



IRF24/2099

Gateway determination report – PP-2023-1918

53 - 61 Rawson Street Epping

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Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Pre Gateway Planning Proposal Report (City of Parramatta, May 2024)
Revised Architectural Report (Kann Finch, April 2024)
Revised Urban Design Report (GYDE, April 2024)
Urban Design Appendix A (GYDE, April 2024)
Revised Public Domain Plan (Arcadia, 2024)
Traffic Impact Assessment (Stantec, May 2024)
Revised Flood Impact Assessment (GRC Hydro, April 2024)
Revised Economic Impact Assessment (Atlas Economics, April 2024)
Revised Social Impact Assessment (Cred Consulting)
Revised ESD Strategy (Stantec, April 2024)
Revised Wind Assessment Report (Windtech, April 2024)
Infrastructure Report - Electrical & Hydraulic Services (Stantec, April 2024)
Contamination Assessment (Douglas Partners, August 2021)
Draft Site Specific Development Control Plan (City of Parramatta)
Local Planning Panel Report - 21 May 2024 (City of Parramatta)
Council Report - 24 June 2024 (City of Parramatta)
Council Meeting Minutes and Resolution - 24 June 2024 (City of Parramatta)

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	City Of Parramatta
PPA	City Of Parramatta
NAME	53 - 61 Rawson Street Epping
NUMBER	PP-2023-1918
LEP TO BE AMENDED	Parramatta Local Environmental Plan 2023
ADDRESS	53 - 61 Rawson Street Epping
DESCRIPTION	Lot 4 DP 19329 Lot 5 DP 19329 Lot 6 DP 19329 Lot 7 DP 19329 Lot 8 DP 975578 Lot 9 DP 975578 Lot 1 DP 710711
RECEIVED	25/07/2024
FILE NO.	IRF24/2099
POLITICAL DONATIONS	There are no known donations or gifts to disclose, and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no known meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives and Intended Outcomes

The planning proposal (**Attachment A**) states the objectives and intended outcomes are:

- introduce a site-specific provision to allow an additional 1.5:1 commercial floor space ratio (FSR) on the subject site, effectively increasing the permitted FSR from 4.5:1 to 6:1 with a required minimum 1.5:1 non-residential FSR.
- increase the maximum building height from 48 metres to part 22 metres, 112 metres and 122 metres to accommodate two proposed towers.

The proposal states the intended outcomes are to:

- Facilitate a retail core by revitalising the existing supermarket in support of speciality retail and commercial spaces to attract residents, workers, and visitors to the site, thereby improving retail and services opportunities offered within the Strategic Centre.
- Targeted approach for the site to align with the strategic vision of Epping by providing employment opportunities and street activation through small-scale retail spaces to facilitate day to night economy, thereby providing lively, socially connected communities within the Epping town centre.
- Assist the Epping Strategic Centre in achieving 4,300 additional jobs and 8,910 of dwelling growth by 2036, thereby meeting the projected growth outlined in the District Plan and LSPS.
- Provide housing growth and employment opportunities within the Epping Strategic Centre, which will be supported by mass transit networks such as Epping train station and the metro.
- Provide active and passive recreation opportunities for future residents, visitors, and workers in the locality to encourage social interaction and inclusion within the community.
- Provide a mixed-use development that will improve employment opportunities, housing choice and public amenity and services to facilitate a 30-minute city.
- Provide a diversity of housing typologies and mixes to provide a variety of housing options within an area that is highly serviced by public transport, infrastructure, and services.

The planning proposal contains an explanation of provisions that explains how the objectives of the proposal will be achieved.

1.3 Explanation of provisions

The planning proposal seeks to facilitate a mixed-use development (part residential and commercial) at 53-61 Rawson Street, comprising of two towers (33 – 36 storeys), with approximately 420 dwellings and 13,677 square meters of commercial floor space.

To achieve this, the planning proposal seeks to amend the height of buildings and floor space ratio controls of the Parramatta LEP 2023 and introduce a new site-specific clause into the *Part 6: Additional Local Provisions*.

The planning proposal seeks to amend the Parramatta LEP 2023 as shown in the table below:

Table 3 Current and proposed controls

Control	Current	Proposed
Zone	E1 Local Centre	No change
Floor space ratio	4.5:1	No change to existing mapped 4.5:1 FSR Addition of 1.5:1 commercial only FSR, resulting in a maximum 6:1 FSR overall.
Maximum height of the building	48m	RL 103 (22m), RL 197 (112m) and RL 206 (122m)

Control	Current	Proposed
Additional Local Provisions	Nil	Permit an additional commercial only FSR of 1.5:1, resulting in a maximum 6:1 FSR permitted for the site.
Number of dwellings	Nil	420 dwellings (approx)
Number of jobs	Not known	493 ongoing (incl. 311 additional)

The planning proposal also seeks to include the site in the Special Provisions Area map with an accompanying local provision that allows for FSR on the subject site to exceed the current provisions of the CPLEP 2023.

The planning proposal is supported by a concept plan (dated April 2024) and a draft development control plan. A summary of these two documents is provided below. There is no draft Planning Agreement proposed to support the Planning Proposal.

1.4 Concept Plan

An indicative concept plan submitted with the proposal demonstrates that the proposal could facilitate the redevelopment of the site for a mixed-use development within building envelopes with heights ranging from 33 to 36 storeys, and comprising approximately:

- 420 dwellings
- 40,966sqm of residential floor space
- 13,677sqm non-residential floor space
- 1,230sqm of publicly accessible open space

The overall built form outcome, access and open space provisions as proposed are shown in the figures below and within the Revised Urban Design Report (Gyde April 2024).



Figure 1: 3D model view of the amended scheme (Source: Urban Design Appendix)

