

Planning and Assessment

IRF19/6839

Gateway determination report

LGA	City of Parramatta
PPA	City of Parramatta Council
NAME	East Epping Heritage Interface (0 homes, 0 jobs)
NUMBER	PP_2019_COPAR_015_00
LEP TO BE AMENDED	Hornsby Local Environmental Plan 2013
ADDRESS	21-29 Essex Street, 23-23A Pembroke Street, 2-24 Rockleigh Way and 3-8 Brenda Way, Epping
DESCRIPTION	Lot 1-19 DP285338, Lot 2-6 DP 10511 and Lot 1 and 2 DP209032
RECEIVED	15/10/2019
FILE NO.	IRF19/6839
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. INTRODUCTION

1.1 Description of planning proposal

The proposal aims to soften the transition between the East Epping Heritage Conservation Area and land zoned for higher density residential development on Essex Street.

The proposal seeks to amend the development standards for land at 21-29 Essex Street, 23-23A Pembroke Street, 2-24 Rockleigh Way and 3-8 Brenda Way, Epping under the Hornsby Local Environmental Plan (LEP) 2013. It will rezone part of the site from R4 High Density Residential to R3 Medium Density Residential and a small portion is also proposed to be rezoned from R3 Medium Density Residential to R4 High Density Residential.

The proposal seeks to allow for three-storey apartments along the southern portion of East Epping Heritage Conservation Area (HCA). It also aims to apply a zone more reflective of the character of the area in Rockleigh Park as this will also assist in transitioning to the HCA on Norfolk Road.

The proposal is in response to the Epping Review Discussion Paper and the Epping Town Centre (East) Heritage Review (June 2017).

1.2 Site description

The site comprises 26 lots across two areas; Rockleigh Park Precinct (to the north) and Essex Street Precinct (to the south) shown in Figure 1 (next page).

Rockleigh Park Precinct consists of a cul-de-sac community (Rockleigh Park) which contains 18 small lots of detached two-storey dwellings. The site is approximately 5,200m² and includes 12-24 Rockleigh Way, 3-7 and 4-8 Brenda Way and a community title road parcel known as 5A Essex Street.

The Essex Street precinct consists of several single-storey detached dwellings on large lots which are zoned to permit five-storey residential apartments or medium density housing. There are 7 lots comprising approximately 6,900m², being 21-29 Essex Street and 23-23A Pembroke Street.



Figure 1: Site (red outline) map (source: nearmaps).

1.3 Existing planning controls

Under the Hornsby LEP 2013 the following development standards apply to the site (refer to Figure 2 next page):

- For land within the Rockleigh Park Precinct (i.e. 2-24 Rockleigh Park, 3-7 and 4-8 Brenda Way):
 - zoned R4 High Density Residential;
 - a maximum height of buildings of 17.5m;
 - no FSR is mapped; and
 - no minimum lot size is mapped.
- For land within the Essex Street Precinct (5A and 21-29 Essex Street, and 23-23A Pembroke Street):
 - zoned R3 Medium Density Residential;
 - a maximum building height of 17.5m;
 - no FSR is mapped; and
 - no minimum lot size is mapped.

