) which will link to the internal road network.

Land on the eastern side of the site is also cleared under an electricity transmission line, further inhibiting the ecological value of this land as revegetation efforts would be severely limited.

It is therefore recommended the planning proposal be amended by changing the C2 Environmental Conservation zoned land to either RE1 Public Recreation zone (subject to consultation with Council) or RE2 Private Recreation zone, with a mechanism for public access. A condition to this effect is included in the Gateway Determination.

Removal of Biodiversity overlay

Post lodgement correspondence from the proponent, dated 13 September 2024, also seeks the removal of the Natural Resources Mapping from the subject site and the associated application of the local biodiversity clause. The proponent's letter states that they have requested Council look at this matter as part of an upcoming amendment to the LEP (draft Parramatta Harmonisation Supplementary Matters and Housekeeping Planning Proposal). However, Council have recommended that the Department review this as part of this Planning Proposal. The Department has confirmed this approach with Council officers. In this regard, it is considered that consultation is required with DCCEEW on this matter as Council have advised that their Natural Resources Mapping is based on DCCEEW mapping from circa 2019 (formerly OEH mapping).

This consultation with DCCEEW is included as condition on the Gateway Determination and is to be carried out during the exhibition phase. The purpose of the consultation is to confirm the validity/ currency of the relied upon biodiversity mapping and whether or not the site is representative of any threatened ecological community or high biodiversity values that are particularly sensitive to impacts from development.

DCCEEW is to confirm whether the existing area of the site identified on the Natural Resources mapping in the Parramatta LEP 2023 is appropriate following consideration of the biodiversity values of that portion of the site.

Following consideration of the consultation outcomes with DCCEEW and the RFS (as discussed in earlier sections), further consultation with Council is to be undertaken regarding mechanisms for dedication of the land on the northern boundary (current C2 zoned land) and securing public access in perpetuity.

4.3 Social and economic

The planning proposal is supported by a Community Needs and Social Impact Assessment. The assessment concludes the planning proposal is expected to contribute to the community through diversifying housing choice, supporting ageing in place and providing economic and employment opportunities. The planning proposal also seeks to create a sustainable urban residential village which can contribute to meeting the recreational and community infrastructure needs of the incoming population and broader North Rocks community.

Community Facilities

Once developed fully it is expected this proposal will accommodate an additional 2,196 people. The proposed 2,700m² Community Hub includes a neighbourhood library and multi-purpose community space to contribute to meeting demand for library services in North Rocks.

Schools and Childcare

Four government schools are located within 2km of the site. Consultation is recommended with the Department of Education (Schools Infrastructure NSW) to ensure these schools have capacity and adequate school planning in place to cater for the increased number of students.

In addition, the proposal is likely to generate demand for an additional 62 long day care places and 63 out of hours school care places. The provision of 2,800m² of additional retail/commercial floor space provides an opportunity for the inclusion of a larger childcare centre on site.

Open Space and Recreation

The proposal includes approximately 4.3 ha (34% of the total site area) of public open space which includes a full sized playing field, community garden and other parks. The inclusion of the sports field will also contribute to meeting the need for sporting facilities in the LGA.

Housing Diversity and Affordability

The development of this site in accordance with the planning proposal will play a significant role in providing a broad range of housing choice in North Rocks including delivery of 560 low-rise apartments, 225 townhouses and 10 detached dwellings. 16 affordable housing units are included in these totals (2%). Additionally, the proposal is set to include 130 independent living units and a 100 bed aged care facility.

Construction and Operational Impact

The planning proposal indicates up to 279 jobs will be created, (116 direct jobs and 163 indirect jobs) during the 14-year construction phase of the proposal and up to 295 jobs (211 direct jobs and 84 indirect jobs) post-construction jobs within the proposed library, commercial facilities and the Retirement and Aged Care facility

The proposal includes a total of 2,800m² of commercial floorspace, which is expected to accommodate café and restaurant floorspace adjacent to the proposed village square, and medical related uses, child-care and ancillary office or administration uses.

Indigenous Heritage

A Due Diligence Aboriginal Archaeological Assessment has been prepared to support this proposal. It concludes that due to the proximity to water and major water tributaries, such as Lake Parramatta and Darling Mills Creek, it is likely that the site may hold information regarding cultural activities of the area. The Assessment recommends that further archaeological and cultural assessment is necessary at the DA stage.

Traffic and Transport

An Integrated Traffic and Transport Assessment (2021) and 'Addendum letter' has been prepared to support this planning proposal. The addendum letter addresses the changes to the master plan required by the Panel following their consideration of the proposal in March 2024. Generally, the changes required by the Panel reduce the transport impacts of the proposed development including trip generation, parking requirements and impacts on the surrounding road network.

The proposal includes three vehicular access points.

1. Main Access - North Rocks Road, opposite the North Rocks District Shopping Centre is a proposed signalised intersection and involves the realignment of the current site access with the eastern shopping centre. This proposed four-way intersection arrangement has the potential to improve capacity for safe pedestrian movement between the two sites.
2. Secondary Site Egress - North Rocks Road is proposed as a left-out only from the site to North Rocks Road.
3. Secondary Site Access - Baden Powell Place is proposed as an entry-only to the site and an extension of the existing road.

