

# PLANNING PROPOSAL

Amendment to Clause 4.6  
Epping Town Centre

April 2019



**CITY OF  
PARRAMATTA**

# PLANNING PROPOSAL

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## Planning Proposal drafts

Council versions:

No.	Author	Version
1.	City of Parramatta Council	16 April 2019 Report to Local Planning Panel and Council on the assessment of planning proposal and submission to DP&E for Gateway Determination.

# INTRODUCTION

This planning proposal explains the intended effect of, and justification for, proposed amendment to *Parramatta Local Environmental Plan and Hornsby Local Environmental Plan (LEP) 2013*. It has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act (EP&A Act) 1979* and the Department of Planning and Environment guides, 'Guidance for merged councils on planning functions' (May 2016), 'A Guide to Preparing Local Environment Plans' (December 2018) and 'A Guide to Preparing Planning Proposals' (December 2018).

## Background and context

On 9 July 2018, the City of Parramatta Council considered a report on the Epping Town Centre Traffic Study and resolved to 'switch off' the ability for applicants to rely on clause 4.6 to achieve a higher floor space ratio than in the relevant LEP's FSR maps, as this would help to reduce any additional traffic generated from the additional floor space. (Refer to **Appendix 1** and **Appendix 2** for the Council report and minutes).

The Planning Proposal is a progression of the Epping Town Centre Traffic Studies prepared as part of the Epping Planning Review undertaken by Council, which concluded that traffic would deteriorate over time, even with potential local and State road improvements in place. Further discussions about the Traffic Study after being exhibited are summarised in Council Report of 26 November 2018 (Refer to **Appendix 3** and **Appendix 4** for the Council report and associated meeting minutes). The Planning Proposal seeks to 'switch off' the application of Clause 4.6 Exceptions to Development Standards in *Parramatta LEP 2011* and *Hornsby LEP 2013* to floor space ratio in the subject area as shown in Figure 1.

Figure 1 – Land at Epping town centre subject to the Planning Proposal



# PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The objective of this planning proposal is to ‘switch off’ the application of Clause 4.6 Exceptions to development standards of *Parramatta LEP 2011* and *Hornsby LEP 2013* to floor space ratio for certain development within the subject land in accordance with Council’s Resolution of 9 July 2018.

The intended outcome is to restrict any additional residential floor space and tourist and visitor accommodation achieved via an applicant’s reliance on Clause 4.6 and any associated additional traffic generated from that residential floor space.

In order to achieve this outcome, Clause 4.6 in both *Parramatta LEP 2011* and *Hornsby LEP 2013* will need to be amended.

# PART 2 – EXPLANATION OF PROVISIONS

This planning proposal seeks to amend Clause 4.6 of *Parramatta LEP 2011* and *Hornsby LEP 2013* in relation to the floor space ratio control for certain development in the Epping town centre.

- In *Parramatta LEP 2011*, the amendments apply to land zoned B2 Local Centre and R4 High Density Residential;
- In *Hornsby LEP 2013*, the amendments apply to land zoned B2 Local Centre.

In order to achieve the desired objectives the following amendments to the *Parramatta LEP 2011* and *Hornsby LEP 2013* are proposed:

1. With regards to *Parramatta LEP 2011*, insert a new subclause in Clause 4.6 (8) as follows:

*“(cb) a development standard that relates to the floor space ratio for residential accommodation and tourist and visitor accommodation, or a mixed use development that includes these uses within Zone B2 Local Centre or residential accommodation within Zone R4 High Density Residential, in the Epping Town Centre (as referred to FSR Map Sheet FSR\_016)”.*

This will be accompanied by an amendment to the FSR Map (Sheet FSR\_016) which shows an edged line around the land zoned B2 Local Centre and R4 High Density Residential as shown in Figure 5 in Part 4 of this Planning Proposal.

2. With regards to *Hornsby LEP 2013*, insert a new subclause in Clause 4.6 (8) as follows:

*“(ca) a development standard that relates to the floor space ratio for residential accommodation and tourist and visitor accommodation, or a mixed use development that includes these uses within Zone B2 Local Centre in the Epping Town Centre (as referred to FSR Map Sheet FSR\_011)”.*

This will be accompanied by an amendment to the FSR Map (Sheet FSR\_011) which shows an edged line around the land zoned B2 Local Centre as shown in Figure 6 in Part 4 of this Planning Proposal.

## Notes

Proposed amendments are not proposed to apply to R4 High Density Residential zones under *Hornsby LEP 2013* because *Hornsby LEP 2013* does not contain FSR as a development standard for its R4 zone. Instead, the floor space parameter is determined by building envelope controls in *Hornsby DCP 2013*. FSR controls will be introduced in the R4 zone in this area as part of the Council’s current process to harmonise all LEPs, following Council amalgamations.



# PART 3 – JUSTIFICATION

This part describes the reasons for the proposed outcomes and development standards in the planning proposal.