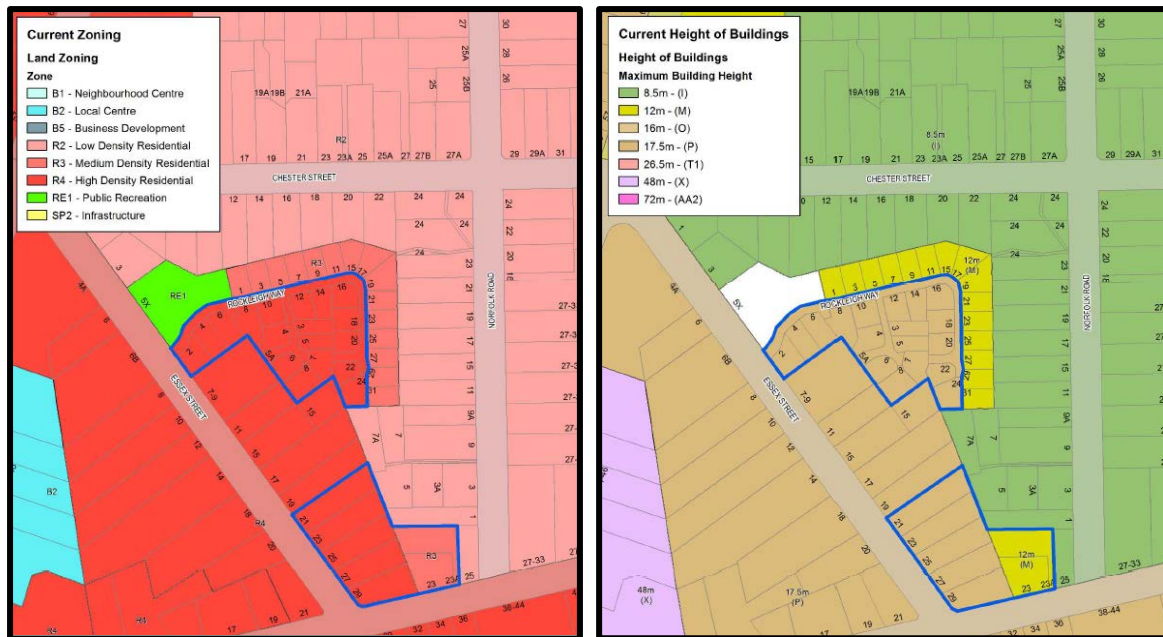


Figure 2: Existing zoning (left) and maximum building height (right), site bound in blue (source: planning proposal).

1.4 Surrounding area

The site is between 400m and 600m from Epping Town Centre and Epping Station (Figure 3). Epping Town Centre has a variety of shops, restaurants and services. Adjoining the site to the west is a recent development in accordance with the high density residential zoning. The site is surrounded by single dwellings and the Epping Public School. Older apartment buildings run along the western side of Essex Street and further west is the commercial core of the Epping Town Centre.

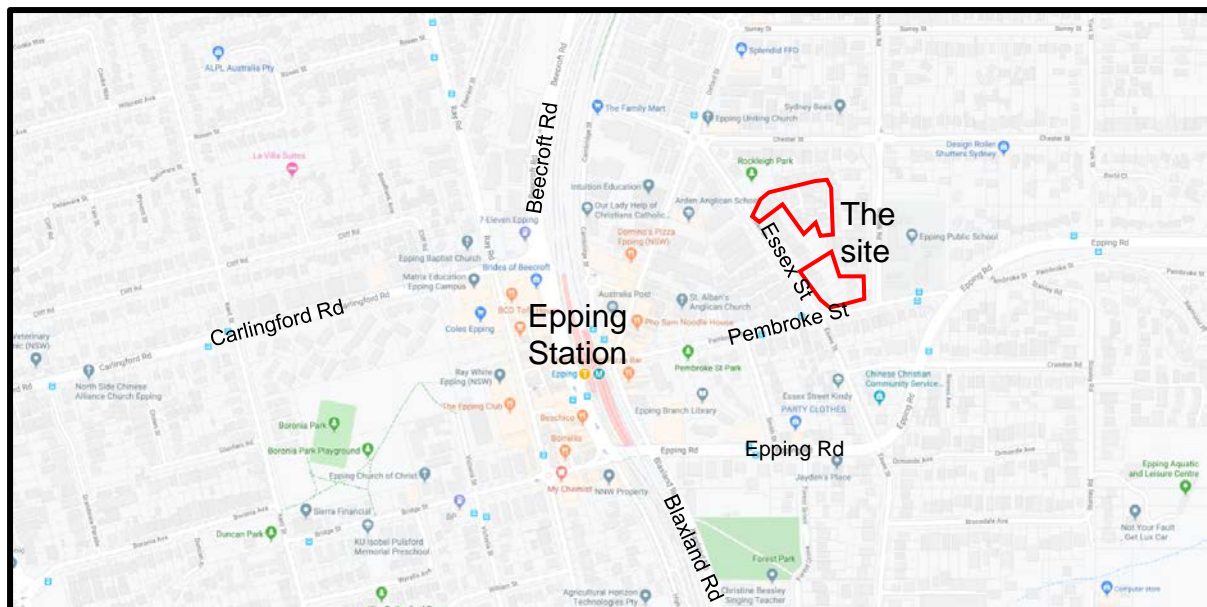


Figure 3: Site (red outline) and surrounding area map (source: googlemaps).

To the north and east of the site is the East Epping HCA, shown in Figure 4. The conservation area also includes a number of identified items of local heritage significance including the Epping Public School. Between the Rockleigh Park Precinct and the HCA is an existing buffer of land zoned for medium density residential development. The land is currently single dwellings.