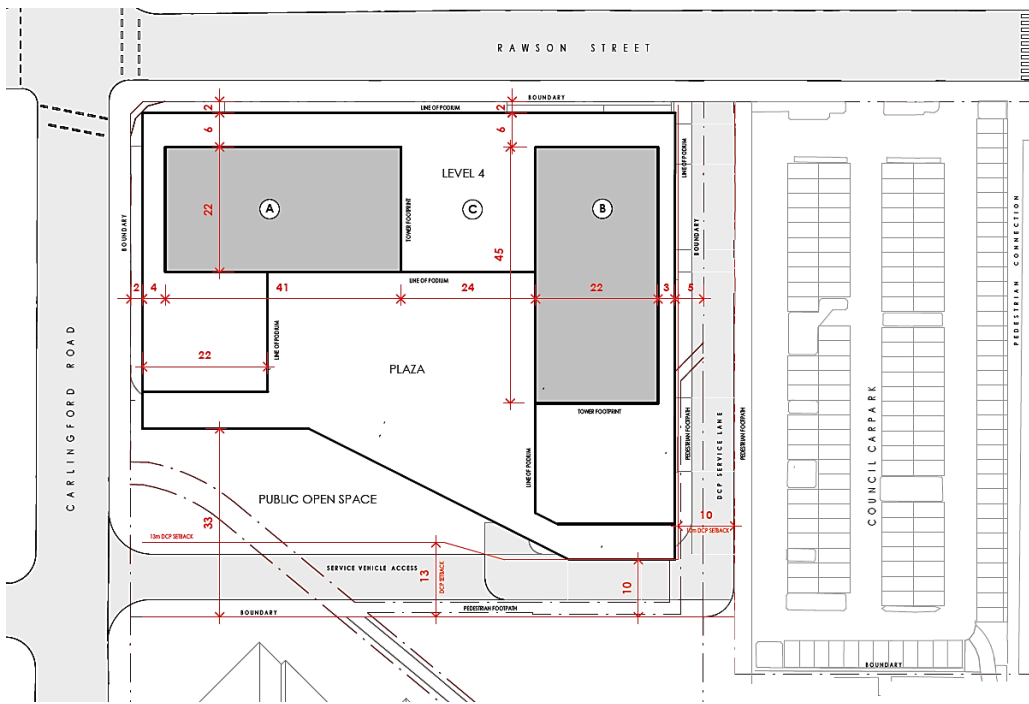


Figure 2: Indicative site plan showing building envelope and publicly accessible open space (Source: Revised Architecture Report)

1.5 Development Control Plan

A draft site-specific DCP has been prepared to support the proposal. The draft DCP seeks to update and amend the controls specific to Epping Local Centre within the existing adopted Parramatta DCP 2023. Council has confirmed that it intends to adopt these changes prior to finalisation of the planning proposal.

The draft DCP comprises controls to guide future development on the site, including access and movement, landscaping, public domain, building envelopes and footprints, urban design principles and criteria, and carparking.

1.6 Site description and surrounding area

The subject site is located at 53-61 Rawson Street, Epping and has a site area of approximately 9,089m². It has frontages to Rawson Street and Carlingford Road. The site adjoins Crown land and a Council owned car park is located immediately to the south.

The site is situated adjacent to Boronia Park and is within 200m walking distance of Epping train station, metro, and bus interchange. The vicinity of the site includes traditional main street shops and established mid-rise residential land to the west.

Existing on the site is the single storey full-line supermarket and a four (4) storey commercial building with education and office related uses. The site has multiple existing vehicular accesses off of Rawson Street being the commercial building car park entry/ exit driveway, the supermarket entry drive and supermarket exit driveway.



Figure 3: The site outlined in blue (Source: Nearmap)

Epping is located approximately 10km from both Parramatta CBD and Chatswood CBD and its neighbouring suburbs include Macquarie Park to the east and Carlingford to the west. The centre contains 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. The main road connections are Epping Road, Carlingford Road and Beecroft Road.

The centre is identified as a strategic centre in the Central City District Plan and the Parramatta Local Strategic Planning Statement – City Plan 2036. Together with the Parramatta CBD, Epping forms one of the two key commercial hubs within the LGA.

1.7 Mapping

The planning proposal includes an indicative Height of Buildings Map, which illustrates the proposed building height increases for the subject land.

The planning proposal includes indicative mapping showing the proposed changes to the following PLEP 2023 maps:

- Height of buildings
- Special Provisions Area Map

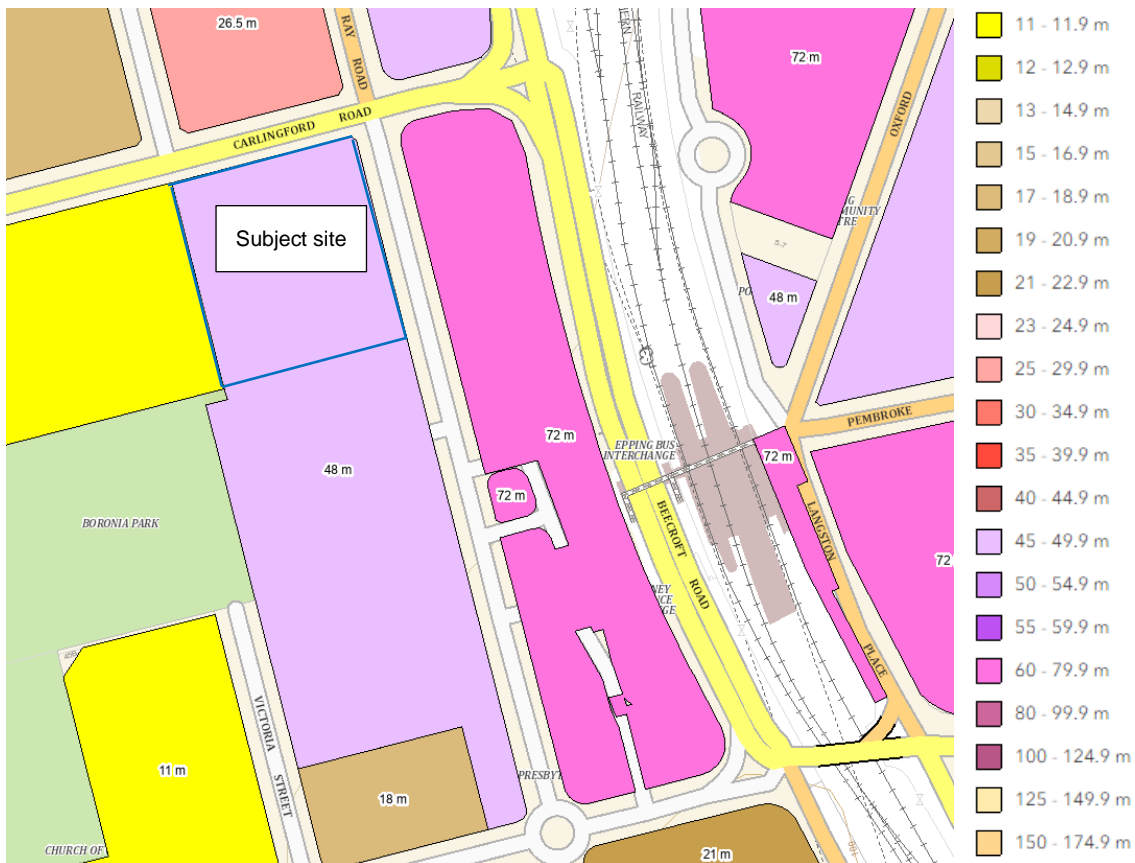


Figure 4: Current height of building map (Source: Planning Portal, August 2024)



Figure 5: Proposed height of building map (Source: Planning Proposal)

