



Planning,
Industry &
Environment

IRF21/3708

Gateway Determination Report – PP-2021-3070

Amendments to the Parramatta Local Environmental Plan
2011 and the Hornsby Local Environmental Plan 2013 -
Increase Commercial Floorspace in Epping Town Centre

September 21



Published by NSW Department of Planning, Industry and Environment

dpie.nsw.gov.au

Title: Gateway Determination Report – PP-2021-3070

Subtitle: Amendments to the Parramatta Local Environmental Plan 2011 and the Hornsby Local Environmental Plan 2013 - Increase Commercial Floorspace in Epping Town Centre

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Contents

1	Planning proposal	1
1.1	Overview.....	1
1.2	Objectives of planning proposal	1
1.3	Explanation of provisions.....	1
1.4	Site description and surrounding area	3
1.5	Mapping.....	4
2	Need for the planning proposal.....	7
2.1	Epping Planning Review.....	7
2.2	Local Strategic Planning Statement	7
2.3	Best means of achieving intended outcomes	8
3	Strategic assessment.....	10
3.1	District Plan	10
3.2	Local	12
3.3	Local Planning Panel recommendation	13
3.4	Section 9.1 Ministerial Directions	13
3.5	State Environmental Planning Policies	16
4	Site-specific assessment	16
4.1	Environmental.....	16
4.2	Social and economic	18
4.3	Infrastructure	19
5	Assessment summary.....	19
6	Recommendation.....	20

1 Planning proposal

1.1 Overview

Table 1: Planning proposal details

Planning proposal details	
LGA	Parramatta Local Government Area
PPA	City of Parramatta Council
NAME	Increase Commercial Floorspace in Epping Town Centre
NUMBER	PP-2021-5291
LEP TO BE AMENDED	Parramatta Local Environmental Plan 2011 Hornsby Local Environmental Plan 2013
ADDRESS	Land zoned B2 Local Centre in Epping Town Centre, excluding 6-14 Bridge Street, 18A Bridge Street and 24-30 High Street, Epping.
RECEIVED	Adequate planning proposal received 25 August 2021.
FILE NO.	IRF21/4863
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 planning proposal.

1.2 Objectives of planning proposal

The planning proposal broadly applies to the Epping Town Centre and seeks to:

- address the loss of commercial floorspace in Epping Town Centre, which has been replaced by an influx of new residential development;
- support Epping's status as a strategic centre in accordance with the Central City District Plan and the Parramatta Local Strategic Planning Statement – City Plan 2036;
- support Council's target of 4,300 additional jobs in Epping by 2036;
- provide increased jobs and services to support the surrounding population; and
- support the creation of a vibrant and active Epping Town Centre.

The Department considers that the planning proposal contains objectives that adequately explain the intent of the planning proposal. This aspect of the planning proposal is acceptable.

1.3 Explanation of provisions

The planning proposal seeks to achieve the objectives through both new site specific provisions and amending existing height of building and floorspace ratio controls that apply to affected Epping Town

Centre land. The proposal seeks to amend the Parramatta LEP 2011 and Hornsby LEP 2013 and generally applies to land zoned B2 Local Centre under these instruments.

The planning proposal seeks to:

- require a minimum amount non-residential uses to be provided on the first three floors where facing the street;
- allow an additional 1:1 floor space ratio (FSR) for non-residential uses above the existing mapped FSR, with no change to the maximum residential floorspace;
- prevent any future change of use on the first three levels to allow residential uses;
- provide an exception to parts of buildings facing a service lane or providing lobbies and servicing; and
- include a requirement that the proposed controls apply to Development Applications determined once a Gateway Determination has been issued.

Changes to maximum heights and density are also proposed and are outlined in **Table 2**. The planning proposal does not seek to amend any other provisions nor change the existing B2 Local Centre zoning. Amendments to the Parramatta Development Control Plan 2011 and the Hornsby Development Control Plan 2013 to establish built form controls in response to the proposed provisions are proposed to support the intended outcomes.

Table 2: Current and proposed controls

Control	Current	Proposed
Maximum height of the building	<ul style="list-style-type: none"> • 48m and 72m 	<ul style="list-style-type: none"> • 80m, where site has FSR of 4.5:1 • 90m, where site has FSR of 6:1 <p>Only where non-residential floor space is to be provided.</p>
Floorspace ratio	<ul style="list-style-type: none"> • 4.5:1 • 6:1 	<ul style="list-style-type: none"> • 4.5:1 base + 1:1 additional • 6:1 base + 1:1 additional <p>Only where non-residential floor space is to be provided.</p>
Number of jobs	5,100 jobs in Epping (2016 data)	6,000 additional jobs

Whilst the planning proposal contains an explanation of provisions that seeks to explain how the objectives of the planning proposal will be achieved, the Department considers that this section of the planning proposal is not clearly defined and conflicted.

As outlined by Council, the primary objective of the planning proposal is to address the loss of commercial floorspace in Epping Town Centre through amendments to the Parramatta LEP 2011 and the Hornsby LEP 2013. However, the Department notes that each of the proposed provisions of the planning proposal outline that non-residential uses are to be mandated for future development. Non-residential uses include a wide range of additional land uses not covered under the commercial uses definition, including registered clubs and childcare centres. This may detract from achieving Council's aim.

The Department considers that part of the proposed height of buildings provision, which seeks to only apply when development on affected Epping Town Centre land provides non-residential uses on the ground, first and second floors of any building facing a street, conflicts with other proposed provisions which already seek to mandate non-residential uses on the ground, first and second floors

of any building facing a street. This aspect of the proposed provision is therefore considered to be unnecessary.

The Department does not support the proposed provision to introduce a requirement that the proposed controls apply to Development Applications (DAs) determined once a Gateway Determination has been issued for this planning proposal. Section 4.15 of the *Environmental Planning and Assessment Act 1979* (the Act) provides the matters for consideration when assessing a DA. This outlines when draft planning instruments may be considered. It is not appropriate to include controls beyond the Act.

The Department notes that the planning proposal seeks to provide the non-residential floorspace across the first three floors. It is considered that a requirement to provide a minimum floorspace would be sufficient to achieve the objectives of the proposal, with further guidance on the built form able to be provided through a development control plan.