## 3.1 Section A - Need for the planning proposal

This section establishes the need for a planning proposal in achieving the key outcome and objectives. The set questions address the strategic origins of the proposal and whether amending the LEP is the best mechanism to achieve the aims on the proposal.

### 3.1.1 Is the Planning Proposal a result of any study or report?

Yes. The Planning Proposal was informed by the Epping Town Centre Traffic Study, which concluded that traffic will continue to deteriorate, even with potential local and State road improvements in place. This informed Council's Epping Town Centre Transport Delivery Plan that is a suite of local and State works, and some policies requested by Council to assist with addressing traffic issues in the Epping town centre.

### 3.1.2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. This Planning Proposal is considered as the most suitable means of achieving the intended outcome, which is to prevent variations to residential and tourist and visitor accommodation floor space within the Epping town centre. This Planning Proposal compliments a series of other actions Council is progressing to assist with addressing traffic issues in the Epping town centre.

There are other means for applicants to seek for additional FSR at development application and modification stages, such as Section 4.55 Modification Applications. However, it is not possible to switch off Section 4.55 Modification Applications that seek additional FSR under the *EP&A Act 1979*, though any such modification applications would need to have regard to Clause 4.6 provisions. Other means of giving effect to policy can also be demonstrated through alternative approaches such as introducing dwellings per hectare controls. However, this approach is not effective as there are multiple landowners on the subject land and it can lead to inequitable outcomes.

## 3.2 Section B – Relationship to strategic planning framework

This section assesses the relevance of the Planning Proposal to the directions outlined in key strategic planning policy documents. Questions in this section consider state and local government plans including the NSW Government's Plan for Growing Sydney and subregional strategy, State Environmental Planning Policies, local strategic and community plans and applicable Ministerial Directions.

### 3.2.1 Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

#### A Metropolis of Three Cities

In March 2018, the NSW Government released the *Greater Sydney Region Plan: A Metropolis of Three Cities* ("the GSRP") a 20 year plan which outlines a three-city vision for metropolitan Sydney for to the year 2036.



The Plan is structured under four themes: Infrastructure and Collaboration, Liveability, Productivity and Sustainability. Within these themes are 10 directions which are each contains Potential Indicator and, generally, a suite of objective/s with each objective supported by a Strategy or Strategies. Those objectives and or strategies relevant to this planning proposal are discussed below.

### **Infrastructure and Collaboration**

An assessment of the planning proposal’s consistency with the Plan’s relevant Infrastructure and Collaboration objectives is provided in Table 1, below.

**Table 1 – Consistency of planning proposal with relevant GSRP Actions – Infrastructure and Collaboration**

Infrastructure and Collaboration Direction	Relevant Objective	Comment
A city supported by infrastructure	O2: Infrastructure aligns with forecast growth – growth infrastructure compact	See response against Action 3 in Table 5.
	O3: Infrastructure adapts to meet future need	See response against Action 3 in Table 5.

### **Liveability**

An assessment of the planning proposal’s consistency with the Plan’s relevant Liveability objectives is provided in Table 2, below.

**Table 2 – Consistency of planning proposal with relevant GSRP Actions – Liveability**

Liveability Direction	Relevant Objective	Comment
Housing the city	O10: Greater housing supply	See response against Action 16 and Action 17 in Table 6.

### **Productivity**

An assessment of the planning proposal’s consistency with the GSRP’s relevant Productivity objectives is provided in Table 3, below.

**Table 3 – Consistency of planning proposal with relevant GSRP Actions – Productivity**

Productivity Direction	Relevant Objective	Comment
A well connected city	O14: The plan integrates land use and transport creates walkable and 30 minute cities	<p>The proposed changes will not in of themselves address traffic and infrastructure provision issues within the town centre, but will work to manage future dwelling growth and complement other strategic initiatives.</p> <p>The intention of the Planning Proposal is to assist with addressing traffic and infrastructure issues in the Epping precinct and better facilitate an environment for the use of walking, cycling and integrated public transport solutions.</p>

### **Implementation**

An assessment of the planning proposal’s consistency with the GSRP’s relevant Implementation objectives is provided in Table 4, below.

**Table 4 – Consistency of planning proposal with relevant GSRP Actions – Implementation**

Implementation Direction	Relevant Objective	Comment
Implementation	<b>O39:</b> A collaborative approach to city planning	The Planning Proposal is prepared with the consideration of all levels of planning policies. The key strategic planning policy documents that have been assessed include <i>Greater Sydney Region Plan</i> , <i>A Metropolis of Three Cities</i> , <i>Central City District Plan</i> , and <i>Parramatta 2038 Community Strategic Plan</i> .

### Central City District Plan

In March 2018, the NSW Government released *Central City District Plan*, which outlines a 20-year plan for the Central City District, which comprises The Hills, Blacktown, Cumberland and Parramatta local government areas.

