

## Greater Sydney, Place and Infrastructure

IRF19/5252

### Gateway determination report

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|---------------------------------|--|
| <b>LGA</b>                      | Parramatta   |
| <b>PPA</b>                      | City of Parramatta Council   |
| <b>NAME</b>                     | Epping Town Centre - Amendment to Clause 4.6   |
| <b>NUMBER</b>                   | PP_2019_COPAR_007_00   |
| <b>LEP TO BE AMENDED</b>        | Parramatta Local Environmental Plan 2011<br>Hornsby Local Environmental Plan 2013                      |
| <b>ADDRESS</b>                  | Epping Town Centre   |
| <b>RECEIVED</b>                 | 03 June 2019   |
| <b>FILE NO.</b>                 | IRF19/5252   |
| <b>POLITICAL DONATIONS</b>      | There are no donations or gifts to disclose and a political donation disclosure is not required.       |
| <b>LOBBYIST CODE OF CONDUCT</b> | There have been no meetings or communications with registered lobbyists with respect to this proposal. |

## 1. INTRODUCTION

### 1.1 Description of planning proposal

The planning proposal (**Attachment A2**) seeks to amend Clause 4.6 'Exceptions to development standards' of both the Parramatta Local Environmental Plan (LEP) 2011 and the Hornsby Local Environmental Plan (LEP) 2013 to remove the ability to vary the mapped maximum floor space ratios (FSR) provision for residential accommodation, tourist and visitor accommodation or mixed use developments applying to certain land within the Epping Town Centre (Figure 1 next page).

Clause 4.6 allows for a variation to certain development standards including the maximum FSR through the development application process, subject to detailed justification.

The planning proposal seeks to prevent additional floor space, above the current maximum FSR controls, to mitigate and control traffic impacts in the locality of the Epping Town Centre.

The planning proposal is supported by the Epping Town Centre Traffic Study 2018 (**Attachment D2**). The Epping Town Centre Traffic Study 2018 was prepared as part of the Epping Planning Review. The Epping Planning Review process commenced in response to the council amalgamation process which saw Epping Town Centre fall entirely within the new City of Parramatta LGA. On 9 July 2018 Council resolved that it would not support any increase in residential density via Clause 4.6 until traffic issues have been satisfactorily addressed. This planning proposal is part of a suite of strategies designed to manage traffic in the Epping Town Centre.



Figure 1: Subject land within the Epping Town Centre.

## 1.2 Site description

The planning proposal applies to certain land within the Epping Town Centre. The centre is identified as a strategic centre in the Central City District Plan and is situated approximately 10km north-east of Parramatta. The centre sounds Epping Railway Station and Metro Station, with regular services to Hornsby to the north, Strathfield and Sydney City to the south and south-east, the Hills to the west and Chatswood to the east. The centre has a variety of shops, restaurants and services and is 3km, or 3 minutes by metro to Macquarie University and 6 minutes by metro to Macquarie Park; a key shopping, education and jobs precinct.

High-density residential and retail development surrounds the station, transitioning to low density detached housing. The main road connection east is Epping Road,



Carlingford Road and Beecroft road run west and north respectively. Through traffic is a significant contributor to traffic congestion in Epping. Road improvements have already been undertaken to improve road infrastructure in Epping and further infrastructure is proposed and funded, including the widening of the Epping Railway bridge.

### 1.3 Existing planning controls

The planning proposal applies to the following land:

- under the Parramatta LEP 2011:
  - zoned B2 Local Centre and R4 High Density Residential (Figure 2 below);
  - a maximum building height of between 11m and 72m;
  - a maximum FSR of between 0.8:1 and 6:1 (Figure 3 next page);
- under the Hornsby LEP 2013:
  - zoned B2 Local Centre (Figure 2 below);
  - a maximum building height of between 48m and 72m;
  - a maximum FSR of between 4.5:1 and 6:1 (Figure 3 next page);