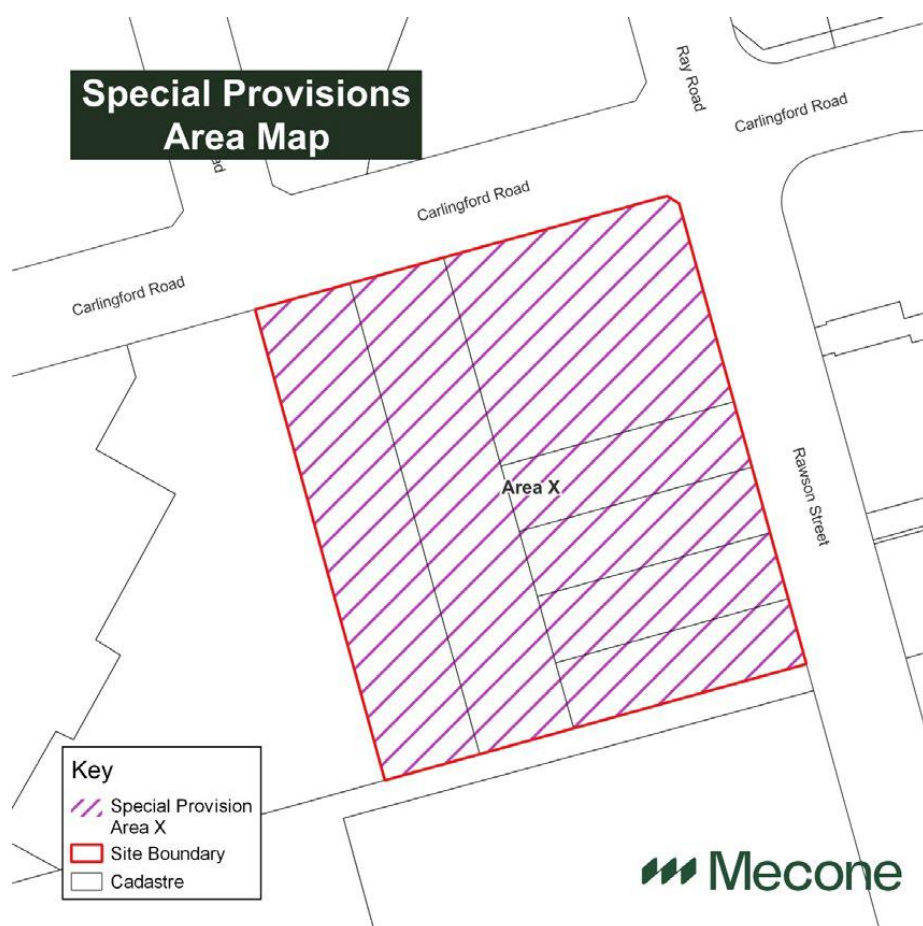


Figure 6: Proposed Special Provisions Map (Source: Planning Proposal)

The Department considers that the indicative Height of Buildings Map and Special Provisions Areas Map provided by Council clearly identify the proposed mapping amendments.

1.8 Background

Epping Town Centre was rezoned through a state led Urban Activation Precinct process in 2014. As a result of Council amalgamations, Epping Town Centre was moved to be fully within the Parramatta LGA. City of Parramatta 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.

Table 4 Timeline

Date	Event
25 August 2021	<p>Council submitted a planning proposal (PP-2021-5291) for the Epping Town Centre. This was a result of the findings of the Phase 1 Epping Planning Review and included the site at 53 - 61 Rawson Street Epping. It proposed increased heights and a non-residential commercial floor space control across the Epping Town Centre. This planning proposal proposed a non-residential floor space control (FSR) of 1:1 (5.5:1 in total) and increased heights up to 80m for the subject site.</p> <p>The Department issued a Gateway Determination recommending that the proposal not proceed. The determination acknowledged the proposal's strategic</p>

Date	Event
	alignment but considered that it did not demonstrate site-specific merit and lacked adequate required information to support the progression of the planning proposal.
September 2023	<p>A proponent initiated planning proposal request was accepted by Council. The planning proposal report prepared by the proponent sought to amend the Height of Buildings control and to add 1:1 commercial FSR to facilitate a mixed-use development comprising three towers.</p> <p>The three-tower configuration was not supported by Council officers due to concerns regarding tower separation, bulk and scale and view corridors.</p> <p>A two-tower scheme was submitted as part of a revised planning proposal, which was supported by Council officers. The revised planning proposal also included a site-specific local provision to allow an additional 1.5:1 commercial FSR (approximately 13,677 sqm comprising business, office or retail premises uses).</p>
21 May 2024	The planning proposal was considered by the Local Planning Panel (LPP) which recommended the revised planning proposal should be supported.
5 June 2024	The proponent lodged a rezoning review (RR-2024-20) with DPHI. On 24 June 2024, prior to the rezoning review panel meeting, Council resolved to forward the proposal for a Gateway Determination. The rezoning review application was subsequently withdrawn by the proponent.
24 June 2024	<p>Council considered the revised planning proposal and a draft site-specific DCP for land at 53-61 Rawson Street, Epping as well as the recommendation of the LPP. Council resolved that:</p> <ul style="list-style-type: none"> (a) <i>That Council approve for the purposes of seeking a Gateway Determination from the Department of Planning, Housing and Infrastructure (DPHI), the Planning Proposal for land at 53-61 Rawson Street, Epping (Attachment 1) which seeks to amend the Parramatta Local Environmental Plan 2023 (PLEP 2023) in relation to the subject site by:</i> <ul style="list-style-type: none"> i. <i>Introducing an additional local provision to allow an additional Floor Space Ratio (FSR) of 1.5:1 for commercial premises only; and</i> ii. <i>Amending the height of buildings control from 48m (15 storeys) to part 103m RL (22m or 5 storeys), part 197m RL (112m or 33 storeys) and part 206m RL (122m or 36 storeys).</i> (b) <i>That Council request DPHI provide Council with the authorisation to exercise its plan-making delegations for this Planning Proposal.</i> (c) <i>That Council authorise the CEO:</i> <ul style="list-style-type: none"> i. <i>To amend the Parramatta Development Control Plan (PDCP) in accordance with the draft Site-Specific Development Control Plan (SSDCP) (Attachment 2) to align with the Planning Proposal and to address the matters described in this report; and</i> ii. <i>If a Gateway Determination is issued by DPHI, to place the draft SSDCP on public exhibition concurrently with the Planning Proposal.</i> (d) <i>That Council authorise the CEO to correct any minor anomalies of a non-policy and administrative nature that may arise during the plan-making process and finalisation of the documents.</i>

Date	Event
25 July 2024	The planning proposal (PP-2023-1918) was lodged by Council for Gateway determination.

2 Need for the planning proposal

Q1. Is the planning proposal a result of an assured local strategic planning statement, or Department approved local housing strategy, employment strategy or strategic study or report?

The planning proposal states it is a result of strategic work including the Phase 1 Epping Planning Review, and the Local Planning Panel's resolution of 21 May 2024 to amend the planning controls for the subject site.

The proposal states that the size, location and single ownership of the site makes it strategically significant within the context of Epping town centre. The site presents a key urban renewal opportunity for the Epping Town Centre capable of providing an extensive commercial offering in a highly accessible location.