Taking its lead from the *Greater Sydney Region Plan*, the *Central City District Plan* (“CCDP”) is also structured under four themes relating to Infrastructure and Collaboration, Liveability, Productivity and Sustainability. Within these themes are Planning Priorities, which are each supported Action. Those Planning Priorities and Actions relevant to this planning proposal are discussed below.

#### **Infrastructure and Collaboration**

An assessment of the planning proposal’s consistency with the CCDP’s relevant Infrastructure and Collaboration Priorities and Actions is provided in Table 5, below.

**Table 5 – Consistency of Planning Proposal with relevant CCDP Actions – Infrastructure and Collaboration**

Infrastructure and Collaboration Direction	Planning Priority/Action	Comment
<p><b>A city supported by infrastructure</b></p> <p><b>O2:</b> Infrastructure aligns with forecast growth – growth infrastructure compact</p> <p><b>O3:</b> Infrastructure adapts to meet future need</p>	<p><b>PP C1: Planning for a city supported by infrastructure</b></p> <ul style="list-style-type: none"> <li><b>A3:</b> Align forecast growth with infrastructure</li> </ul>	<p>Since the traffic generation from the faster-than-planned growth in the Epping town centre is having a detrimental impact on the town centre, and the State and local infrastructure is not yet fully aligned with the growth (Action A3 in the CCDP), this Planning Proposal seeks to assist with addressing the traffic impact associated with additional residential and tourist and visitor accommodation floor space that might be generated from Clause 4.6.</p> <p>This Planning Proposal is one of a series of Council’s actions in limiting the residential floor space in the Epping town centre that is already significantly constrained by traffic and transport infrastructure, ensuring the infrastructure provider (Council and the State Government) can deliver infrastructure to meet the future needs of the town centre.</p>

### Liveability

An assessment of the planning proposal’s consistency with the *Central City District Plan’s* relevant Liveability Priorities and Actions is provided in Table 6, below.

**Table 6 – Consistency of planning proposal with relevant CCDP Actions – Liveability**

Liveability Direction	Planning Priority/Action	Comment
<b>Housing the city</b> <b>O10:</b> Greater housing supply <b>O11:</b> Housing is more diverse and affordable	<b>PP C5: Providing housing supply, choice and affordability, with access to jobs, services and public transport</b> <ul style="list-style-type: none"> <li>• <b>A16:</b> Prepare local or district housing strategies that address housing targets [abridged version]</li> <li>• <b>A17:</b> Prepare Affordable Rental housing Target Schemes</li> </ul>	In Feb 2018, some 5,663 dwellings had been approved (or were in various stages of assessment) within the town centre, well above the State Government’s revised forecast of 5,500 dwellings by 2036.  The proposed amendment, which limits additional residential floor space, does not affect the existing FSR control allowing applicants to develop in accordance with the current controls.  This Planning Proposal will not jeopardise achieving the housing supply nor the housing target as set out for the Parramatta LGA.

### 3.2.2 Is the planning proposal consistent with the local council’s Community Strategic Plan or other local strategic plan?

The following local strategic planning documents are relevant to the planning proposal.

#### **Parramatta 2038 Community Strategic Plan**

Parramatta 2038 is a long term Community Strategic Plan for the City of Parramatta and it links to the long-term future of Sydney. The plan formalises several big and transformational ideas for the City and the region.

The planning proposal is considered to meet the strategies and key objectives identified in the plan including:

Epping Town Centre is considered as one of the major precincts in the Community Strategic Plan and is undergoing tremendous changes. The planning proposal is considered to meet the strategies and key objectives identified in the plan as follows:

#### *Plans for Precinct Development - Epping Town Centre*

*With significant new and redevelopment putting pressure on existing infrastructure, the Epping Planning Review seeks to introduce planning controls that better manage future growth. Stage 2 of the Epping Planning Review aims to address principles relating to heritage, commercial floor space, public domain, traffic and planning processes.*

### 3.2.3 Is the planning proposal consistent with the applicable State Environmental Planning Policies?

The following State Environmental Planning Policies (SEPPs) are of relevance to the subject land (refer to Table 7 below).