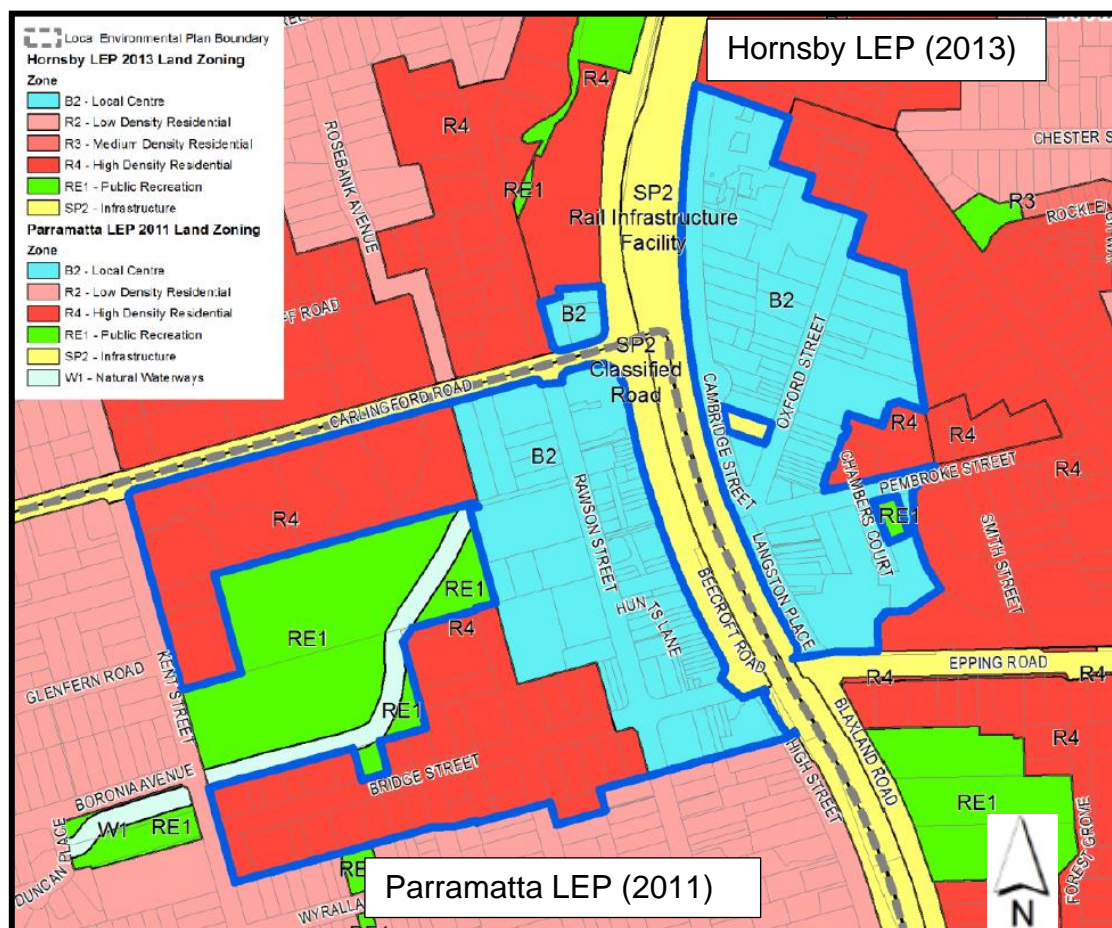


Figure 2: Current land zoning map.