1.4 Site description and surrounding area

The planning proposal applies to B2 Local Centre zoned land in Epping Town Centre, excluding 6-14 Bridge Street, 18A Bridge Street and 24-30 High Street, Epping. The subject land is highlighted red in **Figure 1**.



Figure 1: Affected Epping Town Centre Land (Source: City of Parramatta Council Planning Proposal Report 2021, amended by the Department)

The centre is identified as a strategic centre in the Central City District Plan and the Parramatta Local Strategic Planning Statement – City Plan 2036, and is situated approximately 10km north-east of Parramatta. The centre adjoins Epping Railway 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.

High-density residential and retail development surrounds the station, transitioning to low density detached housing. The main road connections are Epping Road, Carlingford Road and Beecroft road. 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.

Epping Town Centre was rezoned through a state led Urban Activation Precinct process in 2014. This was followed by a rapid take up of development due to favourable market conditions, exceeding the forecast estimate of 5,500 dwellings. As a result of Council amalgamations, Epping Town Centre was moved to be fully within the Parramatta LGA. Council undertook the Epping Planning Review to respond to issues resulting from the new development in Epping Town Centre, including traffic congestion and the loss of commercial floorspace.

1.5 Mapping

The planning proposal includes an indicative Height of Buildings Map, which illustrates the proposed building height increases for affected Epping Town Centre land. The indicative Height of Buildings Map has amalgamated the existing Parramatta LEP 2011 (**Figure 2**) and Hornsby LEP 2013 (**Figure 3**) Height of Building maps that currently apply to the affected Epping Town Centre land, as it is likely that the Parramatta Harmonisation LEP planning proposal (PP_2019_COPAR_018_00/PP-2020-3106) will be finalised before the subject planning proposal.

The Parramatta Harmonisation LEP planning proposal seeks to, amongst other things, incorporate Epping Town Centre into a consolidated City of Parramatta LEP.

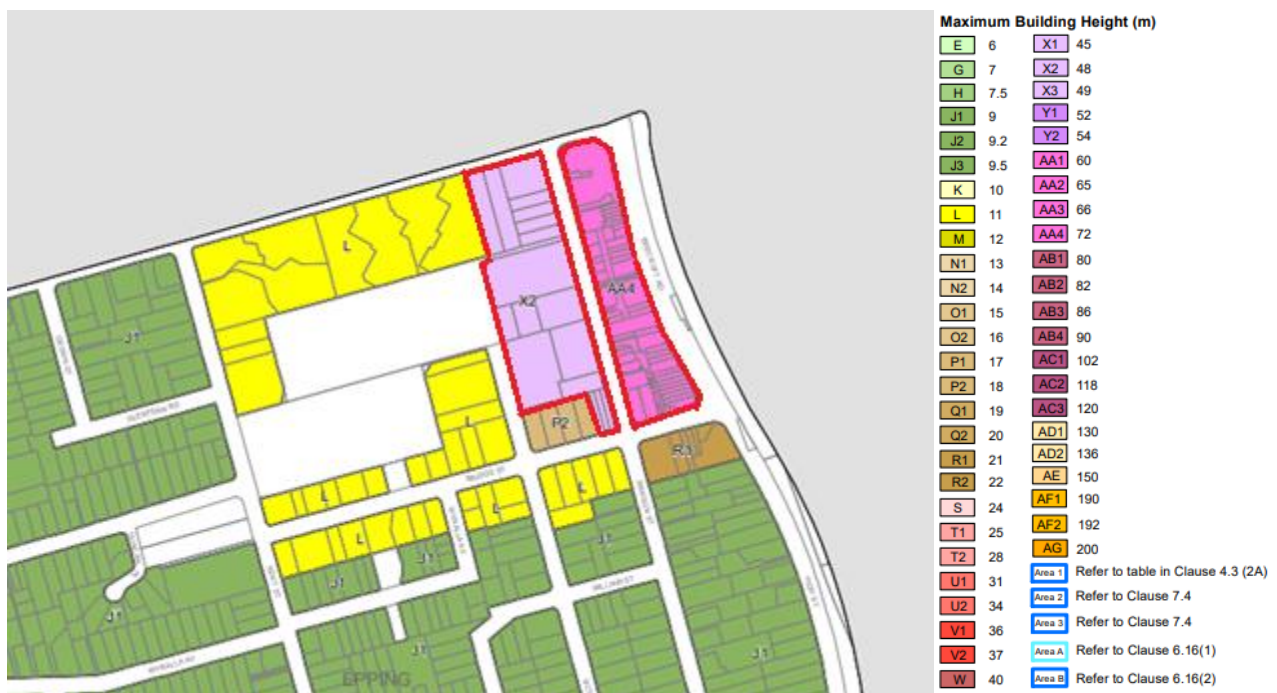


Figure 2: Existing Parramatta LEP 2011 Height of Buildings Map, with subject site bound in red (Source: Parramatta LEP 2011 Height of Buildings Map - Sheet HOB_016)