**Table 7 – Consistency of planning proposal with relevant SEPPs**

State Environmental Planning Policies (SEPPs)	Consistency: Yes = ✓ No = x N/A = Not applicable	Comment
SEPP No 1 Development Standards	N/A	The SEPP is not applicable to the subject land under Clause 1.9 of <i>Parramatta LEP 2011</i> and <i>Hornsby LEP 2013</i> .
SEPP 4 – Development Without Consent and Miscellaneous Exempt and Complying Development	N/A	This policy was repealed by the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Commercial and Industrial Development and Other Matters) 2013</i> .
SEPP 6 – Number of Storeys in a Building	N/A	The SEPP has been repealed.
SEPP 33 – Hazardous and Offensive Development	N/A	The SEPP is not relevant to the Planning Proposal.
SEPP No 55 Remediation of Land	N/A	The SEPP is not relevant to the Planning Proposal.
SEPP 60 – Exempt and Complying Development	N/A	This policy was repealed by the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Commercial and Industrial Development and Other Matters) 2013</i> .
SEPP 64 – Advertising and Signage	N/A	The SEPP is not relevant to the Planning Proposal.
SEPP No 65 Design Quality of Residential Flat Development	N/A	This SEPP is applicable to the subject land. The Planning Proposal will not jeopardise the design quality of residential apartment development in the subject land. This SEPP may apply to future development of the site.
SEPP No.70 Affordable Housing (Revised Schemes)	N/A	The SEPP is not relevant to the Planning Proposal. The Planning Proposal does not fetter FSR bonus allowed under this SEPP.
SEPP (Affordable Rental Housing) 2009	N/A	The SEPP is not relevant to the Planning Proposal. The Planning Proposal does not fetter FSR bonus allowed under this SEPP.

State Environmental Planning Policies (SEPPs)	Consistency: Yes = ✓ No = x N/A = Not applicable	Comment
SEPP (BASIX) 2004	N/A	The SEPP is not relevant to the Planning Proposal.
SEPP (Exempt and Complying Development Codes) 2008	✓	This SEPP is applicable to the subject land. It may apply to future development of the site.
SEPP (Infrastructure) 2007	✓	This SEPP is applicable to the subject land. It may apply to future development of the site.
Sydney Regional Environmental Plan No 18–Public Transport Corridors	N/A	This policy was repealed by the <i>State Environmental Planning Policy (Intergration and Repeals) 2016</i> .
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	N/A	The SEPP is not relevant to the Planning Proposal.
SEPP (Urban Renewal) 2010	N/A	The SEPP is not relevant to the Planning Proposal.

### 3.2.4 Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)

In accordance with Clause 9.1 of the *EP&A Act 1979* the Minister can issue directions for relevant planning authorities to follow when preparing planning proposals for new LEPs. The directions are listed under the following categories:

- Employment and resources
- Environment and heritage
- Housing, infrastructure and urban development
- Hazard and risk
- Housing, Infrastructure and Urban Development
- Local plan making

The following directions are considered relevant to the subject Planning Proposal.

**Table 8 – Consistency of planning proposal with relevant Section 9.1 Directions**

Relevant Direction	Comment	Compliance
<b>3. Housing, Infrastructure and Urban Development</b>		
Direction 3.1 - Residential Zones	The Planning Proposal is consistent with this direction, in that it: <ul style="list-style-type: none"> <li>• allows the site to be adequately serviced by essential infrastructure.</li> <li>• allows applicants to develop in accordance with the current controls</li> </ul>	Yes

Relevant Direction	Comment	Compliance
Direction 3.4 - Integrating Land Use and Transport	<p>The Planning Proposal is consistent with this direction, in that it:</p> <ul style="list-style-type: none"> <li>limits the increase in residential floor space which means it restricts the number of people and cars introduced to the road networks within the Epping town centre considering the area is already constrained by existing traffic and transport infrastructure.</li> <li>Refer to the findings in the Council's Traffic and Transport Improvements Plan in <b>Appendix 5</b> for the conclusions of Traffic Study and associated implications in the town centre.</li> </ul>	Yes
<b>6. Local Plan Making</b>		
Direction 6.1 - Approval and Referral Requirements	The Planning Proposal is consistent with this direction, in that it does not introduce any provisions that require any additional concurrence, consultation or referral.	Yes
Direction 6.3 - Site Specific Provisions	<p>The Planning Proposal is inconsistent with this direction. However, the inconsistency can be justified.</p> <ul style="list-style-type: none"> <li>The Planning Proposal includes the restriction of FSR provisions via Clause 4.6 in <i>Parramatta LEP 2011</i> and <i>Hornsby LEP 2013</i>. The proposed restriction is required by Council Resolution (refer to <b>Appendix 2</b>) to avoid additional traffic generation from additional floor space sought by applicants via Clause 4.6. The findings of the Epping Town Centre Traffic Study also informed the proposed restriction of residential density in the town centre as the traffic will still deteriorate even if all potential State and local road improvement works are implemented.</li> <li>Similar provisions are included in planning instruments to refine the use of Clause 4.6 in fast growing urban areas. As such, the Planning Proposal is considered to be consistent with approaches taken in other planning instruments and the inconsistency with this direction justified.</li> </ul>	No
<b>7. Metropolitan Planning</b>		
Direction 7.1 - Implementation of A Plan for Growing Sydney	The Planning Proposal is consistent with this direction, in that it is consistent with the Greater Sydney Region Plan - <i>A metropolis of Three Cities</i> which replaces <i>A Plan for Growing Sydney</i> .	Yes

### 3.3 Section C – Environmental, social and economic impact

This section considers the potential environmental, social and economic impacts which may result from the Planning Proposal.