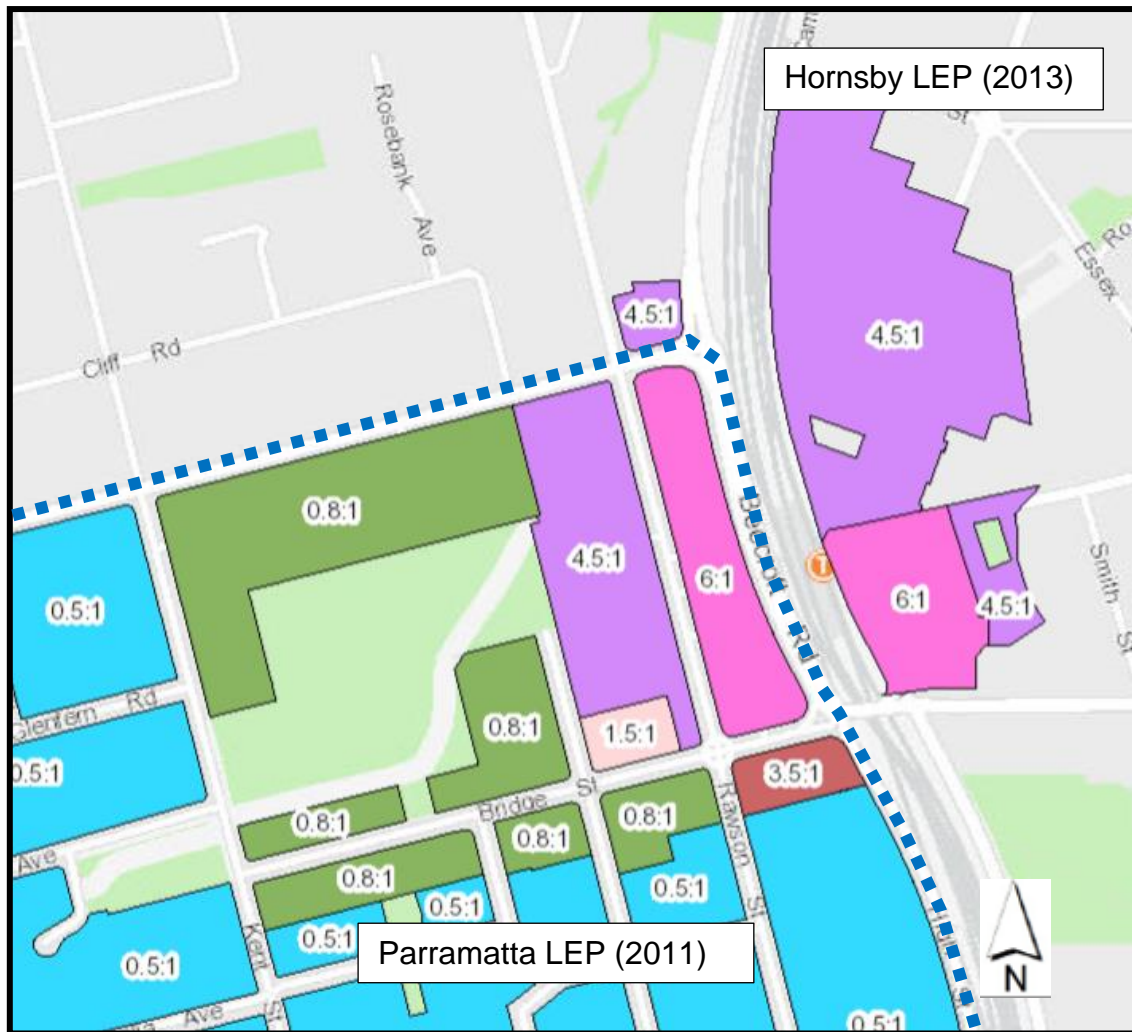


Figure 3: Current FSR map.

## 1.4 Background

In 2011 the Department of Planning and Infrastructure and Transport for NSW began investigations for North West Rail Link station precincts. On 15 October 2012 the NSW Government endorsed the Epping Town Centre as an Urban Activation Precinct signifying the strategic role of Epping as a centre for transit orientated development.

In 2014, the Epping Town Centre controls came into effect. This was followed by a rapid take up of development and a subsequent rise in population in the town centre which resulted in the population forecast for Epping exceeding the forecast estimate of 5,500 dwellings. By February 2018, 5,663 dwellings had been approved (or where being assessed) within the town centre.

