

## INNOVATIVE

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<b>ITEM NUMBER</b>	6.1
<b>SUBJECT</b>	Gateway Request - Planning Proposal to increase commercial floorspace in Epping Town Centre
<b>REFERENCE</b>	F2018/03032 - D07607967
<b>REPORT OF</b>	Team Leader Land Use Planning

### PURPOSE:

The purpose of this report is to seek further advice from the Local Planning Panel in relation to matters raised at their meeting of 29 September 2020 in order to progress a Planning Proposal to mandate an increase in commercial floor space on certain land within the Epping Town Centre.

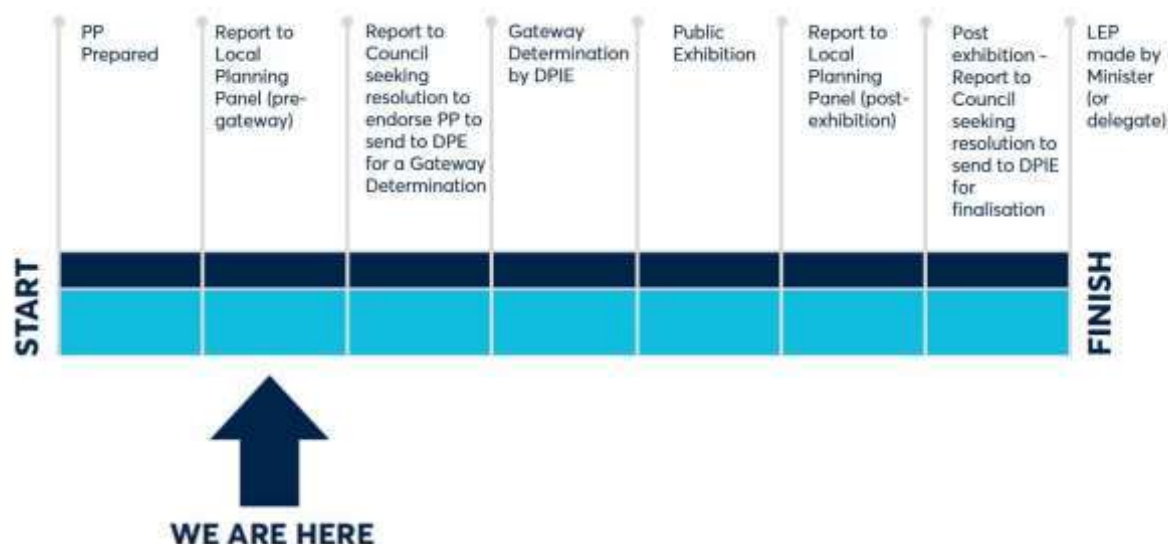
### RECOMMENDATION

That the Local Planning Panel consider the following Council Officer recommendation in its advice to Council:

- (a) **That** Council delegate authority to the Chief Executive Officer to prepare a planning proposal which seeks the following amendments to *Parramatta Local Environmental Plan 2011* and *Hornsby Local Environmental Plan 2013* applying to all land in the B2 Local Centre zone in the Epping Town Centre with the exception of 6-14 and 18A Bridge Street and 24-30 High Street that:
- i. Introduces new clauses which:
    - Mandate a minimum amount of non-residential uses to be provided on the ground, first and second floors of any building facing a street of up to a maximum of 1:1 floor space ratio (FSR) of non-residential floorspace in addition to the mapped maximum floor space ratio. The clause shall also indicate that the FSR of residential development permitted on the site should not increase as a result of this requirement.
    - Allow for an increase in maximum height of buildings from 48 metres in some parts of Epping and 72 metres in some parts of Epping up to 80 metres (approx. 24 storeys) where sites have a mapped FSR of 4.5:1 and from 72 metres up to 90 metres (approx. 28 storeys) where sites have a mapped FSR of 6:1, only where developments provide a minimum amount of non-residential uses of ground, first and second floors of any building facing a street.
    - Ensure any change of use proposed on the first three levels would not allow residential uses.
    - Apply an exception to that part of a building that faces a service lane or is required for entrances and lobbies, access for fire services or vehicular access associated or servicing residential accommodation above.
  - ii. Introduces a requirement that the proposed controls of the planning proposal apply to development applications determined once a Gateway Determination has been issued for this Planning Proposal
- (b) **That** the Chief Executive Officer forwards the Planning Proposal to the Department of Planning, Industry and Environment (DPIE) to request the issuing of a Gateway Determination on behalf of Council.