#### 3.3.1 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The Planning Proposal is unlikely to adversely affect any critical habitat or threatened species, populations or ecological communities or their habitats.

**3.3.2 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

No. It is unlikely that the proposed amendments will result in development creating any environmental effects that cannot be readily controlled, as it is intended to minimise the impact of residential development on the environment.

**3.3.3 How has the planning proposal adequately addressed any social and economic effects?**

This Planning Proposal will provide some certainty to the local community that the residential floor space will not exceed the maximum floor space mapped in the applicable LEP while allowing developers to continue to develop in accordance with the current controls. This will not result in any adverse social and economic effects.

**3.4 Section D – State and Commonwealth Interests**

**3.4.1 Is there adequate public infrastructure for the planning proposal?**

Yes. The proposed amendments do not increase the need for infrastructure instead limiting additional residential floor space that may otherwise require more infrastructure in the town centre.

**3.4.2 What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?**

If required, appropriate consultation will be conducted when the Gateway Determination is provided.



# PART 4 – MAPPING

This section contains the mapping for this planning proposal in accordance with the Department’s guidelines on LEPs and Planning Proposals. **Existing controls**

Figure 2 shows a consolidated map of the land subject to this planning proposal, which is zoned B2 Local Centre and R4 High Density Residential in *Parramatta LEP 2011* and B2 Local Centre in *Hornsby LEP 2013*. The subject land is edged blue.

**Figure 2 – Existing zoning exacted from both Parramatta LEP 2011 and Hornsby LEP 2013 Land Zoning Map and the subject land to the Planning Proposal**