In response to this, and the positioning of Epping fully within Parramatta LEP after the amalgamation of LGA boundaries in 2016, the Epping Planning Review Discussion Paper (**Attachment D1**) was released in June 2017. This was followed by the Epping Town Centre Traffic Study (**Attachment D2**) in May 2018 which highlighted worsening traffic issues. This planning proposal represents one of a series of Council proposed actions in mitigating the impacts of growth on the transport and traffic network in Epping. Other actions being proposed by Council





## 2. PROPOSAL

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### 2.1 Objectives or intended outcomes

The objective of this planning proposal (**Attachment A2**) is to 'switch off' the application of Clause 4.6 Exceptions to development standards of Parramatta LEP 2011 and Hornsby LEP 2013 to FSR for certain development within the Epping Town Centre.

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.

The objectives of this planning proposal are clear and adequate.

### 2.2 Explanation of provisions

The planning proposal will amend the Parramatta LEP 2011 and Hornsby LEP 2013 as follows:

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.

The proposed amendment seeks to disallow Clause 4.6 exemptions which seek a floor space ratio greater than that stipulated in the LEP Floor Space Ratio Map for either the Parramatta LEP 2011 or the Hornsby LEP 2013, in Epping Town Centre. This is designed to prevent further increases to residential accommodation, tourist and visitor accommodation or mixed-use development density in the area above those provided by existing controls. It exists alongside a suite of changes designed to address traffic issues in the area.

### Department comment

It is recommended that prior to public exhibition the planning proposal be amended as follows:

- include an explanation of the proposed clauses to ensure the intended outcome is adequately detailed and note that the proposed clauses are subject to legal drafting;
- insert a savings transition clause to prevent unfair treatment of development applications already lodged; and
- insert a sunset clause which extinguishes the clause 4.6 FSR exemption after 3 years to reduce the risk of setting an unfavourable precedent by making changes temporary. A sunset clause will enable transport improvements to be constructed and other mechanisms to deliver infrastructure improvements to be implemented. Following the 3 years of implementation, the need for the Clause 4.6 exemption could be reviewed and extended if justified and necessary.

Clause 4.6 is a compulsory clause through the Standard Instrument (Local Environmental Plans) Order 2006. However, it is considered that the level of traffic in Epping is unprecedented and this planning proposal has merit in addressing what is a unique and significant set of circumstances. Therefore, the proposed amendment to clause 4.6 is supported.

### **2.3 Mapping**

The proposal requires amendments to LEP maps in order to indicate the land to which the provisions will apply. The proposal intends for the amendment to apply to an area identified on the Parramatta LEP 2011 Floor Space Ratio Map (FSR\_016) and the Hornsby LEP 2013 Floor Space Ratio Map (FSR\_011) as 'Epping Town Centre'.

### Department comment

The mapping in the planning proposal identifies the land to which the proposal relates and is appropriate for public exhibition purposes.

## **3. NEED FOR THE PLANNING PROPOSAL**

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The planning proposal is in response to the Epping Town Centre Traffic Study 2018 (Prepared by EMM Consulting for City of Parramatta Council) (**Attachment D2**). It aims to avoid additional pressure on the road network in the locality. It is considered that this planning proposal is in response to a significant and unique set of circumstances as outlined in the traffic study.

Nevertheless, there is no quantification in the Epping Town Centre Traffic Study 2018 of the effect that limiting clause 4.6 exemptions may have on the total number of dwellings in the area. Council have indicated that FSR exemptions sought through clause 4.6 are rare, which suggests the proposal may have limited impact on traffic generation.

Yet, the planning proposal exists as part of a suite of planned strategies addressing the traffic concerns of Epping town centre as indicated in the 9 July Council Meeting (**Attachments E1 and E2**). These should be identified in the planning proposal, not limited to:

- planned road improvements;



- reassessment of the proposed residential development at the 'Austino' site;
- placing the 240-244 Beecroft Road State Significant Development (SSD-8784) on hold until work on a new road link and revised commercial FSR be achieved;
- exploring options to reopen the former M2 bus tunnel and create a new East-West road link through 240-244 Beecroft Road;
- progression of several recommended site-specific LEP amendments; and
- revision of commercial floor space guidelines.