- (c) **That** Council delegate authority to the Chief Executive Officer to prepare amendments to the relevant sections of the Parramatta Development Control Plan 2011 and Hornsby Development Control Plan 2013 to support the Planning Proposal relating to the following design controls, and place these on public exhibition with the Planning Proposal:
  - i. podium height controls;
  - ii. minimum floorplate dimensions;
  - iii. floor to ceiling heights for non-residential uses;
  - iv. location of services; and
  - v. building and podium setback controls.
- (d) **That** Council advises the DPIE that the Chief Executive Officer will be exercising the plan-making delegations for this Planning Proposal as authorised by Council on 26 November 2012.
- (e) **That** Council delegate authority to the Chief Executive Officer to correct any minor anomalies of a non-policy and administrative nature that may arise during the plan-making process.
- (f) **That** within 5 years of the planning controls being made as an LEP amendment, that a review be undertaken of the effectiveness of the controls relating to the mandatory provision of a minimum level of commercial floorspace in the B2 Local Centre zone within the Epping Town Centre and any associated recommendations and this review be reported to Council.

## PLANNING PROPOSAL TIMELINE



## BACKGROUND

1. The Local Planning Panel considered a detailed report relating to a planning proposal to mandate commercial floorspace on B2 Local Centre zoned sites within the Epping Town Centre at its meeting on 29 September 2020.
2. The report considered three potential planning options in relation to the provision of commercial floor space in Epping Town Centre, as follows:
  - Option 1 – no change to planning controls, that is, based on current development trends, provision of only ground floor retail/business floor space; or
  - Option 2 - mandate a minimum amount of non-residential floor space within the current maximum floor space ratio (FSR) and height controls; or
  - Option 3 - mandate a minimum amount of non-residential floor space in addition to the current permitted maximum floor space ratio and height controls.
3. The Panel advice to Council was consistent with the Council Officer recommendation to proceed with Option 3, however the Panel provided additional recommendations. The Panel Report and Minutes can be found at Item 5.2:  
[https://businesspapers.parracity.nsw.gov.au/Open/2020/LPP\\_29092020\\_AGN\\_641\\_AT.PDF](https://businesspapers.parracity.nsw.gov.au/Open/2020/LPP_29092020_AGN_641_AT.PDF)  
[https://businesspapers.parracity.nsw.gov.au/Open/2020/LPP\\_29092020\\_MIN\\_641.PDF](https://businesspapers.parracity.nsw.gov.au/Open/2020/LPP_29092020_MIN_641.PDF)
4. This report seeks to address the matters raised in the Local Planning Panel's advice, in addition to the following two related matters:
  - a. Addressing the Panel's advice in relation to the savings provision clause to ensure the proposal controls apply prior to the amendment being made and the potential reliance on Clause 4.6. Therefore there is an interaction with the Planning Proposal for Clause 4.6 to 'switch off' the variation to development standards for FSR, which will also be considered by the Panel at its meeting on 15 December 2020; and
  - b. Further urban design testing has been undertaken which reveals the amount of additional floorspace required in order to not to decrease the

residential potential on developments within the Epping Town Centre that results in a revised Council Officer recommendation.

## LOCAL PLANNING PANEL ADVICE TO COUNCIL

5. The Local Planning Panel considered a detailed assessment report on 29 September 2020 when the Panel's advice to Council was consistent with the Council Officer recommendation, however the Panel provided additional recommendations, as follows:
- “(d) That Council officers investigate the feasibility of imposing a savings provision clause to set a date by which development that does not achieve the required non-residential floor space will no longer be permitted – to ensure that there will not be a rush by developers to land bank or lodge holding applications to avoid the effects of the proposal;*
  - (e) That the Panel believes a more equitable solution to the amount of additional floor space awarded as bonus should be restricted to not more than 0.5:1 – and if so notes it would bring about some lowering of achievable maximum heights in some areas of the centre, thereby reducing potential overshadowing and other potential environmental impacts. In this regard, the Panel is advised limiting the additional FSR maximum to 0.5:1 would not compromise the desired outcome of re-establishing a viable commercial base in the centre.*
  - (f) That a thorough Review of the proposed changes and their effectiveness should be a commitment written into this Proposal – to be undertaken at, say, no later than 3 years from the commencement of the amended LEP.*
  - (g) That Council undertake a campaign to advocate use of Public Transport in and to the Town Centre and to help find new ways to encourage its use over the private car.”*
6. Each of the matters raised by the Panel above are considered in turn below.