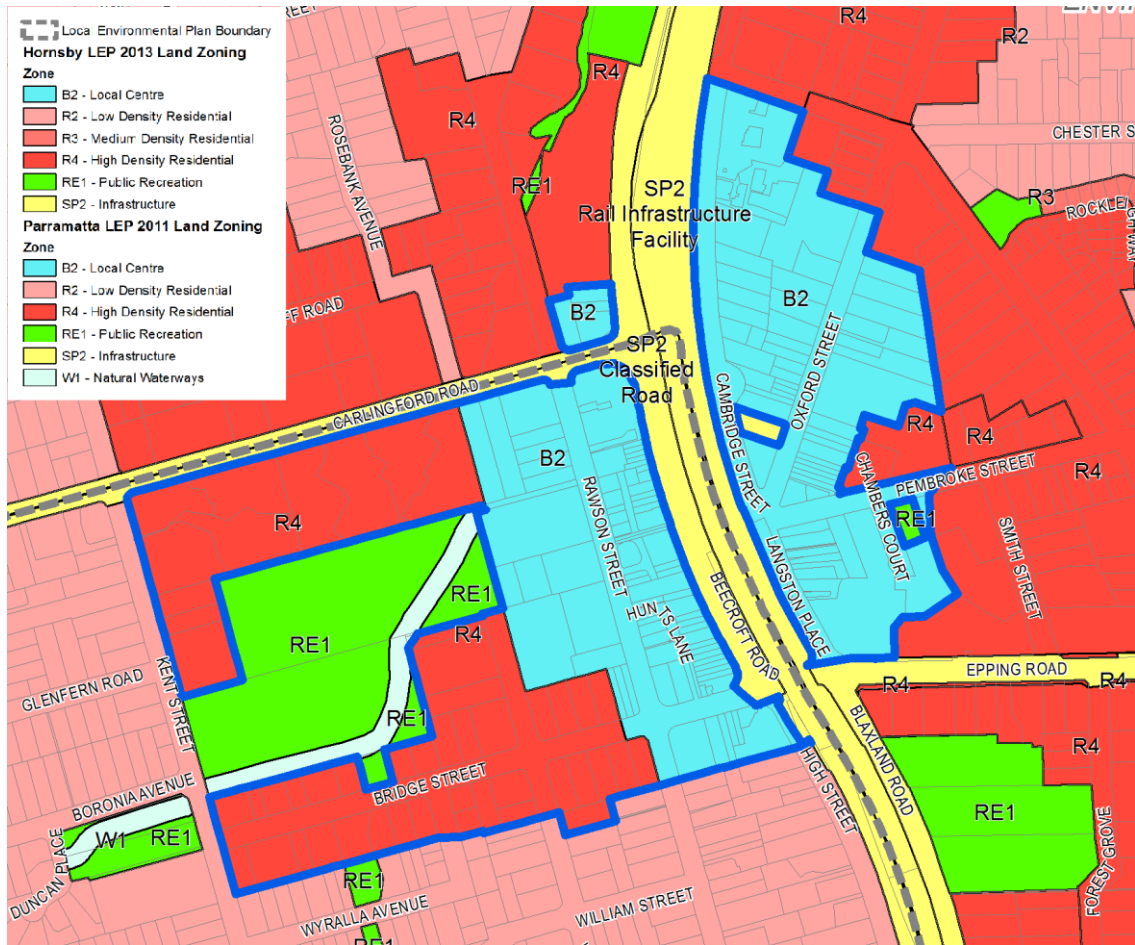
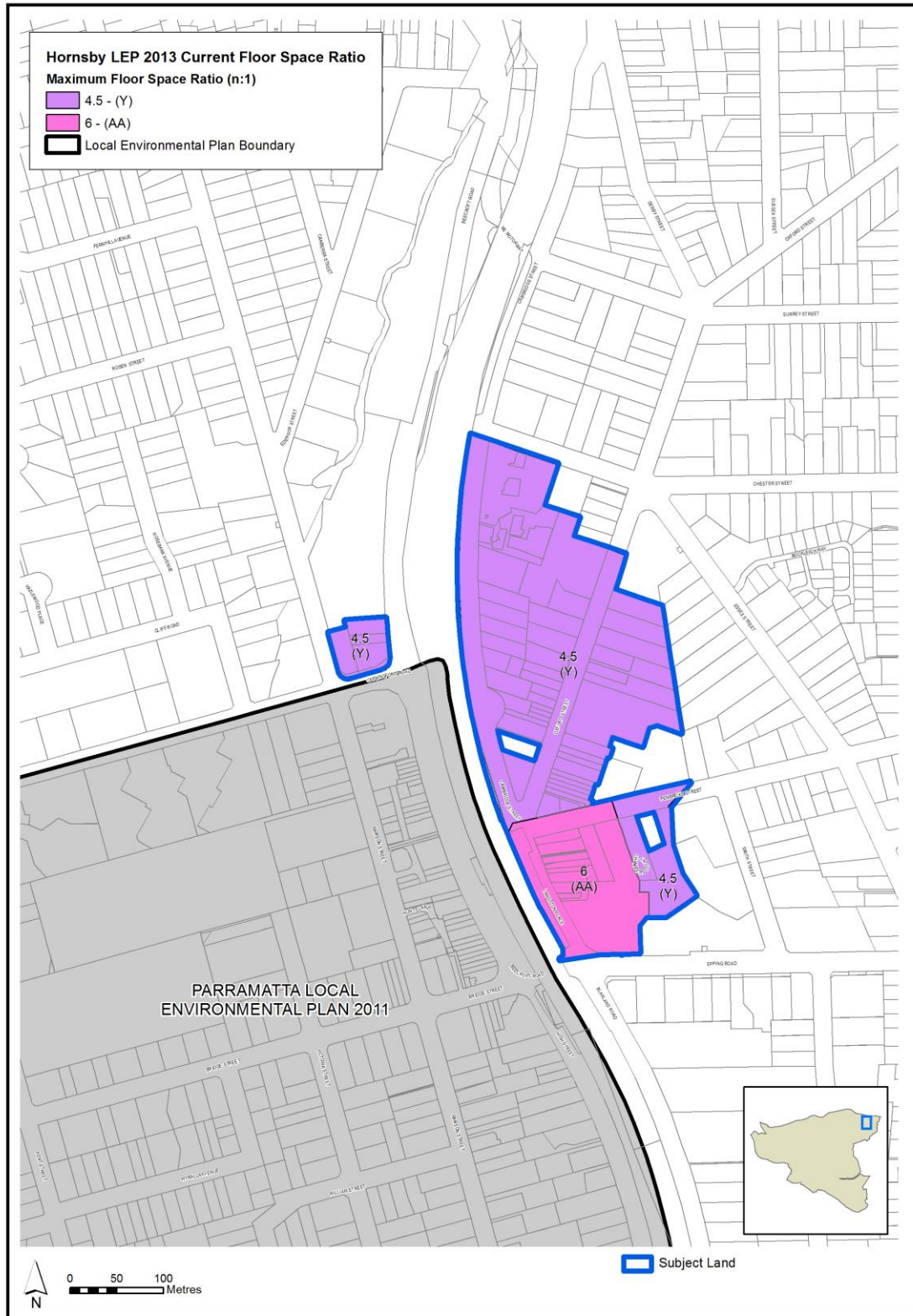






Figure 4 shows the existing floor space ratio and the land in *Hornsby LEP 2013* subject to the Planning proposal. Refer to the area edged blue.

**Figure 4 – Existing floor space ratio extracted from the *Hornsby LEP 2013* and the area subject to the Planning Proposal**



## 4.2 Proposed controls

The figures in this section illustrate the proposed controls sought by this Planning Proposal.

Figure 5 shows proposed maximum floor space ratio controls on applicable land in *Parramatta LEP 2011*. The area is edged orange and identified as “Area D”.