Figure 4: East Epping Heritage conservation area and heritage items, with site shown bound in blue (source: planning proposal).



Figure 5: Extract of Structure Plan for Greater Sydney (source: Greater Sydney Region Plan 2018).

Epping is situated approximately 10km north-east of Parramatta. Epping is identified as a Strategic Centre in the Central City District Plan (Figure 5 previous page). Epping Station is at the juncture of two lines. The Northern Line has regular services to Hornsby to the north and Strathfield and Sydney City to the south and south-east. Sydney Metro North-west has regular services to the Hills in the west and Chatswood to the east. Macquarie Park, a key employment and education area, is 6 minutes from Epping by Metro.

1.5 Background

On 15 October 2012 the NSW Government endorsed Epping Town Centre as an Urban Activation Precinct signifying the strategic role of Epping as a centre for transit orientated development. In 2014, Epping Town Centre controls came into effect, increasing residential density in the town centre. A significant number of developments have since occurred, including on the fringe of heritage areas, with poor transition to lower density residential development.

In response to this, and the positioning of Epping fully within City of Parramatta LGA after the amalgamation of LGA boundaries in 2016, the Epping Planning Review was undertaken. Stage 1 included the commissioning of the Epping Town Centre (East) Heritage Review (City Plan 2017) (**Attachment F**). The Review found that residents in heritage conservation areas bordering high density development had concerns relating to privacy, economic and amenity impacts associated with overlooking high density development.

1.6 Summary of recommendation

The planning proposal seeks to balance amenity impacts arising from existing, and potential, poor transitions from development to adjoining single dwellings of heritage significance, while maintaining local character. The proposal has site specific and strategic merit and responds to the recommendations of the Epping Town Centre (East) Heritage Review. The proposal is recommended to proceed subject to the proposed conditions of Gateway determination.

2. PROPOSAL

2.1 Objectives or intended outcomes

The objective of the proposal is to enable a more consistent and appropriate built form transition between land zoned for high density development and the East Epping Heritage Conservation Area. This involves changes in planning controls to properties along Essex Street, Pembroke Street, Brenda Way and Rockleigh Way.

2.2 Explanation of provisions

The planning proposal seeks to amend three map sheets within the Hornsby LEP 2013. The amendments were supported by City of Parramatta Council on the 8 October 2019 Council Meeting. It is noted that as the site is within the City of Parramatta LGA, City of Parramatta Council is able to be the plan making authority, regardless of the LEP presiding over that land.

The proposal will amend the Hornsby Local Environmental Plan (LEP) 2013 as follows:

- For land within the Rockleigh Park Precinct in the north (i.e. 2-24 Rockleigh Park, 3-7 and 4-8 Brenda Way):
 - rezone the land from R4 High Density Residential to R3 Medium Density Residential (Figure 6);
 - reduce the maximum building height from 17.5m to 9m (Figure 7); and
 - apply a maximum FSR of 0.6:1, where no FSR is currently mapped (Figure 8).
- For land within the Essex Street Precinct in the south (i.e. 5A and 21-29 Essex Street, and 23-23A Pembroke Street):
 - rezone land from R3 Medium Density Residential to R4 High Density Residential (Figure 6);
 - reduce the maximum building height from 12m and 17.5m to 11m (Figure 7); and
 - apply a maximum FSR of 0.8:1, where no FSR is currently mapped (Figure 8).



Figure 6: Existing zoning (left) and proposed zoning (right) (source: planning proposal).



Figure 7: Existing maximum building height (left) and proposed (right) (source: planning proposal).