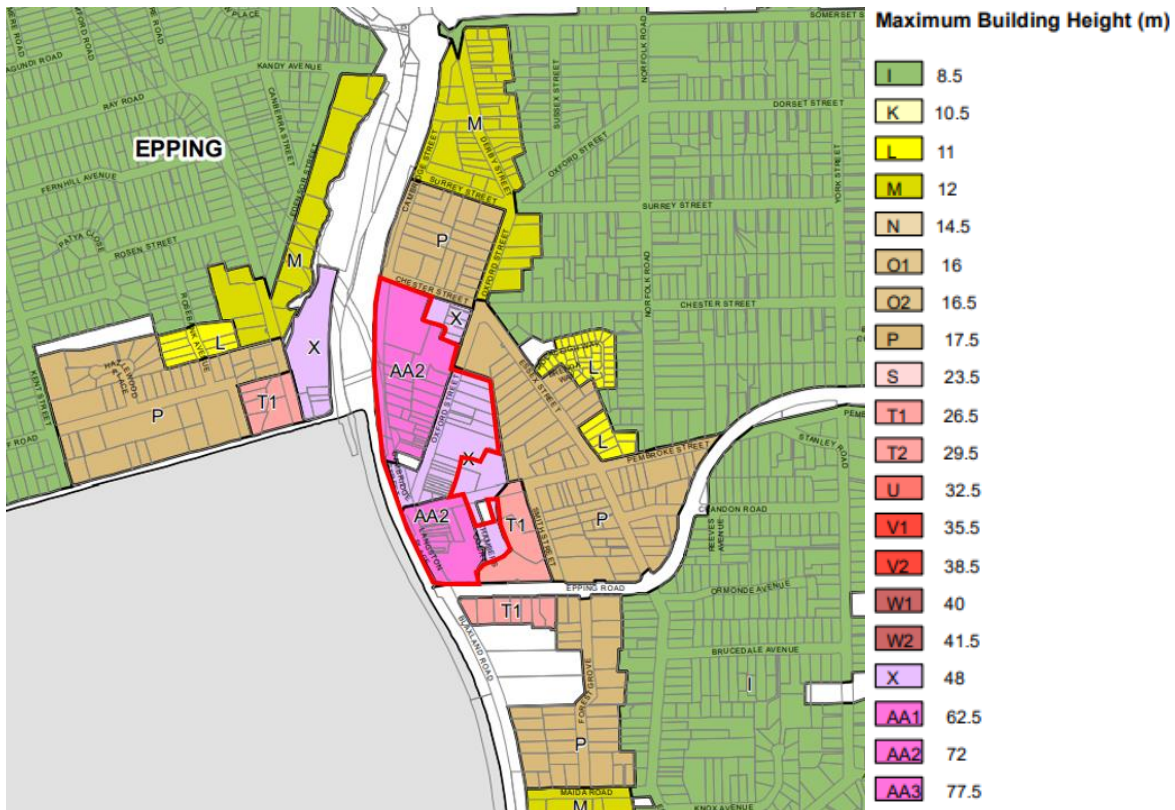


Figure 3: Existing Hornsby LEP 2013 Height of Buildings Map, with subject land bound in red (Source: Hornsby LEP 2013 Height of Buildings Map - Sheet HOB_011)

The Department considers that the indicative Height of Buildings Map provided by Council clearly identifies the proposed building height increases for affected Epping Town Centre land (**Figure 4**). However, as discussed in section 1.3, there is some discrepancy in how changes to height are proposed under the planning proposal.

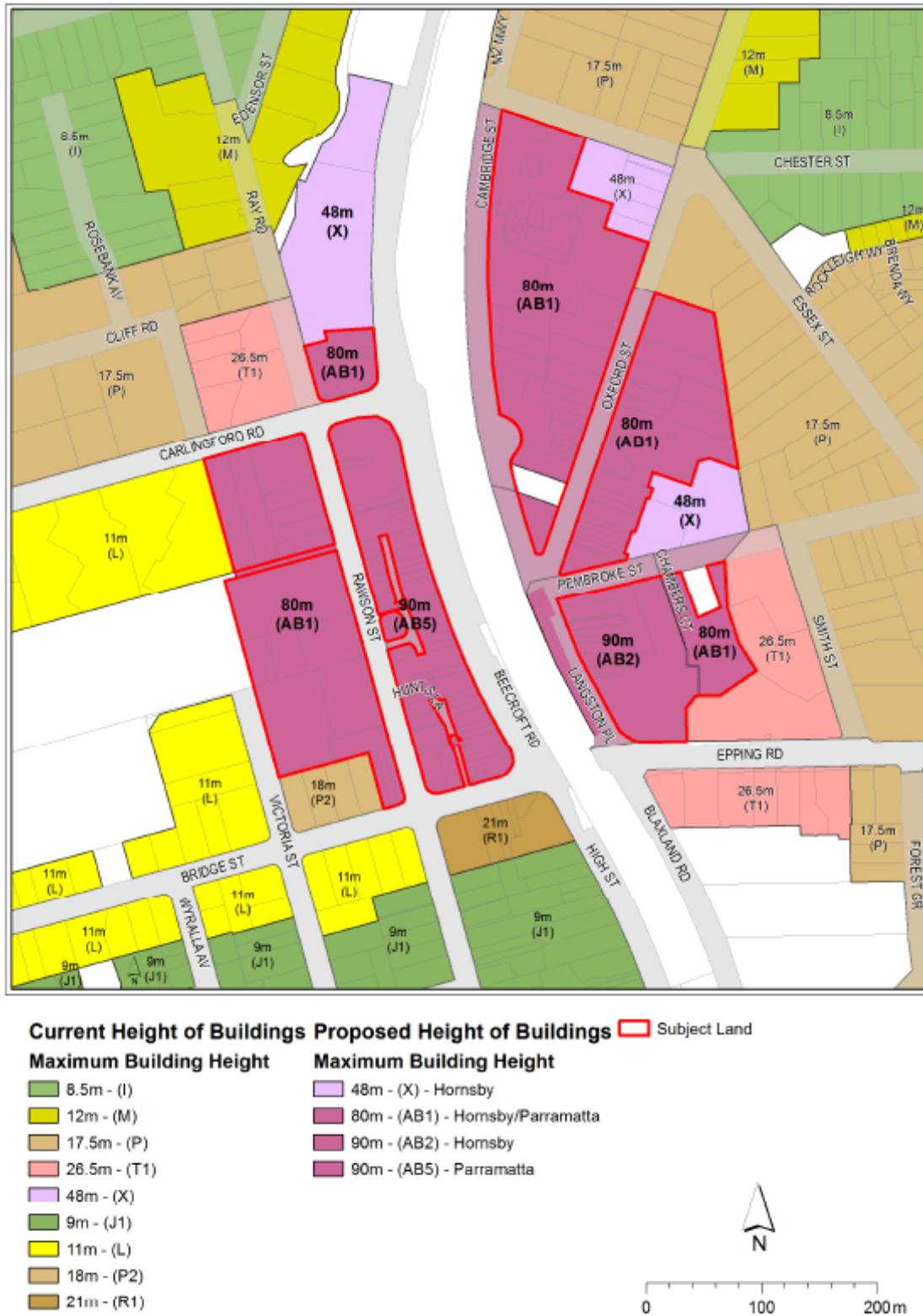


Figure 4: Indicative Height of Buildings Map (Source: City of Parramatta Council Planning Proposal Report 2021)

2 Need for the planning proposal

Whilst the Department considers that Council has adequately outlined why it has submitted the planning proposal to the Department for Gateway Determination, the Department considers that the planning proposal in its current form is not the best way of achieving its intended objectives and outcomes. This is outlined in detail in the following subsections.