Future trip generation was modelled in the 2021 Integrated Traffic and Transport Assessment and subsequently for the 2024 masterplan. It concluded there would be an additional 359 vehicle trips during the morning peak and 355 additional vehicle trips in the afternoon peak generated from this site. There would also be additional bus trips (147 in the morning and 145 in the afternoon) and train trips (34 in the morning and 35 in the evening) generated by this proposed development and in the order of 1,700 car parking spaces would be required to cater for the residential development, aged care facility, community and retail uses and open space area.

It is considered that the traffic generated by the proposal will not have significant adverse impacts on the local road network near the site, nor on the wider arterial road network. However, consultation with Transport for NSW is required to confirm the anticipated traffic generation is accurate and proposed intersection upgrades are appropriate in this instance.

4.4 Infrastructure

The planning proposal is supported by Hydraulic and Electrical Infrastructure Service Reports. The reports determine that servicing of the site is feasible based on the existing service and utilities present.

Water

An existing water main located within North Rocks Road will have sufficient capacity to service the proposed development. A network of water mains will be extended from this main and provided in the development as per Sydney Water requirements.

Sewer

There is an existing sewer connection main located north-east of the site. Consultation with Sydney Water is required regarding the capacity of the existing sewer main to service the proposed development, and is included as a Gateway Condition.

Natural Gas

The development has access to several Jemena gas mains. An application to Jemena will be required to confirm a connection is possible.

Electricity

Electrical supply upgrades will be undertaken where needed.

Telecommunications

NBN is available in the area.

Further investigations at the DA stage will need to be undertaken to determine whether any upgrade of existing facilities is required.

5 Consultation

5.1 Community

The planning proposal is categorised as a complex under the LEP Making Guidelines (September 2022). Accordingly, a community consultation period of 30 working days is recommended and this forms part of the conditions to the Gateway determination.

5.2 Agencies

It is recommended the following agencies be consulted on the planning proposal and given 30 working days to comment:

- NSW Rural Fire Service
- Biodiversity, Conservation and Science Division of DCCEEW
- Transport for NSW
- Department of Education (Schools Infrastructure NSW)
- Sydney Water

6 Timeframe

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a complex.

The Department recommends an LEP completion date of 9 October 2025 in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

It is recommended that if the gateway is supported it is accompanied by guidance for Council in relation to meeting key milestone dates to ensure the LEP is completed within the benchmark timeframes.

7 Local plan-making authority

The Sydney Central City Planning Panel has not requested delegation to be the Local Plan-Making authority.

In this instance it is considered appropriate that the Department retain the Local Plan Making Authority role.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- The proposed redevelopment of the site has been determined to have site specific merit and strategic merit.
- The development of the site in accordance with the proposed master plan and conditions of the Gateway Determination will improve the supply and diversity of housing within the North Rocks area.
- The provision of 34% of the site for public open space including a sporting oval and other civic infrastructure will benefit the community.
- It will increase residential development within a walkable distance to shops, services and transport connections at the North Rocks Shopping Centre.

Based on the assessment outlined in this report, the proposal must be updated before consultation to:

- Change the C2 Environmental Conservation zoned land to either RE1 Public Recreation zone (subject to consultation with Council) or RE2 Private Recreation zone, with a mechanism for public access.
- Remove the suggested wording of the proposed additional local clauses and replace with further explanation of the intent of each individual clause.

9 Recommendation

It is recommended the delegate of the Secretary note that the consistency with section 9.1 Directions 4.3 Planning for Bushfire Protection is unresolved and will require justification.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to conditions.

The following conditions are recommended to be included on the Gateway determination:

1. The planning proposal is to be updated to:
 - change the C2 Environmental Conservation zoned land to either RE1 Public Recreation zone (subject to consultation with City of Parramatta Council) or RE2 Private Recreation zone, with a mechanism for public access.
 - Remove the suggested wording of the proposed additional local clauses and replace with further explanation of the intent of each individual clause.
2. During the exhibition phase:

- Consult with the Department of Climate Change, Energy, the Environment and Water (DCCEEW) to confirm whether the existing area of the site identified on the Natural Resources mapping in the Parramatta LEP 2023 is appropriate following consideration of the biodiversity values of that portion of the site.
 - Consult with the NSW Rural Fire Service (RFS) regarding the appropriateness of the proposed Asset Protection Zones.
3. Prior to finalisation:
- Following consideration of the consultation outcomes with DCCEEW and the RFS, further consultation with Council is to be undertaken regarding mechanisms for dedication of the land adjoining the northern boundary (previously proposed C2 zoned land) and securing public access in perpetuity.
 - Approval must be provided by any nominated acquisition authority for land reserved for a public purpose in accordance with Ministerial Direction 5.2 Reserving Land for Public Purposes.
 - The planning proposal and mapping should be updated as required.
4. Consultation is required with the following public authorities and government agencies:
- NSW Rural Fire Service (RFS)
 - Biodiversity, Conservation and Science Division of the Department of Climate Change, Energy, the Environment and Water (DCCEEW)
 - Transport for NSW (TfNSW)
 - Department of Education (Schools Infrastructure NSW)
 - Sydney Water
 - City of Parramatta Council
5. The planning proposal should be made available for community consultation for a minimum of 30 working days.

The timeframe for the LEP to be completed is on or before 9 October 2025



30 September 2024

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1 October 2024

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