## STRATEGIC ASSESSMENT

### 4.1 State

The planning proposal does not directly impede either of the Premier's priorities for more housing closer to green spaces or delivering 1 million trees by 2022.

Epping was identified by the State as an Urban Activation Precinct signifying the potential for the area as a place of transit orientated development which this proposal aims to support whilst limiting excessive density.

### 4.2 District

#### Central City District Plan

The site is within the Central City District and 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 assets. The plan also identifies Epping Town Centre as a strategic centre in the district (Figure 6 below).

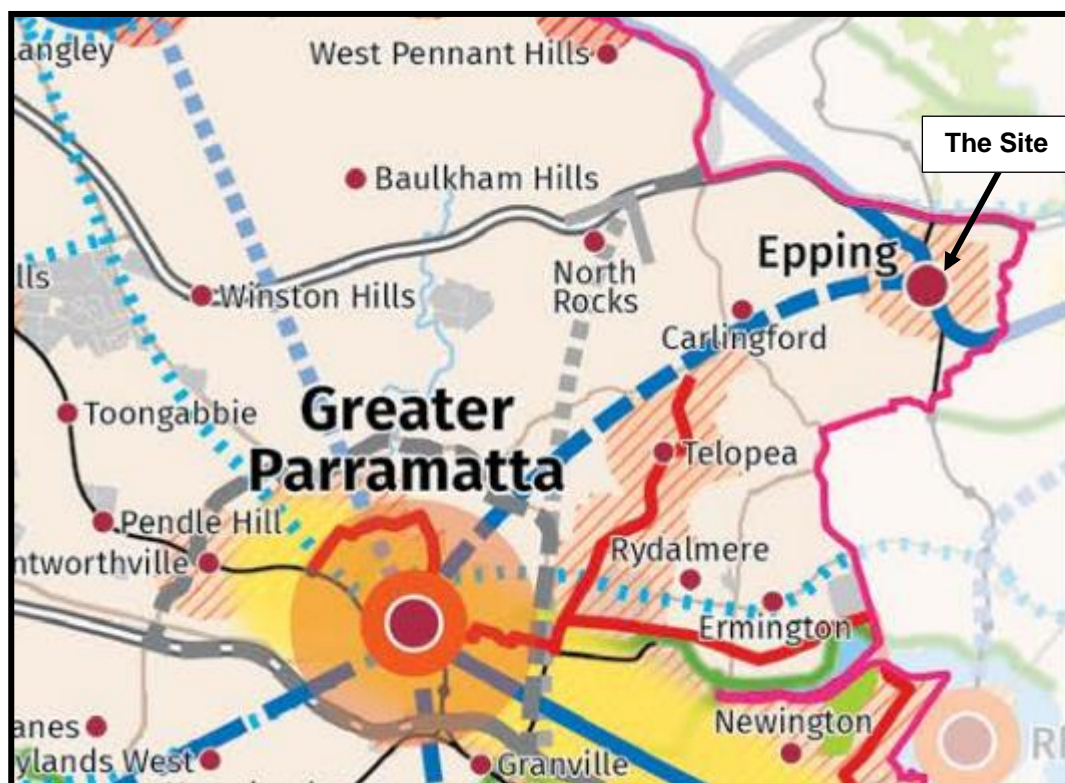


Figure 6: Central City District Plan.



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

#### Planning Priority 1 Planning for a City Supported by Infrastructure

Planning Priority 1 aims to ensure infrastructure provision aligns with forecast growth and adapts to future needs. The proposed changes may lead to a lowering of pressure on the road network through reduced traffic generation. This may assist in facilitating a more sustainable infrastructure network.