### Imposing a Savings Provisions

7. The Local Planning Panel recommended that a clause be explored whereby a development application must consider the proposal at a certain date, in order to prevent a rush of development applications being lodged to avoid providing a mandated minimum provision of commercial floorspace. Noting that the typical timeframe for Planning Proposals to be processed to finalisation is between 18 and 24 months.
8. In response to the Panel's advice, Council Officers have explored a provision whereby any DA that is determined after Gateway Determination is received by Council from the Department of Planning, Industry and Environment (DPIE) must consider the proposed planning controls. This would capture development applications determined (regardless of when they are lodged) following the issue of a Gateway Determination. From recent experience, the timeframe following Council's submission to DPIE to issue of Gateway Determination could be anywhere from between 2 and 6 months.
9. It is noted under this option, a DA determined prior to Gateway Determination being received for this Planning Proposal would be assessed and determined

with minimal consideration being given to the commercial floor space provisions proposed in this Planning Proposal. The consideration would be limited because the policy implementation process would only be commencing and there would be perceived potential risks that the policy might not be implemented in the form endorsed by Council. In these cases Council's decision to pursue this policy would still be considered as a matter of public interest, but historically this would be given limited weight by the body determining any application that was inconsistent with this policy. This is due to the risk/uncertainty about the form the policy might take when it is implemented, and because of procedural fairness concerns about new rules being applied retrospectively to current applications.

10. As the policy continues to be implemented the weight given to the Council's proposed new commercial floor space policy increases depending on when the application is determined as detailed in **Table 1** below.

**Table 1 – Impact of this policy change on non-compliant development applications determined after the Gateway Determination is issued**

Timing of Determination of Development Application	Weight that will be given to this policy at this time
After Gateway Determination but prior to exhibition of this Plan	The inclusion of a clause in the Planning Proposal that requires this policy to be applied to any application determined after a Gateway Determination is issued means more weight is given to application of this policy because Council has stated clearly its policy position and this has been agreed by DPIE when they issued the Gateway Determination. The level of certainty that the new policy will be applied to any non-complying Development Application as a matter of public interest is significantly increased but the determining authority would not be compelled to refuse a non-complying Development Application.
Once this Plan has been placed on exhibition.	Once the plan has been placed on exhibition there is a further increase in the status of the policy. Section 4.15 (formerly S79C) of the <i>Environmental Planning Assessment Act 1979</i> lists matters that must be considered when assessing development applications and states that any Draft Planning Proposal placed on exhibition must be formally considered not just as a matter of public interest but as a draft policy position. It is the opinion of Council Officers that the provision of Section 4.15 and the inclusion of a clause that clearly states the policy should be applied to any application determined after Gateway Determination make it unlikely that a determining authority would endorse a non-compliant Development Application in these circumstances.

<b>Timing of Determination of Development Application</b>	<b>Weight that will be given to this policy at this time</b>
Once this Planning Proposal is finalised	The policy has full effect and should be given full consideration when determining any application. The applicant's ability to avoid providing the commercial floor space is significantly decreased compared to the case when controls are included in the DCP as is currently the case.

11. It is recommended that a savings provision be inserted as it will minimise the opportunity that sites will be redeveloped without the required minimum commercial floor space.

### **Consistency between this Commercial Floor Space Policy and Council's Policy to stop applicants requesting additional floor space via a Clause 4.6 Variation**

12. Council Officers would like to clarify a scenario related to the relationship between this Planning Proposal and a second Planning Proposal recently exhibited which seeks to limit the use of Clause 4.6 of the Parramatta LEP 2011 and Hornsby LEP 2013. Clause 4.6 allows applicants to request to vary a development standard including FSR and building height controls contained in these LEPs. The Planning Proposal that has been exhibited (and is also the subject of a report on this agenda for this Local Planning Panel meeting) removes the opportunity for an applicant to utilise Clause 4.6 to request to vary/increase the FSR of residential accommodation or tourist and visitor accommodation over and above the FSR applicable in the relevant LEP. As discussed in detail in the accompanying report this is proposed to be put in place as a measure to limit traffic impacts.
13. In the report considered by the LPP on 29 September 2020 (see link provided previously in this report) it should be noted that the increase in traffic associated with the additional floor space proposed in this Planning Proposal is considered on balance to be acceptable because the impacts of ensuring a sustainable level of commercial floor space are considered to outweigh the traffic impacts. This is consistent with a policy position taken by Council which indicates that additional density should only be permitted in Epping Town Centre if it addresses other planning issues not just housing demand. In this case the increased density is consistent with this policy framework as the driver is commercial floor space not housing supply.
14. The proposal to restrict the use of Clause 4.6 in relation to restricting additional residential and tourist and visitor accommodation FSR has been exhibited and could come into effect in a matter of months if it is supported by Council.
15. Council Officers have had meetings with developers interested in developing sites in Epping who are broadly supportive of Council's proposal to mandate a minimum amount of commercial floor space. If one of these developers was to lodge a Development Application that is consistent with Council's proposed policy for commercial floor space, providing the required amount, Clause 4.6 would still be available as a mechanism to approve this prior to the Commercial Floor Space Planning Proposal being finalised. The finalisation of the Commercial Floor Space Policy could take 6-12 months given the need to obtain a Gateway