2.1 Epping Planning Review

The planning proposal is the result of the Epping Planning Review (EPR), which has two project phases.

Stage 1 of the EPR was initiated by Council in December 2016 to review issues which had arisen from the 2014 Epping Town Centre rezoning. As part of this Stage 1 EPR process, Council commissioned SGS Economics and Planning to undertake an Epping Town Centre Commercial Floorspace Study (Commercial Study) to understand the availability of commercial floorspace in Epping Town Centre and its role as a centre. The Commercial Study identified that:

- Residential growth in Epping Town Centre has and is continuing to escalate at a much faster pace than originally anticipated at the expense of existing commercial floorspace, as the market has determined that residential is the highest yielding land use.
- The current planning controls applying to Epping Town Centre will likely continue to result in the loss of existing commercial floorspace.
- Due to some landowner's desire to maintain redevelopment potential of their land, there is currently very little commercial floorspace on a long-term lease or a lease without a demolition clause, further increasing uncertainty on future commercial floorspace availability.
- Epping has supportable demand for between 40,000sqm to 45,000sqm of 'office' floorspace and 13,000sqm of 'retail' floorspace to 2036.

To address these findings, the Commercial Study recommends changes to existing planning controls applying to Epping Town Centre, to apply a minimum non-residential floorspace ratio to maintain and develop commercial floorspace to meet demand over the next 20 years.

In response to the Stage 1 EPR findings, including the findings of the Commercial Study, Stage 2 of the EPR has been initiated by Council. Stage 2 of the EPR largely involves preparing planning proposals to amend existing planning controls applying to Epping Town Centre and surrounds to address the issues and concerns identified in Stage 1 of the EPR.

The subject planning proposal has therefore been prepared by Council and lodged to the Department to address the identified loss of commercial floorspace in Epping Town Centre.

2.2 Local Strategic Planning Statement

The planning proposal was also initiated by Council in response to the Parramatta Local Strategic Planning Statement – City Plan 2036 (LSPS), which identifies Epping as a strategic centre in the Parramatta LGA. As per the LSPS, *“strategic centres co-locate a wide mix of land uses (commercial and residential), have high levels of amenity, walkability and are cycle friendly.”* The LSPS also contains targets to increase jobs in Epping from 5,100 jobs in 2016 to 9,400 jobs by 2036, representing a net increase of 4,300 jobs in Epping.

The planning proposal would assist in giving effect to these elements of the LSPS by mandating the provision of non-residential floorspace as part of future development on affected Epping Town Centre land. This would increase jobs in Epping, co-locate employment generating land-uses and provide increased levels of amenity.

2.3 Best means of achieving intended outcomes

Prior to Council lodging the planning proposal to the Department, three options were investigated by Council as potential solutions to addressing the loss of commercial floorspace in Epping Town Centre. These three options comprised the following:

- **Option 1:** No change to planning controls and let market conditions dictate the commercial floorspace achieved. Based on recent development trends, this may result in only ground floor retail being delivered. However, market conditions could change over time; or
- **Option 2:** Mandate a minimum amount of non-residential floorspace within the current maximum FSR controls; or
- **Option 3:** Mandate a minimum amount of non-residential floorspace in excess of the current maximum FSR controls.

Based on the assessment of each option, option 3 was pursued by Council and forms the basis of the planning proposal. Council is of the opinion that option 3 is the most likely means of delivering commercial floorspace in Epping Town Centre and the option most likely to be well received by the market. Option 3 was also the preferred option of the Parramatta Local Planning Panel. This is discussed in future detail in section 3.3 of this report.

However, the Department considers that the current planning proposal, which peruses option 3, is not the best way of achieving the intended objectives and outcomes, and that the proposed provisions should be reworked. This is due to the following:

1. There is no guarantee that the intended outcomes will be achieved

As discussed in section 1.3 of this report, it is suggested the proposed provisions may not necessarily result in the realisation of the planning proposal's intended objectives and outcomes. The proposed provisions requiring minimum non-residential floorspace as part of future development on affected Epping Town Centre land does not guarantee that commercial floorspace will be provided, as non-residential floorspace comprises a wide range of other land-uses.

The Department also notes that the planning proposal does not include up to date analysis outlining the feasibility and demand for providing commercial floorspace over other non-residential uses. It is considered that if the market deems it more feasible to provide other non-residential uses over commercial floorspace, than these other non-residential uses will be provided by landowners unless the provision of commercial floorspace is specifically mandated by the proposed provisions.

2. Many Epping Town Centre sites are unnecessarily affected by the proposed provisions

The proposed provisions seek to apply to all affected Epping Town Centre land. However, as identified in the Epping Commercial Floorspace Urban Design Report (Urban Design Report) provided with the planning proposal, only a select number of sites will realistically be impacted by the proposed provisions (shown in **Figure 5**). This is because:

- a number of sites have already been redeveloped with considerable development;
- a number of sites already have DA approvals which are anticipated to commence; and
- the development potential of some sites is constrained due to lot widths and lengths.



Figure 5: Sites impacted by the proposed planning proposal provisions (Source: City of Parramatta Council Epping Commercial Floorspace Urban Design Report 2021)

The Department considers it unnecessary to apply the proposed provisions to the entire affected Epping Town Centre land. As identified, many of these sites will not be redeveloped in the future to achieve the intended outcomes of the planning proposal and are therefore being unnecessarily assessed against the proposed provisions.

It is considered that provisions which specifically target select sites within the affected Epping Town Centre land that have been assessed as wielding redevelopment potential will better achieve the intended objectives and outcomes of the planning proposal, and enable a more targeted assessment of impacts along with a targeted urban design response.