Figure 5 – Proposed amendment to the *Parramatta LEP 2011* Floor Space Ratio Map

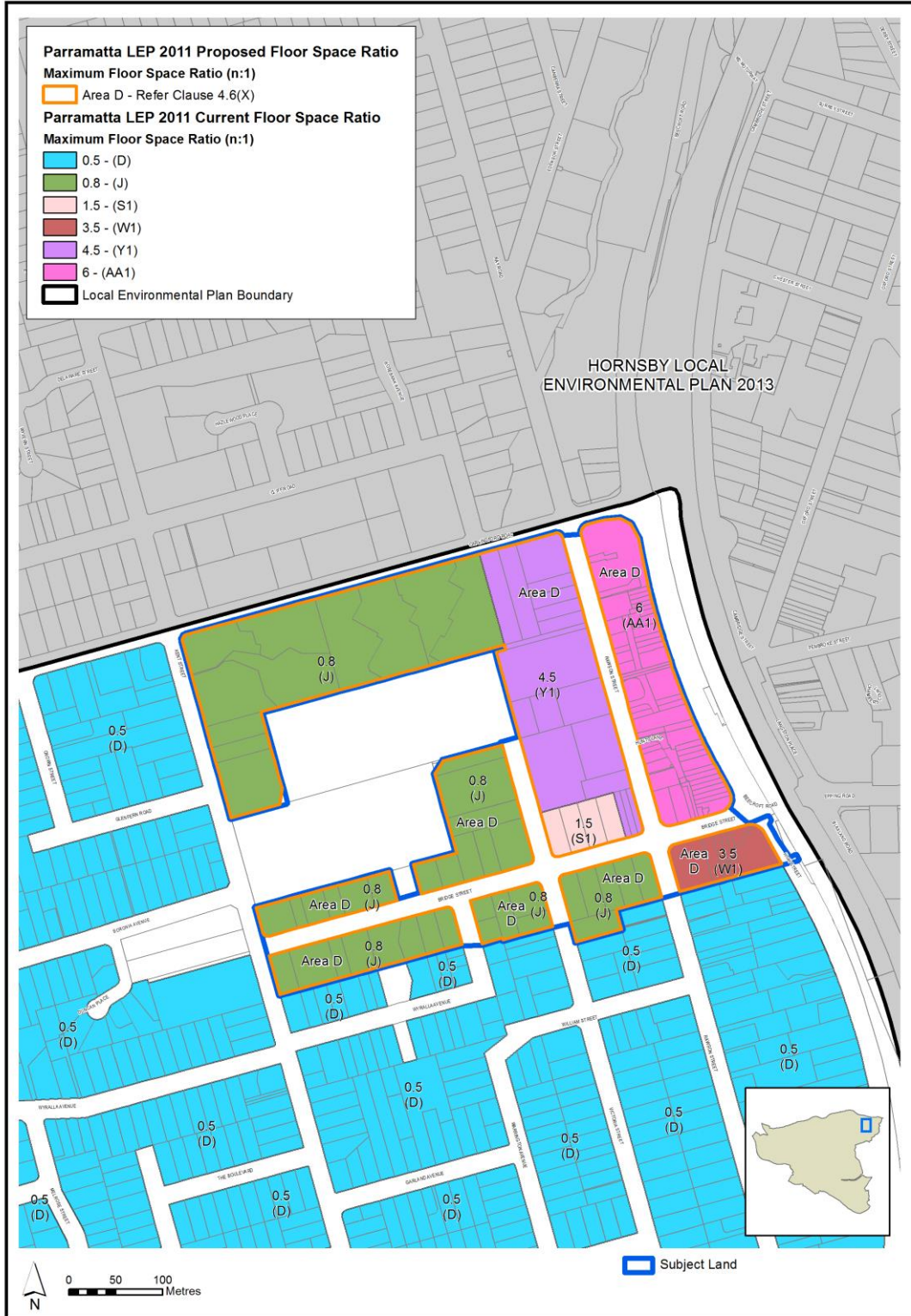
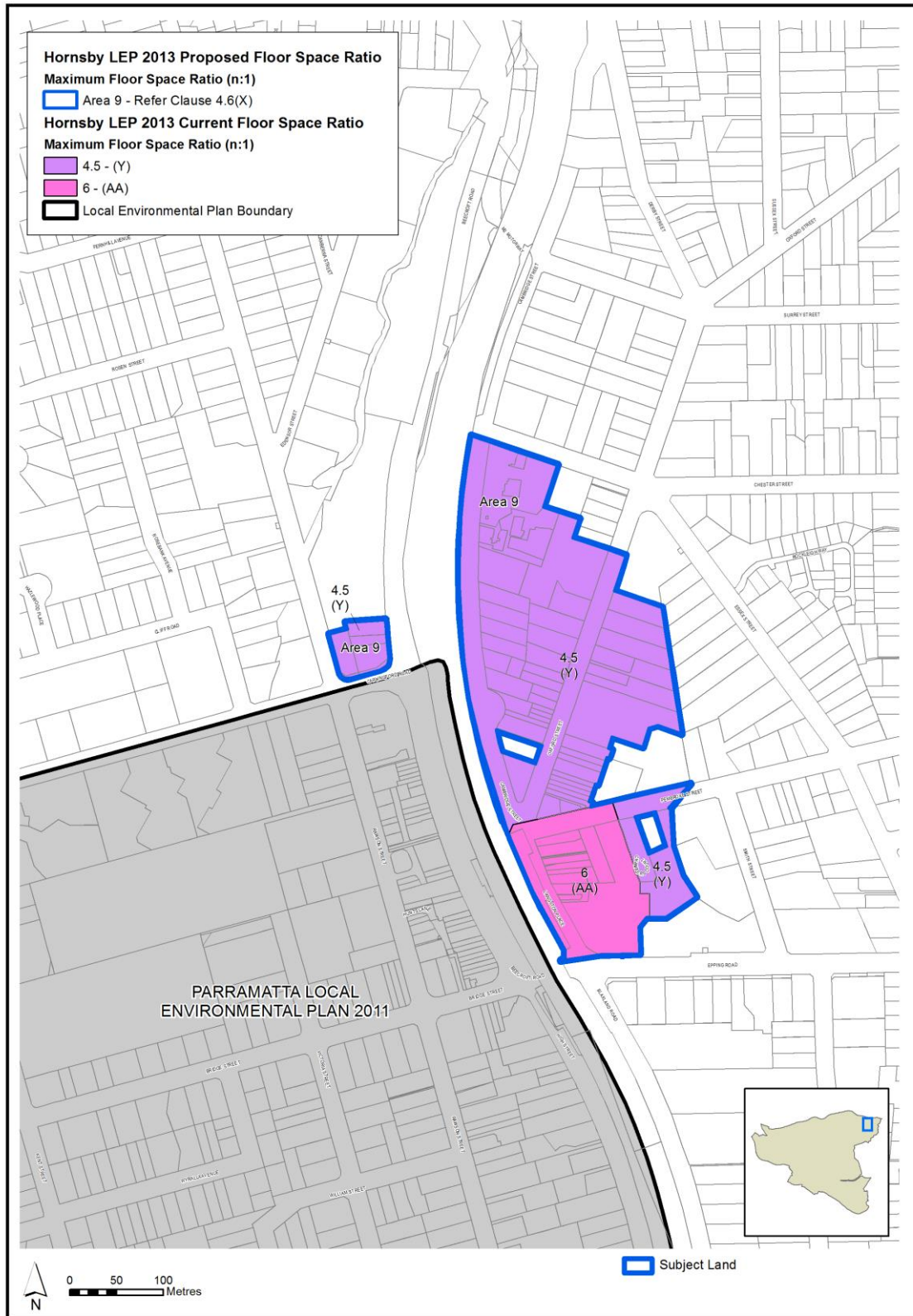