Determination, exhibit the Planning Proposal and have Council consider all the submissions received.

16. As the application of Clause 4.6 is limited to residential and tourist and visitor accommodation as proposed in the other Planning Proposal, then it would be open to an applicant to make an argument that a Development Application consistent with Council's commercial floor space policy and incorporating the additional non-residential FSR could still be approved prior to finalisation of the commercial floor space Planning Proposal. The argument would be that the development would be consistent with Council's commercial floor space policy and Clause 4.6 would be a mechanism for the floor space variation to be considered.

### **Proposed Additional Floorspace Ratio**

17. The Council Officer report of 29 September 2020 recommended that sites with a mapped FSR of 4.5:1 should be granted an additional 0.5:1 FSR and sites with a mapped FSR of 6:1 an additional 1:1 FSR in order to accommodate additional mandated commercial floorspace. As detailed in the Panel report the proposed maximum FSR and heights were devised based on the following:
- a. Urban design testing of a selection of sites with the B2 Local Centre zoning;
  - b. Development applications that have been approved under the current controls and the height variations approved; and
  - c. Comparative centres and their density and height controls within the City of Parramatta LGA.
18. At the meeting of 29 September 2020, the Panel recommended that a more equitable solution to the amount of additional floor space awarded as bonus should be restricted to not more than 0.5:1, thereby reducing the potential overshadowing and other potential environmental impacts.
19. In response to the Panel's advice Council Officers make the following recommendations:
- a) That the Council Officer planning approach to the FSR is not an arbitrary bonus, rather, to mandate the delivery of more commercial floor space and ensuring that this is viable. Therefore it is recommended to 'reword' the proposed provisions to allow for up to an additional non-residential FSR (up to 1:1) and height above the mapped controls if a minimum provision of non-residential uses is provided on the first three floors of mixed use development; and
  - b) That a maximum additional 1:1 for both 4.5:1 and 6:1 mapped FSR would be required to ensure equivalent potential residential floorspace is maintained and therefore Council Officers recommendation has been amended (from 29 September 2020) so that 4.5:1 and 6:1 sites can achieve an additional 1:1 FSR.