Council notes that the Epping Town Centre Commercial Floorspace Study found that new residential development resulted in a reduction of commercial floorspace that had undermined the role of Epping as a commercial centre. The increase in commercial floorspace within the planning proposal is consistent with Council's strategies to increase commercial offerings within the Epping Town Centre.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Council submitted a planning proposal (PP-2021-5291) for the Epping Town Centre. This was a result of the findings of the Phase 1 Epping Planning Review and was intended to facilitate commercial floor space and increase heights in Epping. It included the site at 53 - 61 Rawson Street Epping. It proposed increased heights and a non-residential commercial floor space control in the centre. This planning proposal proposed a non-residential floor space control (FSR) of 1:1 (5.5:1 in total) and increased heights up to 80m for the subject site.

The Department issued a Gateway Determination recommending that the proposal not proceed. The determination acknowledged the proposal's strategic alignment but considered that it did not demonstrate site-specific merit and lacked adequate information to support the progression of the planning proposal. The Department advised that a precinct-wide planning proposal was not considered the best means of achieving the intended outcomes of Epping. It recommended a more refined and targeted approach on select sites to be more appropriate.

Therefore, a site-specific planning proposal for 53-61 Rawson Street is considered to be the most effective way of achieving the means and outcomes of delivering commercial floor space in Epping.

3 Strategic assessment

3.1 Region Plan

The Greater Sydney Region Plan – a metropolis of three cities (the Region Plan), released by the NSW Government in 2018, integrates land use, transport and infrastructure planning and sets a

40-year vision for Greater Sydney as a metropolis of three cities. The Region Plan contains objectives, strategies and actions which provide the strategic direction to manage growth and change across Greater Sydney over the next 20 years.

Under section 3.8 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) a planning proposal is to give effect to the relevant District Plan. By giving effect to the District Plan, the proposal is also consistent with the Regional Plan. Consistency with the District Plan is assessed below.

3.2 District Plan

The site is within the Central City District Plan and the Greater Sydney Commission released the Central City District Plan in 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 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 is generally consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan, subject to Gateway conditions, as outlined below.

The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following table includes an assessment of the planning proposal against relevant directions and actions.

Table 5 District Plan assessment

District Plan Priorities	Justification
Planning Priority C1: Planning for a city supported by infrastructure	The proposal is consistent with this priority, as it will facilitate increase numbers of residents and workers in proximity to infrastructure, including public transport, retail, commercial and community facilities.
Planning Priority C3: Providing services and social infrastructure to meet people's changing needs	<p>The proposal is consistent with these priorities, subject to gateway conditions, as it will offer residents mixed-used development with additional publicly accessible open space and retail and commercial amenities in close proximity to public transport.</p> <p>It is noted that while the planning proposal includes 1,230sqm of publicly accessible open space, there is currently no supporting planning provisions or commitment to ensure this is implemented.</p> <p>A Gateway Condition is therefore recommended requiring that council identify an appropriate mechanism to deliver the proposed publicly accessible open space prior to finalisation.</p>
Planning Priority C4: Fostering healthy, creative, culturally rich and socially connected communities	
Planning Priority C5: Planning housing supply, choice and affordability, with access to jobs, services and public transport	
Planning Priority C6:	

District Plan Priorities	Justification
Creating and renewing great places and local centres, and respecting the District's heritage	
Planning Priority C9: Delivering integrated land use and transport planning and a 30-minute city	<p>The proposal is consistent with this priority, as it will support residential and commercial capacity within a strategic centre that will help to reduce the need for people to travel long distances to access jobs and services.</p> <p>Furthermore, the proposal is located within 200m of the existing Epping train and Metro station and is well serviced with existing bus services, providing connections to Hornsby, Parramatta, Macquarie Park and Sydney CBD.</p>
Planning Priority C10: Growing investment, business opportunities and jobs in strategic centres	The proposal is consistent with this priority, as it will encourage a more diverse range of activities within a strategic centre by facilitating residential development and commercial uses in the Epping town centre and within walking distance to public transport.
Planning Priority C16: Increasing urban tree canopy cover and delivering Green Grid connections	The proposal is consistent with these priorities, subject to Gateway conditions, as the proposal aims to deliver publicly accessible open space and public domain upgrades, adjacent to Boronia Park.
Planning Priority C17: Delivering high quality open space	

3.3 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 6 Local strategic planning assessment

Local Strategies	Justification
Parramatta Local Strategic Planning Statement – City Plan 2036 (LSPS)	<p>Epping has been identified as one of two 'strategic centres' within the City of Parramatta LGA, with a broad mix of land uses and a critical focus on infrastructure and growth.</p> <p>Council's LSPS aims to focus high-rise development in its strategic centres and investigate ways to enhance areas with strong local character, including Epping with improvements to the public domain and street tree planting.</p> <p>The planning proposal facilitates the delivery of approximately 420 homes within 200 metres walking distance of Epping station.</p> <p>The planning controls proposed for the site include an increase in height controls from 48 meters to 122 meters to accommodate the proposed two tower concept scheme, which includes approximately 420 dwellings. The proposal also contains the</p>

Local Strategies	Justification
	<p>requirement for 1.5:1 commercial FSR to be delivered as part of the development on this site.</p> <p>The proposal is considered consistent with the priorities of the LSPS.</p>
Parramatta Local Housing Strategy 2020	<p>Council's Local Housing Strategy (LHS) guides and informs the review and development of LEPs and future planning decisions to achieve the expected delivery of 87,900 new dwellings across the LGA by 2036. Epping is identified as a strategic centre within the City of Parramatta LGA.</p> <p>The planning controls proposed for the site include an increase in height controls to accommodate the proposed two tower concept scheme, which includes approximately 420 dwellings.</p> <p>In the context of the housing crisis, opportunities to deliver homes are to be prioritised where possible.</p> <p>The planning proposal will facilitate increase housing in an area with access to jobs, public transport and services consistent with the LSPS.</p>
Affordable Housing Action Plan 2023	<p>Council advises that in relation to the Action Plan, VPAs are considered as a potential mechanism for affordable housing delivery where the Planning Proposal seeks increased residential capacity. The planning proposal seeks only to increase the FSR control for commercial uses.</p>

3.4 Local Planning Panel recommendation

The Parramatta Local Planning Panel (LPP) considered the planning proposal at its 21 May 2024 meeting. The planning proposal gives effect to the decision made by the LPP at that meeting.

The LPP supported the proposed provisions and determined that the planning proposal should be forwarded to the Department to request the issuing of a Gateway Determination and that Council request the Department of Planning, Housing and Infrastructure (DPHI) to provide Council with the authorisation to exercise its plan-making delegations for this Planning Proposal.

The Local Planning Panel also recommended that Council exhibit the draft Site-Specific Development Control Plan alongside the planning proposal and that it be incorporated into Parramatta DCP 2023.