3. The planning proposal is not supported by Transport for NSW and will result in worsening traffic conditions in Epping Town Centre.

The planning proposal is accompanied by an Epping Town Centre Commercial Floorspace Traffic Study (Traffic Study), which confirms that there will be increased traffic volumes associated with the introduction of minimum and additional commercial floorspace requirements for development in Epping Town Centre. Increased traffic as a result of the planning proposal is also acknowledged by Council in the planning proposal report, as follows:

“It is acknowledged 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 floorspace will result in additional delays at identified intersections in the peak (in the short to medium term). Notwithstanding this, it is recommended the mandating of non-residential floorspace within Epping Town Centre be pursued.”

The Department notes that this position by Council to accept increased traffic in Epping Town Centre as a consequence of the planning proposal contradicts recent planning decisions.

Council's traffic concerns for Epping Town Centre were recently put forward as justification for a planning proposal which disables Clause 4.6 variations to floorspace ratio controls for prescribed land uses within Epping Town Centre, with the intended outcome of reducing traffic impacts. The planning proposal was pursued by Council in response to the Epping Town Centre Traffic Study, which highlighted that even with the local and State road improvements recently in place and proposed, traffic will continue to deteriorate.

The Department considers that the traffic impacts associated with this planning proposal would counteract the intended outcomes of the above proposal to address traffic congestion and delays in Epping Town Centre. The planning proposal does not propose any provisions or planning mechanisms that seek to resolve identified traffic concerns resulting from the planning proposal or Council's own traffic concerns.

Given the nature of the planning proposal and anticipated traffic impacts, preliminary consultation with Transport for NSW (TfNSW) on the planning proposal was undertaken. TfNSW confirmed that it does not support the progression of the planning proposal until a range of concerns relating to the planning proposal and the associated Traffic Study are satisfactorily resolved. The concerns raised by TfNSW comprise the following:

- the road network in and around Epping Town Centre will already have significant challenges supporting approved development to be constructed. Additional development uplift, which is proposed under this planning proposal, can therefore not be considered without proposed mechanisms to mitigate net increases in traffic generation on the surrounding road network;
- issues with the Traffic Study supporting the planning proposal, noting the following:
 - the Traffic Study relies on the Epping Bridge widening project occurring by 2026. This cannot be assumed or be relied upon to support the planning proposal. In addition, TfNSW notes that this proposed infrastructure upgrade is not intended to accommodate future development within Epping Town Centre, but is necessary to accommodate existing development;
 - TfNSW does not support the Traffic Study only modelling data to 2026. This does not allow an understanding of the longer-term cumulative impacts of the planning proposal on the surrounding road network; and
 - incorrect lower traffic generation rates have been used to model anticipated traffic impacts. TfNSW therefore considers that the actual traffic impacts associated with the planning proposal will be higher than those outlined in the Traffic Study.

3 Strategic assessment

3.1 District Plan

The Central City District Plan (District Plan) was released on 18 March 2018 by the Greater Sydney Commission (GSC) and contains planning priorities and actions to guide the growth of the Central District whilst improving its social, economic and environmental assets.

The District Plan identifies Epping as a strategic centre. Strategic centres have the following expectations under the District Plan:

- *High levels of private sector investment.*
- *Flexibility, so that the private sector can choose where and when to invest.*
- *Co-location of a wide mix of activities, including residential.*
- *High levels of amenity, walkability and being cycle-friendly.*

- *Areas identified for commercial uses, and where appropriate, commercial cores.*

The planning proposal would assist Epping in meeting the majority of these strategic centre expectations by strengthening the commercial capability of Epping Town Centre and co-locating land-uses near public transport uses. However, the Department notes that the proposed provisions would reduce private sector flexibility by mandating required uses, which conflicts with the second strategic centre expectation.

Table 3 includes an assessment of the planning proposal against the relevant planning priorities contained to the District Plan.

Table 3: District Plan assessment

District Plan Priorities	Justification
Planning Priority C1 – Planning for a city supported by infrastructure	<p>The planning proposal seeks to mandate the provision of non-residential floorspace in an accessible location that is supported by adequate train, metro and bus public transport infrastructure. These public transport services are considered to be capable of supporting additional persons as a result of the planning proposal.</p> <p>However, the Department notes that the planning proposal is not supported by adequate road infrastructure upgrades and does not consider or provide commentary on existing or required utility infrastructure to support the planning proposal.</p>
Planning Priority C5 – Providing housing supply, choice and affordability, with access to jobs, services and public transport	<p>The planning proposal will provide increased jobs and services closer to homes by mandating the provision of non-residential floorspace. This will provide greater convenience and vibrancy for current and future residents in Epping Town Centre.</p>
Planning Priority C6 – Creating and renewing great places and local centres, and respecting the District's heritage	<p>The planning proposal seeks to renew Epping Town Centre by facilitating the provision of non-residential floorspace, which will provide greater jobs and services to the area.</p> <p>However, the Department notes that insufficient details are provided in the planning proposal on heritage impacts, which is not supported.</p>
Planning Priority C9 – Delivering integrated land use and transport planning and a 30-minute city	<p>The planning proposal seeks to facilitate increased non-residential floorspace in an area well serviced by train, metro and bus services, thereby integrating land use and transport.</p>
Planning Priority C10 – Growing investment, business opportunities and jobs in strategic centres	<p>The planning proposal will strengthen Epping's role as a strategic centre by mandating the provision of non-residential floorspace. This will enable greater business, investment and job opportunities, and support a more vibrant and active Epping Town Centre.</p>

On balance, the Department considers that the planning proposal is generally consistent with and will give effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Given that the planning proposal relates to land within the Greater Sydney Region and addresses the strategic centre designation of Epping, preliminary consultation with the GSC on the planning proposal was undertaken. The GSC confirmed its general support for the following elements of the planning proposal:

- increasing jobs in strategic centres, which Epping is designated as; and
- retaining and maximising high quality, flexible and usable commercial space.

3.2 Local

A range of local strategies and plans apply to the planning proposal. An assessment of the planning proposal against each of these is provided in **Table 4**.