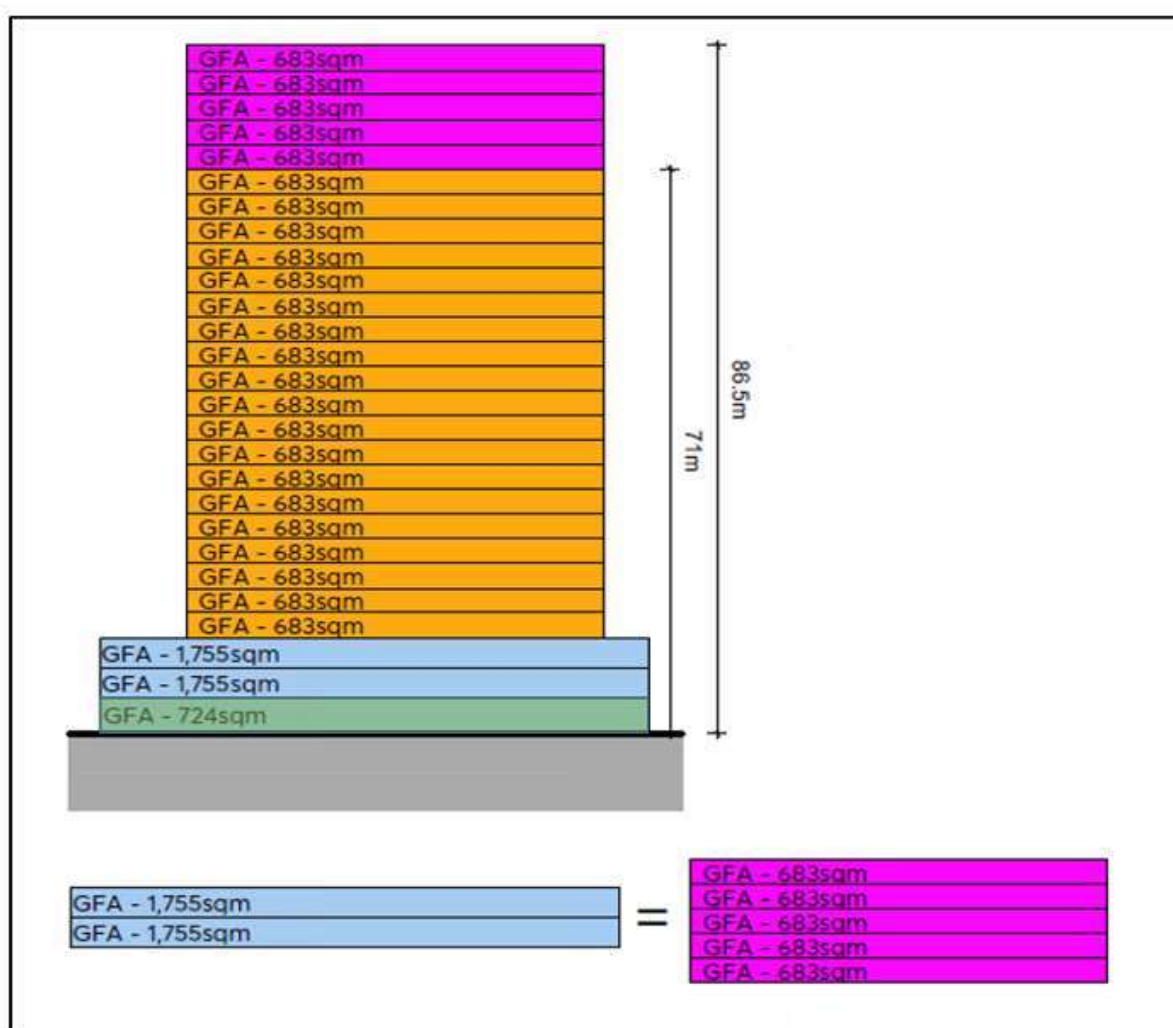
The above Council Officer recommendations are explained in turn below.

20. The proposed additional commercial floor space provisions are intended to be structured so there is no net loss/nor gain of residential potential. The proposed measure only allows additional floor space to achieve Council's strategy for



provision of a minimum level of commercial floor space. As indicated through recent development applications approved within the Epping Town Centre, landowners or developers are delivering the maximum residential potential available on a site, which is currently viewed by the market as the highest yielding land use. Therefore the planning approach is to ensure the delivery of commercial floorspace is viable to be delivered.

21. **Figure 1** indicates the planning approach of the proposal. It shows a theoretical development on a site with a current mapped maximum FSR of 6:1 and height of 72 metres (approximately 22 storeys). The orange and blue shaded floorspace indicates what is available under 6:1 and 72m planning controls. The pink shaded floorspace indicates the residential floorspace equivalent to an additional two floors of non-residential floorspace (shaded in light blue). It is noted that due to the smaller floorplate of a residential tower, that in this working example, the pink floorspace results in an additional five residential floors.



**Figure 1 - Indicative Built Form and Floor Space Comparison**

22. It is acknowledged that the Panel raised concerns in relation to the increase in FSR and impacts on overshadowing and other potential environmental impacts. Council Officers reiterate the following points in relation to impact, as outlined in the Panel Report of 29 September 2020:
- Overshadowing analysis reveals that any additional overshadowing falling on the edge of Boronia Park, the residential areas to the south west of the



Epping Town Centre and over the railway line between 10am and 11am is marginal and has progressed further eastward by 12 midday. Therefore the overall net additional overshadowing caused by the planning proposal under Option 3 for the majority of B2 sites is considered acceptable.