4 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 7 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Consistent	<p>The objective of this Direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.</p> <p>The planning proposal is broadly consistent with the Region Plan, Central City District Plan and the LSPS, subject to gateway conditions. Refer to report section 3.2 District Plan.</p>
1.4 Site Specific Provisions	Justifiably inconsistent, minor significance	<p>This Direction applies as the planning proposal will amend another environmental planning instrument to allow the particular development to be carried out.</p> <p>The objective of this direction is to discourage unnecessarily restrictive site-specific planning controls. Clause (1)(c) states that a planning proposal must “<i>allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.</i>”</p> <p>The direction is applicable as the planning proposal seeks to include a site-specific provision for the following:</p> <p><u>Floor Space Ratio</u></p> <ul style="list-style-type: none"> a) Permit an additional commercial only FSR of 1.5:1, resulting in a maximum total floor space of 6:1 across the site. b) Require that commercial uses comprise at least 1.5:1 of the permitted FSR <p><u>Department’s comment</u></p> <p>The proposed site specific provision is considered necessary to support the intended outcomes of the proposal to encourage the provision of commercial floor area in the Epping Town Centre.</p>
4.1 Flooding	Unresolved	<p>This Direction seeks to ensure development of flood prone land is consistent with the Flood Risk Management Manual and ensure LEP provisions are commensurate with the flood behaviour and consider the potential impacts on and off the land.</p> <p>The site and surrounding area are identified as being flood prone in 1% AEP and PMF flood events. This direction applies as the proposal seeks to alter development standards that apply to a site identified as flood prone.</p> <p>Further assessment and recommended gateway condition are detailed below in section 4 9.1 Ministerial Direction 4.1 Flooding.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
4.4 Remediation of Contaminated Land	N/A	<p>This Direction seeks to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning authorities.</p> <p>The direction does not apply because the planning proposal does not seek to rezone the land to permit any land uses that are not already permissible under the existing zoning.</p> <p>The Department notes that the planning proposal seeks to introduce a site-specific provision to require a minimum of 1.5:1 GFA of commercial uses. Commercial premises is already permitted on the site and is not considered a new land use.</p> <p>Nonetheless, the proposal is accompanied by a Contamination Assessment (Douglas Partners, August 2021) that found that the site can be made suitable for the proposed development.</p> <p>The Department is satisfied that the land can be remediated and made suitable for the proposed development. Further consideration of this matter can be undertaken at the development application stage.</p>
4.5 Acid Sulfate Soils	Consistent	<p>The objective of the Direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p> <p>This planning proposal relates to land identified as being affected by Class 5 acid sulfate soils.</p> <p>Further consideration of this matter can be undertaken at the development application stage.</p> <p>The Parramatta LEP contains provisions which prevent environmental damage arising from exposure of acid sulfate soils. The proposal is consistent with this Direction.</p>
5.1 Integrating Land Use and Transport	Consistent	<p>This Direction seeks to ensure that land use and development improve access to housing, jobs, and services by means of public transport and improved walkability.</p> <p>As outlined in the planning proposal, the site has high public transport accessibility, being within 200 metres of Epping Station with both rail and metro services.</p> <p>Pre-gateway consultation with TfNSW recommends identification of travel demand management strategies to support the increased growth as well as an implementation strategy, including timing, land components, costings, delivery responsibilities, and funding mechanisms. Considering the site is strategically aligned with transport infrastructure, this information can be prepared at the DA stage when design details and implementation information is available.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
6.1 Residential Zones	Consistent	<p>The Direction applies as the proposal relates to land which allows for significant residential development. The proposal seeks additional height provisions which will accommodate the proposed two tower concept scheme, which includes approximately 420 dwellings on the site, as well as additional commercial floorspace.</p> <p>This Direction aims to encourage housing choice, make efficient use of infrastructure and services, and minimise the impact of residential development on environment and resource lands.</p> <p>The site is located within the Epping town centre and has access to existing infrastructure and services which can be utilised to support the mixed use development.</p>
7.1 Employment Zones	Consistent	<p>This Direction seeks to encourage employment growth in suitable locations, protect employment land in employment zones and support the viability of identified centres.</p> <p>The Direction applies as the proposal relates to land zoned E1 Local Centre.</p> <p>The proposal seeks to permit an additional commercial only FSR of 1.5:1 and require that commercial uses gross floor area comprise at least 1.5:1 of the permitted FSR.</p> <p>The proposal is consistent with this direction as it will enable an increase in potential floorspace for employment uses and related public services in an employment zone.</p>

4.1.1 Ministerial Direction 4.1 Flooding

The proposal is supported by a revised Flood Impact Assessment (GRC Hydro, April 2024) that provides an analysis against ministerial direction 4.1 in the context of the mixed-use development concept. It identifies that the site is located within a flood planning area and is affected by mainstream flooding from Boronia Park Channel with hydraulic hazards ranging from H1 (no restrictions) to H6 (high hazard) (**Figure 8 and 9**).

The Flood Impact Assessment states that the proposal is consistent with Direction 4.1 Flooding as it is not located in a floodway. The Department does not agree with this interpretation as it relates to the development footprint of the proposed concept, rather than the application of proposed planning controls (**Figure 7**).

Nonetheless, the report indicates that flood risk is low based on the following:

- Development has been proposed outside of the 1% AEP extent, which removes the interference with the natural function of the waterways. All floor levels are greater than 1% AEP + 500mm freeboard.
- No flood flow-through or flood storage chambers are proposed. The proposed basement car park provides passive protection up to the 1% AEP + 500mm freeboard and protection up to the PMF through the use of automatic floodgates.
- Hazards:

- H1 hazard is expected at the area adjacent to the driveway in the 1% AEP (**see Figure 7**).
- The proposed development has no impacts on hazards within the mainstream flooding occurring within the channel. There are some increases in the hazard categories within Rawson St towards the junction of Carlingford Rd, but as this section of Rawson St is already classed as H5 under Existing Conditions and unsuitable for all vehicles, the proposed development isn't impacting on the evacuation potential through Rawson St. These hazard changes are fully contained within the road extent, and as such do not pose additional risk to any buildings.
- There are no offsite impacts to private property resulting from the proposed works in events from the 5% AEP up to and including the 0.5% AEP (page 13). The development results in impacts the 1% AEP event on adjacent development due to the proposed works
- Emergency Response
 - Warning Time - the expected warning time is expected to be less than 30 minutes from the onset of the precipitating weather event to peak water levels at the site. The expected duration of inundation is also to be relatively short for all events up to and including the PMF, with water levels around the site expected to drop to trafficable conditions within an hour after the precipitation event subsides.
 - Shelter in Place - the safest approach to protect people during a flood would be for all people located on the site to shelter onsite until the precipitation event finishes and waters subside, and only leaving after confirming with local emergency combat authorities such as the SES. Shelter in place is the only available strategy given the lack of warning.
 - Evacuation - Egress to Rawson Road is readily achieved as is shelter in place. Proposed works and the egress via Rawson Street avoids interaction with hazardous mainstream flooding.