#### Planning Priority 4 Fostering healthy, creative, culturally rich and socially connected communities

Planning Priority 4 aims to foster healthy, resilient and socially connected communities with diverse neighbourhoods through promotive active lifestyles and the arts. Housing is provided in a walkable residential neighbourhood, access to social infrastructure, green spaces and walkability will be enhanced through addressing traffic congestion and curbing excessive demand on these places. The proposal does not limit approved growth, however, it does propose to limit growth over and above the mapped FSR and density outcomes. This is considered acceptable in the circumstances.

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

Planning Priority 5 aims to provide greater housing supply and diversity and affordability through well designed, well located housing and a variety of housing stock to suit all stages of life. Housing will continue to be permitted in a location well connected to job centres such as Macquarie Park. The planning proposal still allows flexibility for developers in terms of design and height under Clause 4.6 and it is considered that there will not be a considerable disincentive to development. Council have demonstrated that housing targets will be met.

#### Planning Priority 9 Delivering integrated land use and transport planning and a 30-minute city

Planning Priority 9 aims to both create efficient freight and logistics networks and capitalise on integrated land use and transport to plan towards maximum 30-minute commute times. Housing is within 30 minutes of Parramatta CBD by public transport and close to employment areas such as Macquarie Park, St Leonards, Parramatta and the Hills.

The Department is satisfied that the planning proposal could give effect to the district plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979* by ensuring that the role of Epping as a strategic centre is maintained while limiting the impact of growth on infrastructure.

### **4.3 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.

## Epping Planning Review

The Epping Planning Review (**Attachment D1**) is as a key strategic study which will continue to guide the growth of Epping considering density challenges. This document has informed the Epping Town Centre Traffic Study (**Attachment D2**) and will inform further traffic studies. The planning proposal is in response to the traffic issues identified in these studies and may assist in limiting traffic congestion in Epping.

## Local Planning Panel

On 16 April 2019 the Local Planning Panel considered the matter and unanimously resolved to endorse the planning proposal for submission to the Department with a request for Gateway determination. The Panel also recommended that Council retain this position until further infrastructure is provided in the locality to resolve existing traffic congestion issues.

This decision was made for the reasons as outlined in the assessment report (**Attachment F1**). In summary, these reasons are that the proposed restriction will work to manage future growth and complement other strategic initiatives Council is undertaking to assist with addressing the traffic issues in the Epping Town Centre. There was no public address on the matter.

## **4.4 Section 9.1 Ministerial Directions**

### Direction 1.1 Business and Industrial Zones

The objectives of this Direction are to encourage employment growth in suitable locations, protect employment land in business and industrial zones, and support the viability of identified centres. This Direction applies to the planning proposal as it affects land zoned B2 Local Centre. The proposal is consistent with this Direction as it will not reduce the total potential floor space area for employment uses for the site.

### Direction 3.1 Residential Zones

This Direction aims to encourage a 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. This Direction applies to the proposal as the site is zoned R4 High Density Residential.

The planning proposal will not have an impact on the provision of a choice of housing in the Epping Town Centre. It does not impact on the maximum permissible mapped density Epping Station. In February 2018, 5,663 dwellings had been approved, already exceeding the State Governments revised forecast of 5,500 dwellings by 2036.

### Direction 6.3 Site Specific Provisions

The objective of this Direction is to discourage unnecessarily restrictive site-specific planning controls. The planning proposal is inconsistent with this Direction as it seeks to introduce a site-specific clause (i.e. the new local clause) into the Parramatta LEP 2011 and Hornsby LEP 2013, which will enable a particular development to occur on the site.

The proposal does not impose any development standards or alter controls to a large extent. Therefore, it is considered that any inconsistency is of minor significance.

#### **4.5 State environmental planning policies (SEPPs)**

The planning proposal is considered to be consistent with all SEPPs and will not negatively affect the objectives of any SEPP.

Clause 4.6 is a compulsory clause through the Standard Instrument (Local Environmental Plans) Order 2006. The proposal intends to only switch off one development standard within a defined area of the Epping Town Centre to address a specific issue relating to traffic. As such, it is considered that the proposal is appropriate to proceed to public exhibition.