Table 4: Local strategic planning assessment

Local Strategies	Justification
Parramatta Local Strategic Planning Statement – City Plan 2036 (LSPS)	<p>The LSPS applies to the planning proposal. The LSPS identifies Epping as a strategic centre and sets a target of providing 4,300 additional jobs in Epping by 2036. In line with the LSPS, the planning proposal would facilitate increased job creation and strengthen Epping's role as a strategic centre.</p> <p>The planning proposal is also consistent with the following planning priorities and actions contained in the LSPS:</p> <ul style="list-style-type: none"> • Planning Priority 4 – Focus housing and employment in the GOP and Strategic Centres; as well as stage housing release consistent with the Parramatta Local Housing Strategy (when endorsed). • Planning Priority 11 – Building the capacity of the Parramatta CBD, Strategic Centres, Local Centres and Employment Lands to be strong, competitive and productive. • Action 69 - Advocate for the recommendations of Epping Town Centre Review (when completed) and implement the adopted recommendations.
Community Strategic Plan 2018-2038 (Community Strategic Plan)	<p>The Community Strategic Plan applies to the planning proposal and outlines the following for Epping Town Centre:</p> <p><i>“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 floorspace, public domain, traffic and planning processes.”</i></p> <p>The planning proposal gives effect to this component of the Community Strategic Plan by seeking to implement part of Stage 2 of the EPR relating to the loss of commercial floorspace.</p> <p>In addition to this, the planning proposal supports the following strategies contained to the Community Strategic Plan:</p> <ul style="list-style-type: none"> • Strategy 5.1: Accelerate local jobs growth and support people in finding employment. • Strategy 5.2: Attract public and private investment in our City and support the growth and prosperity of local businesses. • Strategic 5.4: Ensure major centres have a thriving day and night time economy.

However, the Department notes that the proposed provisions are inconsistent with 'Strategy 2.5 – Manage traffic congestion and access to parking' of the Community Strategic Plan, as the planning proposal does not propose any provisions or planning mechanisms that seek to resolve identified traffic concerns resulting from the planning proposal.

3.3 Local Planning Panel recommendation

The Parramatta Local Planning Panel (LPP) considered the planning proposal at two LPP meetings on 29 September 2020 and 15 December 2020. The planning proposal gives effect to the decisions made by the LPP at these LPP meetings on 29 September 2020 and 15 December 2020.

1. 29 September 2020 LPP Meeting

At a 29 September 2020 LPP meeting, the LPP was presented with three potential planning proposal options to support the provision of commercial floorspace in Epping Town Centre. These options comprised:

- **Option 1:** No change to planning controls and let market conditions dictate the commercial floorspace achieved. Based on recent development trends, this may result in only ground floor retail being delivered. However, market conditions could change over time; or
- **Option 2:** Mandate a minimum amount of non-residential floorspace within the current maximum FSR controls; or
- **Option 3:** Mandate a minimum amount of non-residential floorspace in excess of the current maximum FSR controls.

Upon considering these options, the LPP determined that option 3 be pursued in line with Council's recommendation, and that a planning proposal be prepared to reflect option 3.

2. 15 December 2020 LPP Meeting

At a 15 December 2020 LPP meeting, the LPP was presented with proposed planning proposal provisions that sought to give effect to option 3. The LPP supported the proposed provisions and determined that a planning proposal of this nature be formally prepared and forwarded to the Department to request the issuing of a Gateway Determination.

3.4 Section 9.1 Ministerial Directions

Table 5 outlines the planning proposal's consistency with relevant Section 9.1 Ministerial Directions.

Table 5: Section 9.1 Ministerial Direction assessment

Directions	Consistent/ Inconsistent	Reasons for consistency or inconsistency
Direction 1.1 – Business and Industrial Zones	Consistent	<p>The planning proposal is consistent with Direction 1.1, as the planning proposal does not seek to amend the existing B2 Local Centre zoning that applies to affected Epping Town Centre land.</p> <p>In addition, the planning proposal seeks to mandate the provision of non-residential floorspace as part of future development. This will:</p>

Directions	Consistent/ Inconsistent	Reasons for consistency or inconsistency
		<ul style="list-style-type: none"> support the B2 Local Centre zone objectives and Epping's status as a strategic centre; facilitate the provision of non-residential floorspace, which will provide increased job opportunities; and support a more vibrant and active Epping Town Centre.
Direction 2.3 – Heritage Conservation	Inconsistent, will require further resolution to comply	<p>The planning proposal is inconsistent with Direction 2.3, as Council's planning proposal report has not addressed Direction 2.3 and a range of heritage impacts resulting from the planning proposal. This is not supported.</p> <p>Whilst the planning proposal outlines that it has excluded 6-14 Bridge Street, 18A Bridge Street and 24-30 High Street, Epping to reduce overshadowing impacts on the Epping/ Eastwood Heritage Conservation Area, the planning proposal has not provided any studies or assessment on a range of other relevant heritage matters. This is despite the affected Epping Town Centre land containing multiple locally listed heritage items, comprising:</p> <ul style="list-style-type: none"> I391 – "School of Arts" and garden. I392 – Shops. I393 – Our Lady Help of Christians Church. I394 – House. I399 – St Alban's Anglican Church and grounds. I804 – House. <p>The affected Epping Town Centre land is also located in close proximity to:</p> <ul style="list-style-type: none"> C9 - 'East Epping' local heritage conservation area. 'Epping/Eastwood' local heritage conservation area. Other heritage listed items and landscapes. <p>To address the planning proposal's compliance with Direction 2.3, the Department considers that the planning proposal is required to be supported by a Heritage Impact Statement (HIS) to address heritage impacts. Future consultation with Heritage NSW would also be required.</p>
Direction 2.6 – Remediation of Contaminated Land	Inconsistent, but justified	The planning proposal is inconsistent with Direction 2.6, as Council's planning proposal report has not addressed