Consistency with the 9.1 direction is considered unresolved as:

- the site is located within a floodway and a portion of the proposed concept plan is also located within the floodway.
- Insufficient information is provided in relation to the impact of proposed development within the floodway, including impacts and potential mitigation measures.
- The recommended flood response is not clear within the revised Flood Impact Assessment, as the report refers to both shelter in place and evacuation routes. The supporting information does not adequately demonstrate consideration of the feasibility of evacuation including in relation to the broader context surrounding the subject site.

Gateway conditions are recommended requiring:

- Consultation with the NSW State Emergency Service and NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW); and
- Update the proposal package to address the adopted Floodplain Manual and to address consultation with NSW State Emergency Service, NSW Environment and Heritage and NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW).

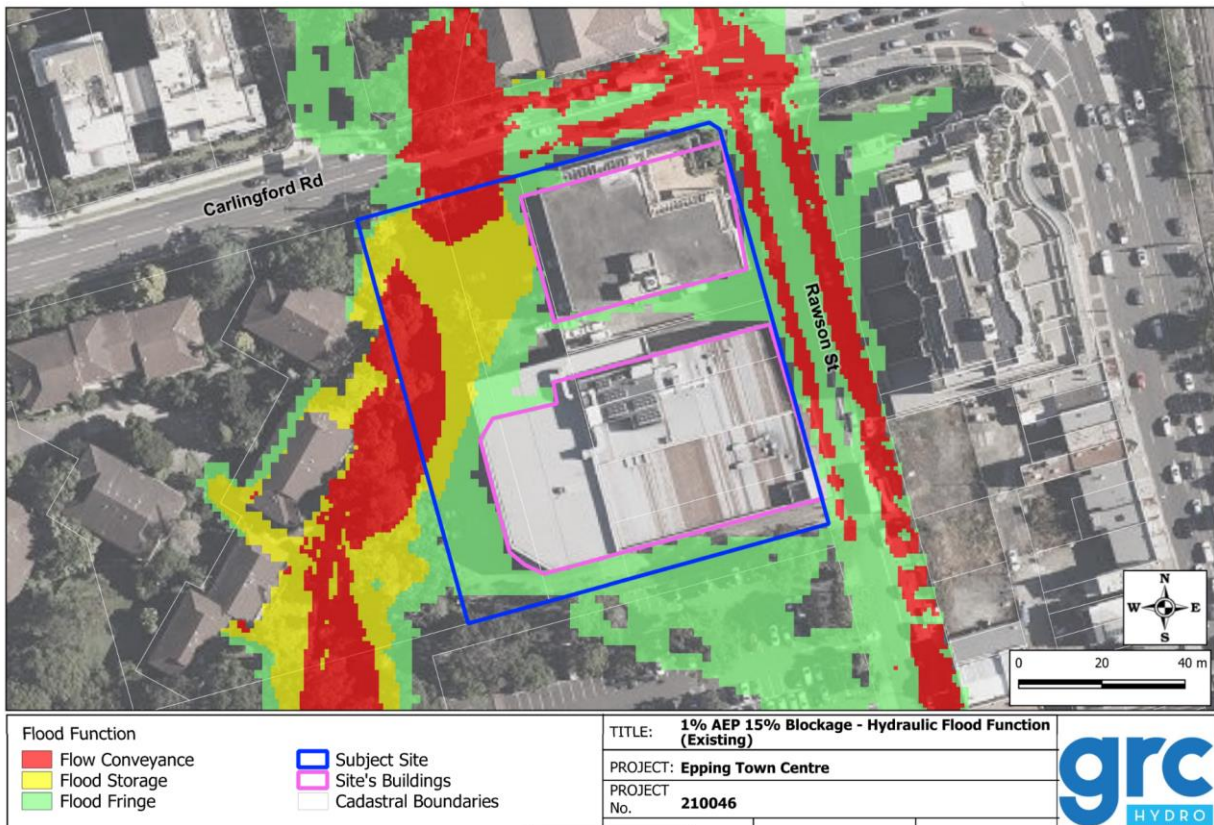


Figure 7: Hydraulic Flood Function Existing (Source: Revised Flood Impact Assessment, GRC Hydro)

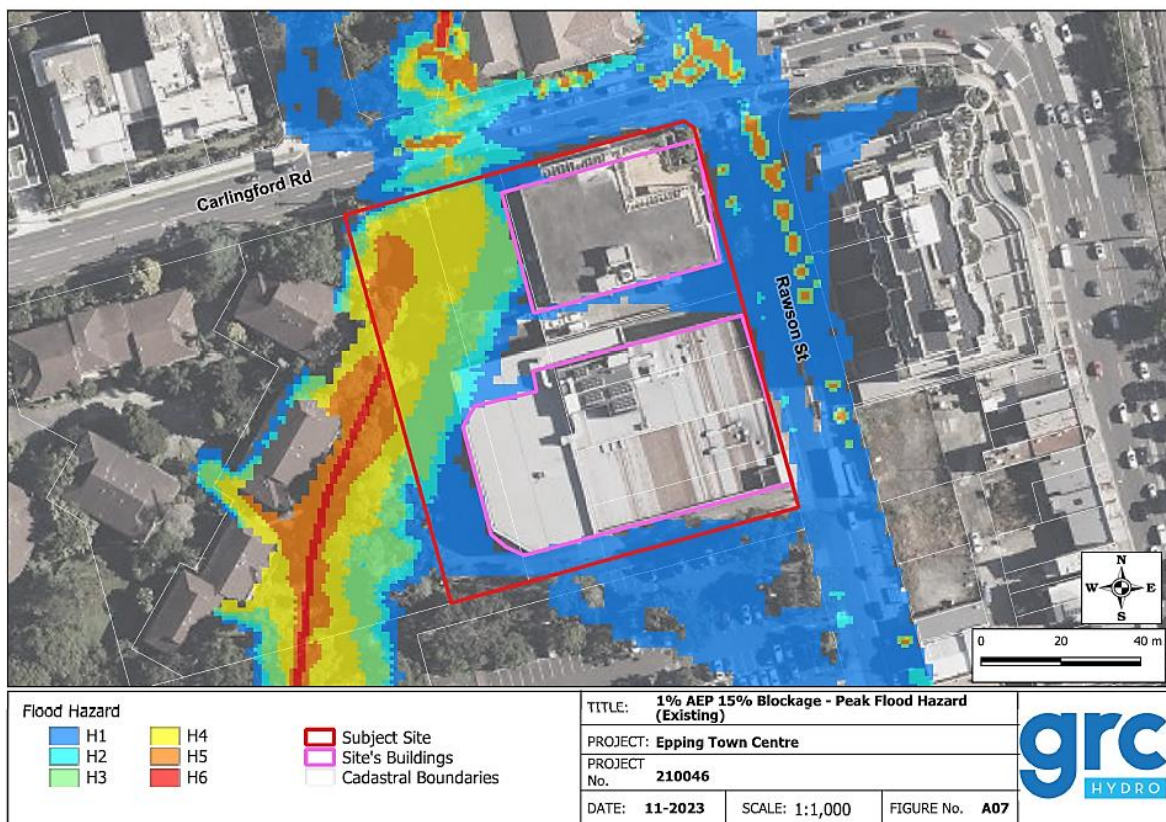


Figure 8: Flood Hazard Existing 1% AEP (Source: Revised Flood Impact Assessment, GRC Hydro)