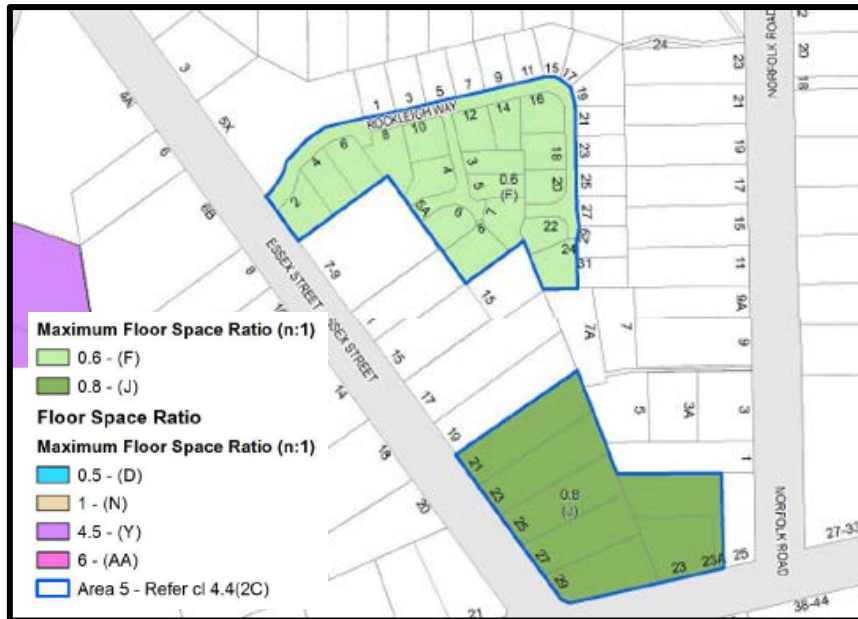


Figure 8: Proposed maximum floor space ratio (source: planning proposal).

Rockleigh Park Precinct

The Epping Town Centre Review recommended rezoning the Rockleigh Park Precinct from R4 zone to R3 zone and reducing the maximum height from 17.5m to 12m. The purpose of the recommendation is to facilitate a transition between the density and conservation area, and to provide consistent controls for the precinct to support the local character. At the Council meeting of 14 August 2017, the recommended zoning change was adopted, and further design analysis regarding the building heights was requested.

On 9 July 2018, Council adopted the officer's recommendation of 9m instead of 12m to disincentivise residential flat buildings which are permissible in the R3 zone. However, three-storey multi-unit dwellings and other medium density housing types are encouraged and support housing diversity in the Epping area and enables the transitional role of the precinct.

In order to achieve the proposal's objective of consistency throughout the precinct, it is recommended that Council reduce the height on the precinct's edge to 9m (area shown on Figure 9 next page) as intended in the new Parramatta LEP. It is considered that a consistent approach for R3 zoned land including for the Rockleigh Park Precinct supports the local character and provides a transition to the surrounding HCA.

However, the proposal will not resolve the interface between higher density along Essex Street and the precinct. It is considered that any further change to soften this would jeopardise the existing and future character of precinct. The land is also unlikely to be redeveloped under the existing standards due to access and lot configuration issues. Therefore, it is considered that the benefits of the proposal's approach to the precinct outweigh any negative consequences concerning this interface.



Figure 9: Area recommended for 12m to 9m max height, in red (source: planning proposal)

Essex Street Precinct

The Review also recommended the removal of land outside the site from the East Epping HCA and rezoning a portion of land from R4 High Density Residential to R3 Medium Density Residential. At the Council meeting on 8 October 2019, Council recommended retaining the extent of the East Epping HCA, rezoning part of the site (i.e. 23 and 23A Pembroke Street) from R3 to R4, and that no further medium density zoning be sought in this area.

This provides a solution to the transition between density and heritage through changes to the FSR and building height. Rezoning the site will give consistency with the neighbouring R4 zone and enable development of three-storey residential flat buildings.

Retaining the R2 Low Density Residential zoning for the adjoining land to the west of the site will support the transitional role of these properties. The interface with density along Essex Street will be reduced due to a decrease in the building height of the R4 zone for the site. However, there is a considerable buffer zone at the rear of these properties, and Council have indicated that any further density increase would be unlikely due to the shape and position of the lots. Furthermore, softening this interface is not a direct intention of this planning proposal as it only relates to heritage interfaces.

Relation to other planning proposals in response to the Epping Town Centre (East) Heritage Review

A planning proposal addressing heritage interface issues in the Rosebank Avenue Heritage Conservation Area has been assessed concurrently with this proposal (PP_2019_COPAR_014_00). Both heritage interface related planning proposals in Epping apply consistent approaches by seeking three storey development at the heritage interface with a modest FSR. The proposals both respond to the Heritage Review and are recommended to be exhibited concurrently.

2.3 Mapping

The proposal involves amending three maps in the Hornsby LEP 2013, shown in Figures 6-8:

- Land Zoning Map (Sheet LNZ_011);
- Height of Buildings Map (Sheet HOB_011); and
- Floor Space Ratio Map (Sheet FSR_011).

The proposal includes adequate mapping to demonstrate the intended amendments for public exhibition.