### **5. SITE-SPECIFIC ASSESSMENT**

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#### **5.1 Social**

There will be no intensification of development so there will be no greater need for social infrastructure generated by this planning proposal. The proposal assists to provide certainty concerning density for the community and allow planners to better plan for social infrastructure to meet community needs.

#### **5.2 Environmental**

There will be no intensification of development as a result of the proposal so it is unlikely that there will be any environmental impact generated as a direct result of this proposal.

##### Traffic

The planning proposal is not expected to exacerbate traffic issues as it will lead to a deintensification of residential development potential in the area. The Epping Town Centre Traffic Study 2018 suggests that due to traffic congestion in Epping, no further increases in residential capacity should be supported. This planning proposal supports this finding.

##### Former Epping Metro Site

The Epping Metro State Significant Development Site (242-244 Beecroft Road, Epping) is outside of the identified area related to this planning proposal. Therefore, it will not be impacted by this planning proposal.

#### **5.3 Economic**

There are unlikely to be significant economic impacts from this planning proposal. It is recognised that the proposal may have some economic impact for development applications which are lodged, but not yet determined. It is recommended that the Gateway determination requires a savings clause to be included in the planning proposal.

### **6. CONSULTATION**

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#### **6.1 Community**

Council proposes that the planning proposal be publicly exhibited by following means:

- newspaper advertisement,
- display on the council's website, and
- written notification to affected landowners.

These means are considered appropriate and an exhibition period of 28 days is recommended.



## **6.2 Agencies**

Consultation with Roads and Maritime Services and Transport for NSW is recommended as the proposal has been justified in the planning proposal on the grounds of traffic congestion in the town centre.

Should these agencies require any additional information or specify any additional matters to be addressed, the proposal is to be updated to respond to the submission, a copy of which is to be included with the updated planning proposal.

## **7. TIME FRAME**

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The planning proposal includes a project timeline, however indicative dates are not included. It is recommended that the LEP be completed within 9 months of the issuing of Gateway determination. It is also recommended that Council update the project timeline to reflect this and other milestones.

## **8. LOCAL PLAN-MAKING AUTHORITY**

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Council has requested to be the local plan-making authority. As the proposal seeks to amend a standard clause, it is recommended that authorisation to be local plan-making authority not be given.

## **9. CONCLUSION**

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The planning proposal is recommended to proceed as it is considered to have strategic and site-specific merit and responds to significant traffic challenges within Epping Town Centre.

It is recommended that the Gateway determination be conditioned to require a sunset clause be imposed that requires the proposal to be reviewed 3 years after finalisation and a savings clause to limit negative consequences for any existing development applications.

## **10. RECOMMENDATION**

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It is recommended that the delegate of the Secretary:

1. agree that any inconsistencies with section 9.1 Direction 6.3 Site Specific Provisions is minor.

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

1. The planning proposal should be made available for public exhibition for a minimum of 28 days.
2. Consultation is required with Roads and Maritime Services and Transport for NSW.
3. The time frame for completing the LEP is to be 9 months from the date of the Gateway determination.
4. Given the nature of the planning proposal, Council should not be authorised to be the local plan-making authority to make this plan.

5. Prior to public exhibition the planning proposal be amended to include:
- (a) under Part 2 Explanation of Provision – an explanation of the proposed clauses to ensure the intended outcome is adequately detailed and note that the proposed clauses are subject to legal drafting;
  - (b) a sunset clause which will automatically remove the Clause 4.6 exemption for FSR:
    - i. after 3 years to enable the effectiveness of the provision to be further assessed having regard to planned infrastructure improvements and other mitigation measures that have been identified for the Epping Town Centre; or
    - ii. if Clause 4.6 under the Standard Instrument – Principal Local Environmental Plan is amended;
  - (c) a savings clause which will make the Clause 4.6 exemption for FSR not apply to development applications lodged but not yet determined should an LEP amendment be made.



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3/10/2019

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