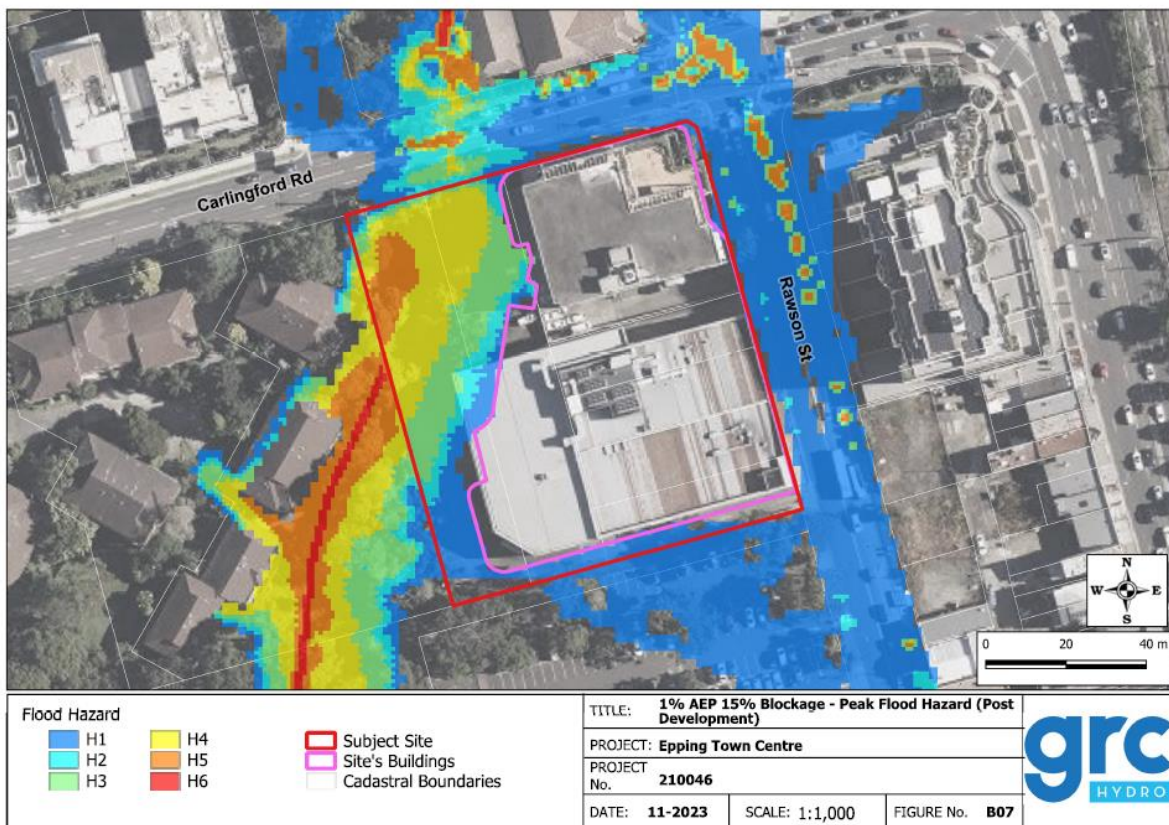


Figure 9: Flood Hazard Post Development 1% AEP (Source: Revised Flood Impact Assessment, GRC Hydro)

5 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs and does not hinder the application of any SEPPs.

Table 8 Assessment of planning proposal against relevant SEPPs

SEPPs	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP (Biodiversity and Conservation 2021)	Consistent	Chapter 2 of the Biodiversity and Conservation SEPP aims to protect the biodiversity values and preserve amenity of non-rural areas. The planning proposal does not contain any provisions that will impede the operation of the SEPP.
SEPP (BASIX) 2004	Consistent	The BASIX SEPP seeks to ensure sustainable residential development across the State. The planning proposal does not contain any provisions that will impede the operation of the SEPP.

SEPPs	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP (Housing) 2021	Consistent	<p>The SEPP seeks to provide diversity in housing and encourage affordable and rental housing. It also seeks to provide residents with a reasonable level of amenity.</p> <p>The planning proposal is supported by a Revised Urban Design Report with information that addresses the ADG. In particular, the report has considered the building separation, solar access, natural ventilation, and open space and deep soil planting requirements of the ADG.</p> <p>Section 6.1 of the report provides assessment of the urban design and amenity aspects of the proposal and demonstrates general consistency with the ADG.</p> <p>The planning proposal does not include provisions that will impede the operation of the SEPP.</p>
SEPP (Industry and Employment) 2021	Consistent	<p>The SEPP seeks to grow a competitive and resilient economy that is adaptive, innovative and delivers jobs.</p> <p>The planning proposal does not include provisions that will impede the operation of the SEPP.</p>
SEPP (Sustainable Buildings) 2022	Consistent	<p>The SEPP seeks to ensure sustainable building development and reduce resource consumption across the State.</p> <p>The planning proposal is supported by the Revised Environmentally Sustainable Design Strategy (Stantec, April 2024).</p> <p>Sustainability measures have been identified for the concept scheme that will be further developed and validated through the design and delivery of the development.</p> <p>The planning proposal does not contain any provisions that will impede the operation of the SEPP.</p>
SEPP (Resilience and Hazards) 2021	Consistent	<p>Detailed compliance with Chapter 4: Remediation of Land in the SEPP (Resilience and Hazards) 2021 will need to be demonstrated as part of any future development assessment.</p>
SEPP (Transport and Infrastructure) 2021	Consistent	<p>The SEPP aims to facilitate the effective delivery of infrastructure across the State and establishes requirements for development that is likely to increase demand for infrastructure, services and facilities.</p> <p>Section 2.118 of the SEPP seeks to ensure that new development does not compromise the operation and function of classified roads.</p> <p>Referral to TfNSW will be required for a future development application. The planning proposal does not include provisions that will impede the operation of the SEPP.</p>

SEPPs	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		Traffic and matters raised by TfNSW are discussed in Section 6.3 of this report.