3. NEED FOR THE PLANNING PROPOSAL

As noted previously, the Epping Town Centre (East) Heritage Review (June 2017) has been prepared as part of the Epping Town Centre Review. The Review included consultation with property owners in areas of transition between density and heritage conservation. Landowners noted issues including privacy and amenity concerns and financial impacts. The Review provided a number of recommendations across Epping where transition needed to be addressed. This planning proposal responds to this Review.

4. STRATEGIC ASSESSMENT

4.1 District

Central City District Plan

The Greater Sydney Commission released the Central City 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 factors.

The plan identifies Epping Town Centre as a strategic centre in the District. The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity and sustainability in the plan as discussed below:

- Planning Priority 5 Providing housing supply, choice and affordability, with access to jobs and services

Planning Priority 5 aims to provide greater housing supply, diversity and affordability through well designed, well located housing and a variety of housing stock to suit all stages of life. While the planning proposal is reducing the potential housing supply on the land, it is noted that the dwelling provision in Epping has exceeded the assumptions which informed the 2014 rezoning.

The proposal will continue to permit housing in a location well connected to job centres such as Macquarie Park. Council have demonstrated that housing targets will be met, despite any reduction in potential residential density in Epping. This proposal has also been considered concurrently with the Rosebank Avenue proposal (PP_2019_COPAR_014_00) which facilitates a small increase in dwelling potential, offsetting this proposal's loss.

- Planning Priority 6 Creating and renewing great places and local centres and respecting the District's Heritage

Planning Priority 6 aims to create great places which bring people together and where heritage is identified, conserved and enhanced. The proposal will see an improvement in interface with identified heritage and the preservation of the East Epping Heritage Conservation Area.

The Department is satisfied that the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*.

4.2 Local

Parramatta 2038 Community Strategic Plan

The Parramatta 2038 Community Strategic Plan is the local strategic plan for the Greater Parramatta area. Epping Town Centre is considered as one of the major precincts in the Community Strategic Plan. This planning proposal supports a strategic approach for Epping that aims to ensure its sustainability.

Epping Planning Review

The Epping Planning Review is as a key strategic study which will continue to guide the growth of Epping. This study has informed both the subject proposal and the Rosebank Avenue proposal, as well as a whole suit of other planning proposals aimed at addressing planning issues in Epping.

The Epping Planning Review also considers residential growth in the area given the findings of the Epping Town Centre Traffic Study 2018 (Prepared by EMM Consulting for City of Parramatta Council) which recommends limiting increases in residential density.

Local Planning Panel

The planning proposal and an assessment report were considered by the City of Parramatta Local Planning Panel on 17 September 2019. The Panel unanimously recommended Council endorse the proposal.

4.3 Section 9.1 Ministerial Directions

The planning proposal is generally consistent with the relevant section 9.1 Directions. Inconsistency is noted with Direction 3.1 and discussed further below.

Direction 2.3 – Heritage Conservation

Direction 2.3 aims to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. A planning proposal must contain provisions that facilitate the conservation of items, buildings and places of heritage. The proposal is considered consistent with this Direction as it does not alter land identified as heritage conservation land in the Hornsby LEP 2013, and resolves interface issues with this land as per recommendations made by the Epping Town Centre (East) Heritage Review.

Direction 3.1 – Residential Zones

This Direction aims to encourage variety and choice of housing types, make efficient use of infrastructure and services, and minimise the impact of residential development

on the environment and resource lands. Direction 3.1 applies where a planning proposal will affect residential land.

The proposal is considered inconsistent as it contains provisions which will reduce the residential density. The Epping Town Centre Traffic Study suggests that due to traffic congestion in Epping, no further increases in residential capacity should be supported. Whilst this study was not prepared in support of this planning proposal it does indicate that the inconsistency is justifiable.

It is also of note that the proposal has been considered concurrently with the Rosebank Avenue proposal which will result in a small increase in residential capacity. The proposals both seek to address heritage transitional issues and provide balance to residential capacity. It is recommended that the Secretary's delegate agree that the inconsistency is justified.

Direction 3.4 – Integrating Land Use and Transport

The objectives of this Direction are to increase the choice of available transport, reduce travel demand, support public transport and provide efficient movement of freight. This planning proposal will allow residential development within walking distance of public transport, including a train station with frequent services. This is likely to encourage public transport use. The site is also within walking distance of shops. This will likely decrease the number of trips made by car for shopping. There is likely to be no noticeable effect on the movement of traffic. The planning proposal is considered consistent with Direction 3.4.