- b. The additional net shadow caused by additional height and density at 6, 8, 10, 12, 14 and 18A Bridge Street and 24-30 High Street largely impacts those sites to its immediate south (areas that are low density residential and within the Epping Eastwood Heritage Conservation Area) for the majority of time between 10am and 2pm. Therefore it is recommended that the B2 Local Centre sites 6, 8, 10, 12, 14 and 18A Bridge Street and 24-30 High Street be excluded from any planning proposal.
- c. The Traffic Study undertaken to support the Planning Proposal indicates that there are, and will be, highly congested traffic conditions in Epping under the current planning controls, and that the proposal to mandate additional non-residential floor space will result in additional delays at identified intersections in the peak (in the short to medium term).
- d. As a result of changes to planning controls, there will be a short to medium term adverse traffic impact, however this must be balanced with the long term pursuit of the strategic goal of making Epping a thriving Town Centre. There are demonstrable benefits from having an activity and employment based centre which is best placed to serve the needs of the broader community.
- e. Council will continue to focus its efforts on delivering and advocating for the necessary traffic and transport improvements required in Epping. By taking advantage of Epping as a public transport hub this will continue to assist in resolving the road based transport issues, and seeking improvements in public transport provisions in areas east and west of Epping to reduce the levels of private vehicle through traffic, which is currently the primary source of congestion problems in the Epping Town Centre.

#### *B. FSR amendments to accommodate mandated commercial floorspace*

23. The Council Officer report of 29 September 2020 recommended that sites with a mapped FSR of 4.5:1 should be granted an addition 0.5:1 FSR and sites 6:1 an additional 1:1 FSR in order to accommodate additional mandated commercial floorspace. The Panel at its meeting advised that a 'bonus' of 0.5:1 FSR for both 4.5:1 and 6:1 is more equitable.

24. Following advice from the Panel, Council Officers have undertaken additional site testing of potential development sites within the Epping Town Centre. The site testing revealed that:

- a. In order to provide an additional two levels of non-residential floorspace and offset the potential loss of residential floorspace, that an additional FSR of approximately 1:1 is required on both 4.5:1 and 6:1 sites within the B2 Local Centre zone, however this is not in every case tested due to unique site conditions and therefore a minimum provision of the first three storeys with a maximum of up to 1:1 FSR is proposed.
- b. The additional maximum height of buildings proposed (90 metres - approximately 28 storeys and 80 metres – approximately 24 storeys respectively for 6:1 and 4.5:1 sites) if a minimum of 3 levels of non-residential uses are provided in any development is recommended.

- c. As detailed in the Panel report of 29 September 2020, additional height is also required to rectify the historical 'mismatch' between the current height and density (FSR) controls for B2 Local Centre zoned sites in Epping Town Centre and is the reason for the significant increase in height of some sites that currently have a height of 48 metres. The increase in height is justified due to the history of consistent use of Clause 4.6 for substantial height variations and the need to gain better tower form and separation outcomes on those sites which have irregular subdivision patterns. It is acknowledged that not all sites will require this additional height. Further, overshadowing analysis was undertaken (refer Panel report of 29 September 2020) which concluded that the overall net additional overshadowing is considered acceptable.

25. The Council Officer recommendation in this report is modified from the recommendation contained in the Panel report of 29 September 2020 only in relation to those B2 Local Centre sites which are currently mapped 4.5:1. It is recommended that an additional 1:1 FSR will support the additional non-residential uses (from original recommendation of 0.5:1 FSR). A summary of the recommendations to the Panel and Panel advice in relation to planning controls is provided at **Table 1**.

**Table 1:** Proposed FSR and height of buildings under Option 3

<b>Controls on B2 sites in Epping Town Centre</b>			
<b>Current Maximum FSR and Height of Building</b>	<b>Council Officer recommended to LPP meeting 29 Sept 2020</b>	<b>Maximum FSR and Height of Building as advised by LPP 29 Sept 2020</b>	<b>Proposed Potential Maximum FSR and Height of Building Controls</b>
6:1 and 72 metres (22 storeys)	7:1 FSR and 90m (28 storeys)	6.5:1 FSR and 90m (28 storeys)	7:1 FSR and 90m (28 storeys)
4.5:1 and 72 metres (22 storeys)	5:1 FSR and 80m (24 storeys)	5:1 FSR and 80m (24 storeys)	5.5:1 FSR and 80m (24 storeys)
4.5:1 and 48 metres (15 storeys)	5:1 FSR and 80m (24 storeys)	5:1 FSR and 80m (24 storeys)	5.5:1 FSR and 80m (24 storeys)
3.5:1 and 21 metres (6 storeys)	No change proposed. As detailed in the LPP Report of 29 September 2020, the sites are at 6, 8, 10, 12, 14 and 18A Bridge Street and 24-30 High Street and have shadow impact on adjacent residential heritage areas.		

### Review Timeframe

26. The Local Planning Panel recommended that a review be undertaken of the proposed amendments and their effectiveness, no later than 3 years from the commencement of the LEP and it be written into the Planning Proposal.
27. If a review period was put in place, Council Officer recommend it should occur after 5 years following the introduction of the planning controls. Development application consents have a standard timeframe of 5 years before they lapse. Therefore if DAs were granted that were in line with the controls, then those

consents could be 'held' until controls were reverted, to put in modifications to those development applications.