Directions	Consistent/ Inconsistent	Reasons for consistency or inconsistency
		<p>Direction 2.6 and the potential for contamination at the site.</p> <p>However, the Department considers this inconsistency to be of minor significance and justified in this instance, as:</p> <ul style="list-style-type: none"> the B2 Local Centre zoning applying to the subject land is not changing as a result of the planning proposal; and the potential presence of contamination and any associated impacts can be adequately assessed as part of any future DA.
Direction 3.4 – Integrating Land Use and Transport	Consistent	<p>The planning proposal is consistent with Direction 3.4, as the planning proposal seeks to facilitate increased non-residential floorspace in an area well serviced by train, metro and bus services, thereby integrating land use and transport.</p>
Direction 4.1 – Acid Sulfate Soils	Inconsistent, but justified	<p>Council's planning proposal has commented on Direction 4.1, which is applicable.</p> <p>Sites controlled by the Parramatta LEP 2011 in Epping Town Centre are marked as being affected by Class 5 Acid Sulfate Soils. No studies have been provided to confirm the actual presence of Acid Sulfate Soils, with Council stating that "Acid Sulfate Soils are generally not found in Class 5 areas". The planning proposal is therefore technically inconsistent with Direction 4.1.</p> <p>However, the Department considers this inconsistency to be of minor significance and justified in this instance, as:</p> <ul style="list-style-type: none"> the B2 Local Centre zoning applying to the subject land is not changing as a result of the planning proposal; and the Department agrees with Council that any potential impacts resulting from the potential presence of Acid Sulfate Soils can be adequately assessed as part of any future DA.
Direction 4.4 – Planning for Bushfire Protection	Inconsistent, will require further resolution to comply	<p>Council's planning proposal report has not addressed Direction 4.4, which is applicable.</p> <p>Part of 22 Cambridge Street, Epping and adjoining Cambridge Street, both of which are zoned 'B2 – Local Centre' and form part of the affected Epping Town Centre land, are in a bushfire 'buffer' area.</p> <p>To address the planning proposal's compliance with Direction 4.4, the Department considers that consultation with the NSW Rural Fire Service (RFS) would be required, to confirm that the RFS does not object to the progression of the planning proposal.</p>

Directions	Consistent/ Inconsistent	Reasons for consistency or inconsistency
Direction 6.1 – Approval and Referral Requirements	Consistent	The planning proposal is consistent with Direction 6.1, as the planning proposal does not include any concurrence, consultation or referral provisions as part of the proposed LEP.
Direction 6.3 – Site Specific Provisions	Inconsistent, will require further resolution to comply	The planning proposal is deemed to be inconsistent with Direction 6.3, as the Department is of the opinion that the proposed site specific provisions are not the best means of achieving the intended outcomes of the planning proposal, for the reasons previously detailed in section 2.3 of this report.

3.5 State Environmental Planning Policies

The planning proposal is consistent with each applicable State Environmental Planning Policy (SEPP).

4 Site-specific assessment

4.1 Environmental

Table 6 provides an assessment of the potential environmental impacts associated with the planning proposal.

Table 6: Environmental impact assessment

Environmental Impacts	Assessment
Built Form and Overshadowing	<p>While the proposal seeks to address the loss of commercial floor space, it also seeks to increase heights through the town centre. This is generally to accommodate the increased floor space proposed by the proposal. However, Council notes that recent development applications have breached height limits in order to achieve the identified FSR for the site.</p> <p>The planning proposal seeks to address this by increasing the maximum height for sites from 48m to 80m. The Department notes in some locations there will be a significant increase in height where adjoining much lower scale development. While Council has suggested the heights are misaligned to maximum FSR controls, it is noted that if greater commercial floorspace was provided within the development, it would provide for a differing built form outcome.</p> <p>The planning proposal includes a draft Urban Design Report, which outlines potential built form outcomes and overshadowing impacts for sites within the affected Epping Town Centre land.</p> <p>The overshadowing diagrams provided as part of the Urban Design Report show that the additional heights proposed for sites under the planning proposal will generate additional overshadowing impacts throughout the day on</p>

	<p>surrounding properties, heritage items and the Epping/Eastwood heritage conservation area. These overshadowing impacts could adversely impact the amenity of surrounding residents, employees and visitors, and identified heritage affiliations.</p> <p>The Department considers that the planning proposal does not contain sufficient detail to accurately assess anticipated view, privacy and wind impacts resulting from the proposed provisions. Whilst these impacts would be assessed in detail as part of any future DA assessment process, a holistic assessment of these impacts should be undertaken now to determine the suitability and appropriateness of the proposed provisions across Epping Town Centre, including the proposed building height increases.</p>
Traffic and Parking	<p>The planning proposal is accompanied by a Traffic Study, which confirms that there would be increased traffic volumes associated with the introduction of minimum commercial floorspace requirements as part of residential development in Epping Town Centre.</p> <p>As previously outlined in section 2.3 of this report, Council's acceptance of the additional traffic impacts associated with the planning proposal does not align with its own traffic concerns and recent planning decisions. Council suggests the intended outcome of increased commercial floorspace is of such strategic importance that it outweighs this concern.</p> <p>The planning proposal does not propose any provisions or planning mechanisms that seek to resolve identified traffic concerns resulting from the planning proposal or Council's own traffic concerns.</p> <p>This view is also shared by TfNSW, which was consulted on the planning proposal. TfNSW notes that the road network in and around Epping Town Centre will already have significant challenges supporting approved development to be constructed. Additional development uplift, which is proposed under this planning proposal, can therefore not be considered without proposed mechanisms to mitigate net increases in traffic generation on the surrounding road network.</p> <p>In addition to this, the Department considers that the Traffic Study accompanying the planning proposal does not align with the proposed provisions, as:</p> <ul style="list-style-type: none"> the Traffic Study only considers the provision of 'commercial' (office and retail) floorspace and no other non-residential uses, which the proposed provisions are seeking to mandate. Council's comment in the planning proposal report that the Traffic Study models non-residential uses is incorrect; and the Traffic Study only models planning scenarios to 2026. It is considered that Epping Town Centre will be progressively redeveloped well beyond 2026 and these impacts should be understood. <p>The Department notes that TfNSW does not support the progression of the planning proposal until its concerns relating to the planning proposal and the associated Traffic Study are satisfactory resolved.</p>

4.2 Social and economic

Table 7 provides an assessment of the potential social and economic impacts associated with the planning proposal.