Figure 6 shows the proposed maximum floor space ratio controls on applicable land in *Hornsby LEP 2011*. The area is edged blue and identified as “Area 9”.

**Figure 6 – Proposed amendment to the *Hornsby LEP 2011* Floor Space Ratio Map**



# PART 5 – COMMUNITY CONSULTATION

The planning proposal is to be publicly exhibited for public consultation.

Public exhibition is likely to include:

- newspaper advertisement;
- display on the Council's web-site; and
- written notification to affected landowners.

The Gateway Determination will specify the level of public consultation that must be undertaken in relation to the planning proposal including with government agencies.

Consistent with sections 3.34(4) and 3.34(8) of the *EP&A Act 1979*, where community consultation is required, a planning instrument cannot be made unless the community has been given an opportunity to make submissions and the submissions have been considered.

# PART 6 – PROJECT TIMELINE

Once the planning proposal has been referred to the Minister for review of the Gateway Determination and received a Gateway determination, the anticipated project timeline will be further refined. It will also be further refined at each major milestone throughout the planning proposal’s process.

Table 7 below outlines the anticipated timeframe for the completion of the planning proposal.

**Table 7 – Anticipated delivery of the planning proposal**

MILESTONE	ANTICIPATED TIMEFRAME
Report to LPP on the assessment of the PP	16 April 2019
Report to Council on the assessment of the PP	13 May 2019
Referral to Minister for review of Gateway determination	After Jun 2019
Date of issue of the Gateway determination	To be determined
Commencement and completion dates for public exhibition period	To be determined
Commencement and completion dates for government agency notification	To be determined
Consideration of submissions	To be determined
Consideration of planning proposal post exhibition and associated report to Council	To be determined
Submission to the Department to finalise the LEP	To be determined
Notification of instrument	To be determined



## **Appendix 1 – Council Report 9 July 2018 (Item 14.5)**

## **Appendix 2 – Council Minutes 9 July 2018 (Item 14.5)**

## **Appendix 3 – Council Report 26 November 2018 (Item 11.1)**

## **Appendix 4 – Council Minutes 26 November 2018 (Item 11.1)**

## **Appendix 5 – Epping Transport and Traffic Improvements (Item 11.1)**