28. Furthermore, Council officers do not support introduction of a sunset clause as part of the Planning Proposal, that is, for the controls to discontinue following a period of time.
29. Alternatively, it is recommended that a thorough review be undertaken by Council in order to assess the effectiveness of the controls and recommendations as to how the controls continue or be amended or no longer continue to be in place. This allows for flexibility as to assess options to how the controls may or may not continue. If Council resolves as per the Council Officer's recommendation (f) above, this would be placed on City Planning's Work Plan and be reported to Council in the required timeframe.

### Advocate for Public Transport

30. The Panel recommended that Council undertake a campaign to advocate use of public transport and help find new ways to encourage its use over the private car.
31. It is noted that it is Council's role to continually advocate to the NSW Government to supply new or improved public transport services to all parts of the City of Parramatta, including Epping. As our population grows, so does the need for excellent public transport services. Council Officers continue to engage with Transport authorities in relation to both public transport and road improvements in and around Epping Town Centre.
32. It is noted that the North West Sydney Metro opened in May 2019, which connects Epping Town Centre with Chatswood through Macquarie Park, as well as to population centres of the north west. It is expected that the City and South West extension of the Sydney Metro will open in 2024 which will further increase Epping's accessibility via quality public transport from St Leonards, Crows Nest, North Sydney and the Sydney CBD.
33. It is also noted that both controls relating to the Epping Town Centre in both the Hornsby DCP 2013 and Parramatta DCP 2011 require Travel Plans to be prepared for developments over 10 storeys. The Travel Plans must demonstrate methods to encourage modal shift (including bicycle parking and end of trip facilities).

### **CONSULTATION & TIMING**

34. Notification to both Epping Civic Trust and Epping Chamber of Commerce was given prior to the 29 September 2020 LPP meeting. It is noted that members of the Epping Civic Trust addressed the Panel at its meeting of 29 September 2020 in relation to their concerns in relation to the planning proposal. Notification to these two groups will also occur in relation to the LPP and Council meetings.

### **FINANCIAL IMPLICATIONS FOR COUNCIL**

35. Any work to progress the finalisation of the Planning Proposal and associated draft DCP would be prepared by Council Officers and therefore within the existing City Planning budget.
36. If the Panel advises to pursue a revised floorspace ratio of 0.5:1, the level of development contributions paid would potentially be reduced compared to the

Council Officer recommendation of a floor space ratio of 1:1. It is noted that development contributions will apply at the time of development approval being granted.

## **NEXT STEPS**

37. Following the Panel's consideration of this report, it is noted that the advice from both 29 September 2020 and 15 December 2020 Panel meetings will be included in the report Council on this matter.
38. If Council resolves to proceed with a Planning Proposal based on Option 3, Council Officers will prepare a planning proposal document under the CEO delegation and it will be forwarded to the DPIE for a Gateway Determination.
39. If Gateway Determination is granted, the matter would proceed to public exhibition. Following public exhibition a report on the outcomes of the public exhibition will be provided to the Local Planning Panel addressing any objections received. If no objections are received, the matter will be reported directly to Council seeking approval to finalise the Planning Proposal.

Bianca Lewis  
**Team Leader Land Use Planning**

Robert Cologna  
**A/Group Manager City Planning**

David Birds  
**A/Executive Director Planning & Design**

## **ATTACHMENTS:**

There are no attachments for this report.

## **REFERENCE MATERIAL**

the matters of consideration prescribed under s4.15(1)(a)(i) of the EP&A Act 1979.

- b. As the proposed development is not consistent with critical provisions of child care centres required to ensure amenity of the children, staff and surrounding locality, the proposal is not considered to be in the public interest and also fails to satisfy s4.15(1)(b)(d) and (e) of the EP&A Act 1979

The Panel decision was unanimous.

For: David Lloyd QC (Chair), Warrick McLean, Richard Thorp.

Against: Nil

## REASONS FOR DECISION

The Panel supports the findings found in the assessment report and endorses the reasons for approval contained in that report

## INNOVATIVE

6.1      SUBJECT      PUBLIC MEETING:  
Gateway Request - Planning Proposal to increase commercial floorspace in Epping Town Centre

REFERENCE   F2018/03032 - D07607967

REPORT OF   Team Leader Land Use Planning

The Panel considered the matter listed at Item 6.1 and attachments to Item 6.1.