Direction 4.3 – Flood Prone Land

This Direction aims to ensure that development on flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 and considers potential flood impacts. The direction applies as the proposal considers altering zoning on flood prone land.

The proposal will see a deintensification of potential land use from R4 High Density Residential to R3 Medium Density Residential in the flood effected area. Flood planning is addressed in Part 6 Additional Local Provisions of the Hornsby LEP 2013 and it is considered that flood planning measures will be considered at the stage of any future development application. The proposal is considered to be consistent with the Direction.

5. SITE-SPECIFIC ASSESSMENT

5.1 Social

The findings from the Heritage Review indicate that most respondents support ways of creating a more suitable interface between high density and heritage areas. Housing will be delivered in a strategic location, close to shops and good public transport connections.

5.2 Heritage

The East Epping Heritage Conservation Area is not proposed to be removed or altered, however, there will be a small pocket along Pembroke Street, currently zoned R3 which is proposed to be rezoned to R4. This is likely to have impacts on the neighbouring heritage land. However, the maximum height of buildings for this pocket will only allow a three-storey development which is in keeping with the findings of the

Heritage Review concerning the maximum acceptable scale of residential buildings neighbouring heritage areas.

It is recommended that consultation with Heritage, Department of Premier and Cabinet be carried out to allow for consideration of the heritage impacts.

5.3 Environmental

The site is not bushfire prone land and there are no areas of terrestrial or river biodiversity mapped. However, there are several significant trees which need to be considered for conservation with the submission of any future development application which results from this planning proposal.

Part of the site is flood prone land, being within the 1:100 year flood level, as shown in Figure 10. This indicates the possibility of overland floods in a high rainfall event. As the proposal seeks to reduce the development potential on the land, the flood impact is considered to be lessened. It is expected that any development application will be accompanied by details of how it will comply with Hornsby Council's water management controls contained in the Hornsby DCP 2013.



previously, that traffic is poor in the Epping town centre. Council is considering a suite of planning approaches to address this matter. As this proposal is travelling concurrently with the Rosebank Avenue planning proposal, it is recommended that Transport for NSW be consulted during the public exhibition of the planning proposal.

6. CONSULTATION

6.1 Community

Consultation is proposed to include; newspaper advertisements, display on Council's website, written notification to landowners and adjoining landowners, written notification to community groups in Epping such as the Epping Civic Trust, and written notification to Council's Heritage Advisory Committee. This is considered sufficient for the purposes of the proposal.

A 28 day public exhibition period is recommended.

6.2 Agencies

It is proposed that the following agencies are consulted through the public exhibition period:

- Heritage, Department of Premier and Cabinet, and
- Transport for NSW.

Consultation with Hornsby Shire Council is also recommended, as the proposal relates to land under the Hornsby LEP 2013.

7. TIME FRAME

Council has proposed a timeline within the planning proposal which includes a timeframe of 9 months to complete the LEP. This is considered appropriate and is recommended.

8. LOCAL PLAN-MAKING AUTHORITY

Council have requested to be local plan making authority for this planning proposal. It is considered that authorisation to be local plan making authority should be given to Council due to the local nature of the proposal.

9. CONCLUSION

The planning proposal seeks to balance amenity impacts arising from existing and potential poor transitions from development to adjoining single dwellings, while maintaining an appropriate level of heritage protection.

The proposal has site specific and strategic merit and responds to the recommendations of the Epping Town Centre (East) Heritage Review. The proposal is recommended to proceed subject to the proposed conditions of Gateway determination.

10. RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. agree that any inconsistencies with section 9.1 Directions 3.1 Residential Zones are minor or justified

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

1. Prior to public exhibition, the planning proposal is to be amended to reduce the maximum height of buildings for the area surrounding the Rockleigh Park Precinct currently labelled as 12m to 9m.
2. The planning proposal should be made available for community consultation for a minimum of 28 days.
3. Public exhibition is to be concurrent with the planning proposal for Rosebank Avenue (PP_2019_COPAR_015_00).
4. Consultation is required with the following public authorities:
 - Hornsby Shire Council;
 - Heritage, Department of Premier and Cabinet; and
 - Transport for NSW.
5. The time frame for completing the LEP is to be 9 months from the date of the Gateway determination.
6. Given the nature of the planning proposal, Council should be the local plan-making authority.



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11/12/2019

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