Table 7: Social and economic impact assessment

Social and Economic Impacts	Assessment
Social Impacts	<p>The Department considers that the planning proposal will have mixed social impacts. Positively, the planning proposal will provide:</p> <ul style="list-style-type: none"> • increased access to job opportunities, including increased jobs closer to homes; and • increased access to services to support the surrounding community. <p>However, the planning proposal will also result in the following adverse outcomes, which have the potential to negatively impact the overall wellbeing of the community:</p> <ul style="list-style-type: none"> • increased traffic impacts, including increased traffic congestion and delays on surrounding roads; and • increased overshadowing and built form impacts on surrounding residential properties, heritage items and the Epping/Eastwood heritage conservation area.
Economic Impacts	<p>The Commercial Study supporting the planning proposal identifies that Epping has supportable demand for between 40,000sqm to 45,000sqm of 'office' floorspace and 13,000sqm of 'retail' floorspace to 2036. The Department notes that this data is now four years old and may not reflect current market conditions and trends.</p> <p>The Urban Design Report provided with the planning proposal outlines that there is potential for eighteen sites within the affected Epping Town Centre land to yield approximately 57,000sqm of non-residential floorspace, comprising:</p> <ul style="list-style-type: none"> • Approximately 14,668sqm of retail floorspace on the ground floor; and • Approximately 52,285sqm of commercial or non-residential floorspace on the first and second storeys. <p>The planning proposal will generate positive economic impacts by providing increased employment generating floorspace to Epping Town Centre and associated jobs to assist with meeting the LSPS job target of providing 4,300 additional jobs in Epping by 2036.</p> <p>However, the Department notes that the Commercial Study only outlines supportable demand for 'office' and 'retail' floorspace in Epping to 2036, both of which are 'commercial' uses. As discussed throughout this report, the proposed provisions do not guarantee that 'commercial' floorspace will be provided, as the proposed requirement for non-residential floorspace encapsulates a range of other land-uses in addition to 'commercial'.</p>

4.3 Infrastructure

Table 8 provides an assessment of the adequacy of infrastructure to service the future development resulting from the planning proposal.

Table 8: Infrastructure assessment

Infrastructure	Assessment
Road Infrastructure	<p>The Department considers that Epping Town Centre is not supported by adequate road infrastructure to support the planning proposal and anticipated traffic impacts.</p> <p>The Traffic Study supporting the planning proposal relies on the construction of the Epping Bridge widening project occurring by 2026 to support increased traffic associated with the planning proposal. However, preliminary consultation with TfNSW on the planning proposal noted that this proposed infrastructure upgrade is not intended to accommodate future development within Epping Town Centre, but is necessary to accommodate existing development.</p>
Public Transport	<p>The Department considers that Epping Town Centre is adequately supported by public transport infrastructure to support the planning proposal. Epping Railway and Metro Station is located in the centre of the precinct, with regular services to Hornsby to the north, Strathfield and Sydney CBD to the south and south-east, the Hills to the west and Chatswood to the east. A range of bus stops servicing a variety of routes are also located throughout the precinct. These public transport services are considered to be capable of supporting additional persons as a result of the planning proposal.</p>
Utilises	<p>The planning proposal does not consider or provide commentary on existing or required utilities. Consultation with relevant utility providers, including Sydney Water, would therefore be required to ensure that each required utility and service can adequately support, or be upgraded to support the additional development that would be facilitated by the planning proposal.</p>

5 Assessment summary

It is recommended that the planning proposal not be supported. Whilst the planning proposal is generally strategically aligned with relevant State and local plans, the planning proposal has not demonstrated site-specific merit that the proposed amendments to the Parramatta LEP 2011 and Hornsby LEP 2013 are appropriate to proceed at this time. The Department considers that a more refined and targeted approach may be more appropriate.

The planning proposal has not demonstrated site-specific merit, as:

- the planning proposal is not considered to be the best means of achieving the intended outcomes, as:
 - There is no guarantee that the intended outcomes of the planning proposal will be achieved by the proposed provisions.
 - Many Epping Town Centre sites are unnecessarily affected by the proposed provisions and cannot provide increased commercial floorspace.
 - The planning proposal will result in worsening traffic conditions in Epping Town Centre, which contradicts Council's own traffic concerns.

- The planning proposal remains inconsistent with the following Section 9.1 Ministerial Directions, which require further resolution to comply:
 - Direction 2.3: Heritage Conservation.
 - Direction 4.4: Planning for Bushfire Protection.
 - Direction 6.3: Site Specific Provisions.

In addition, the following information has not been provided by Council or is inadequate to support the progression of the planning proposal:

- The Traffic Study provided with the planning proposal does not align with the proposed provisions and cannot be used to properly assess future traffic impacts associated with the planning proposal.
- No heritage studies have been provided and the planning proposal does not provide analysis on a range of heritage matters relating to the planning proposal. This is despite the affected Epping Town Centre land containing multiple locally listed heritage items and being located in close proximity to two local heritage conservation areas and other heritage listed items and landscapes. Council has taken specific steps to address the transition between these areas and development through recent planning proposals.
- The planning proposal does not contain sufficient detail to accurately assess a range of anticipated built form impacts, including anticipated view, privacy and wind impacts resulting from the proposed provisions.
- The planning proposal does not consider or provide commentary on existing or required utility infrastructure.
- The planning proposal does not consider or address the following Section 9.1 Ministerial Directions:
 - Direction 2.3: Heritage Conservation.
 - Direction 2.6: Remediation of Contaminated Land.
 - Direction 4.4: Planning for Bushfire Protection.

6 Recommendation

It is recommended that the delegate of the Minister for Planning and Public Spaces determines that the proposal should not proceed, for the reasons outlined previously in section 5 and throughout this report.

Whilst the planning proposal demonstrates general strategic alignment with relevant State and local plans, the planning proposal does not demonstrate site-specific merit and is not accompanied by adequate information to support the progression of the planning proposal at this time.



16/09/2021

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