PUBLIC FORUM

There were no public forums for Item 6.1

## 2120      **RECOMMENDATION**

- (a) **That** Council delegate authority to the Chief Executive Officer to prepare a planning proposal which seeks the following amendments to Parramatta Local Environmental Plan 2011 and Hornsby Local Environmental Plan 2013 applying to all land in the B2 Local Centre zone in the Epping Town Centre with the exception of 6-14 and 18A Bridge Street and 24-30 High Street that:
  - i. Introduces new clauses which:
    - a) Mandate a minimum amount of non-residential uses to be provided on the ground, first and second floors of any building facing a street of up to a maximum of 1:1 floor space ratio (FSR) of non-residential floorspace in addition to the mapped maximum floor space ratio. The clause shall also indicate that the FSR of residential

- development permitted on the site should not increase as a result of this requirement.
- b) Allow for an increase in maximum height of buildings from 48 metres in some parts of Epping and 72 metres in some parts of Epping up to 80 metres (approx. 24 storeys) where sites have a mapped FSR of 4.5:1 and from 72 metres up to 90 metres (approx. 28 storeys) where sites have a mapped FSR of 6:1, only where developments provide a minimum amount of non-residential uses of ground, first and second floors of any building facing a street.
  - c) Ensure any change of use proposed on the first three levels would not allow residential uses.
  - d) Apply an exception to that part of a building that faces a service lane or is required for entrances and lobbies, access for fire services or vehicular access associated or servicing residential accommodation above.
- ii. Introduces a requirement that the proposed controls of the planning proposal apply to development applications determined once a Gateway Determination has been issued for this Planning Proposal
- (b) **That** the Chief Executive Officer forwards the Planning Proposal to the Department of Planning, Industry and Environment (DPIE) to request the issuing of a Gateway Determination on behalf of Council.
  - (c) **That** Council delegate authority to the Chief Executive Officer to prepare amendments to the relevant sections of the Parramatta Development Control Plan 2011 and Hornsby Development Control Plan 2013 to support the Planning Proposal relating to the following design controls, and place these on public exhibition with the Planning Proposal:
    - i. podium height controls;
    - ii. minimum floorplate dimensions;
    - iii. floor to ceiling heights for non-residential uses;
    - iv. location of services; and
    - v. building and podium setback controls.
  - (d) **That** Council advises the DPIE that the Chief Executive Officer will be exercising the plan-making delegations for this Planning Proposal as authorised by Council on 26 November 2012.
  - (e) **That** Council delegate authority to the Chief Executive Officer to correct any minor anomalies of a non-policy and administrative nature that may arise during the plan-making process.
  - (f) **That** within 5 years of the planning controls being made as an LEP amendment, that a review be undertaken of the effectiveness of the controls relating to the mandatory provision of a minimum level of commercial floorspace in the B2 Local Centre zone within the

Epping Town Centre and any associated recommendations and this review be reported to Council.

- (g) **Further, that** Council continue to work with the State Government to resolve traffic issues in Epping.

The Panel decision was unanimous.

For: David Lloyd QC (Chair), Robert Hussey, Warrick McLean, Richard Thorp.

Against: Nil

## REASONS FOR RECOMMENDATION

The Panel supports the findings found in the assessment report and endorses the reasons for recommendation contained in that report with the additional consideration found in point (g) of the recommendation.

- 6.2      SUBJECT      PUBLIC MEETING:  
Post-exhibition: Planning Proposal to 'switch off' Clause 4.6 Variation, as it applies to FSR for sites within the Epping Town Centre.

REPORT OF      Project Officer Land Use Planning

The Panel considered the matter listed at Item 6.2 and attachments to Item 6.2.

PUBLIC FORUM

There were no public forums for Item 6.1

## 2121 RECOMMENDATION

That the Local Planning Panel recommends the following to Council:

- (a) **That** Council receives and notes the summary of submissions made during the public exhibition of the Planning Proposal – Amendments to Clause 4.6 of Epping Town Centre at Attachment 1.
- (b) **That** Council endorse for finalisation the Planning Proposal to amend Clause 4.6 in the *Parramatta Local Environmental Plan 2011* and *Hornsby Local Environmental Plan 2013* by disabling the use of Clause 4.6 variations in relation to floor space ratio controls for the following types of development in the Epping Town Centre:
- i. In *Parramatta LEP 2011* - residential accommodation and tourist and visitor accommodation, or a mixed use development that includes these uses within Zone B2 Local Centre or residential accommodation in Zone R4 High Density Residential; and