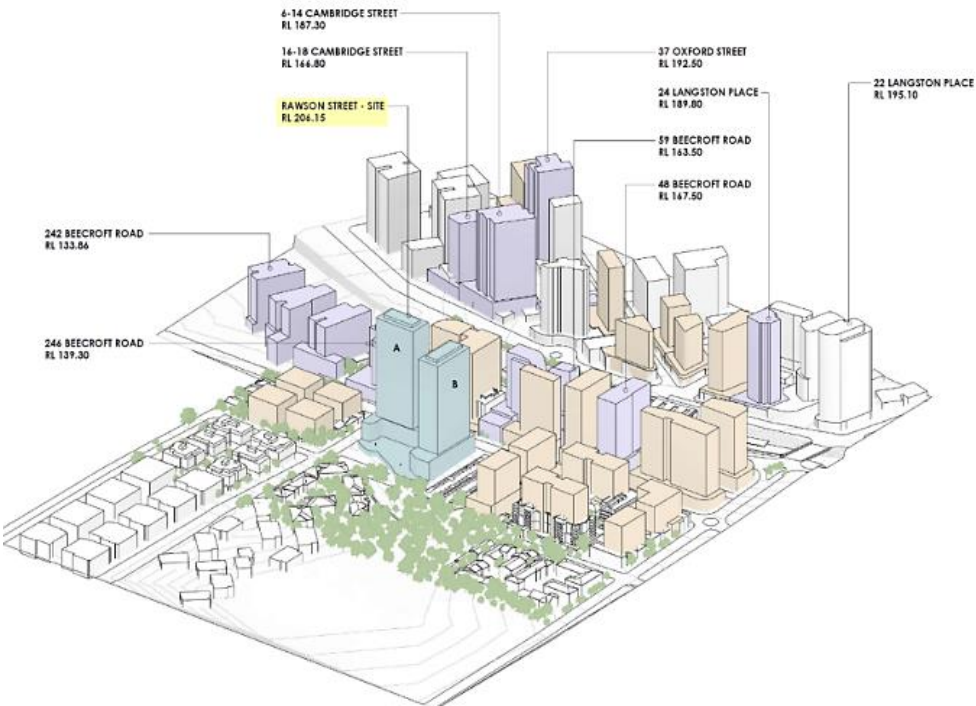
6 Site-specific assessment

6.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

Table 9 Environmental Impact Assessment

Environmental Impact	Assessment
Urban Design	<p>The proposed scale is generally consistent with the expected scale of a strategic centre and ongoing use of the site for a mixed-use development.</p> <p>It is noted that while the proposed maximum building height for the subject site, at 122 metres, is significantly greater than existing maximum building heights within the precinct, the proposed scale is generally consistent with the Epping Town Centre when the topography of the land is considered. Figure 10 below illustrates the maximum building heights in the precinct represented in RLs.</p> <p>When considered at a ground level human-scale, the draft DCP proposes provisions to manage the public domain, publicly accessible open space, tree canopy laneway access and built form, with bespoke ground and upper level setback controls.</p>

Environmental Impact	Assessment
	 <p>Figure 10: Extract from Council Report date 24 June 2024, depicting Epping Town Centre Built Form (existing development – white, approved development – purple, development possible under existing controls – orange, proposed subject site development – blue.</p>
Solar access and overshadowing	<p>The planning proposal is supported by a revised Urban Design Report prepared by Kann Finch (2024) which considers solar access and overshadowing impacts on the adjoining town centre area.</p> <p>The overshadowing diagrams provided in the concept plan indicate that there will be additional overshadowing to adjoining properties at the winter solstice (Figure 11). The additional overshadowing includes:</p> <ul style="list-style-type: none"> • morning shadows (9-11am) to Boronia Park in the west • morning and afternoon shadows (9 am-2pm) to the adjoining carpark fronting Rawson Street (zoned E1 Local Centre) • morning and afternoon shadows (10am-3pm) adjoining properties to the south, fronting on Rawson Street (zoned E1 Local Centre) <p>The active recreation section of Boronia Park plays a vital role for the broader community and further investigation is warranted to ensure the park is able to continue to achieve sufficient solar access throughout the day. The Department has modelled the potential overshadowing arising from the proposal.</p> <p>The findings indicate that the morning shadows cast by the proposed towers are similar to those cast by the vegetation on the eastern side of the playing fields (Figure 12 and 13).</p> <p>On this basis, the potential overshadowing impacts are considered acceptable on balance, particularly within the context of the Epping Town Centre Strategic Centre.</p>

Environmental
Impact

Assessment

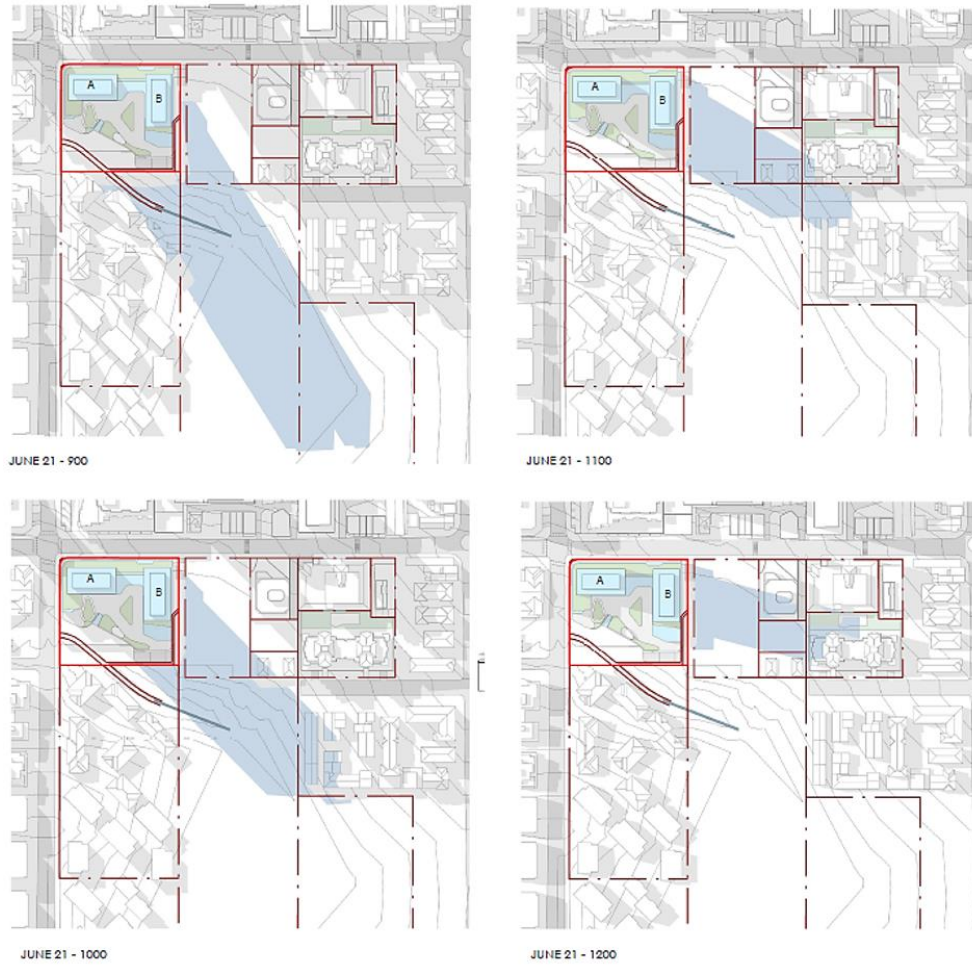


Figure 11: Shadow Diagrams 21st June (Source: Revised Urban Design Report, Kann Finch 2024)



Figure 12: Shadow analysis of playing field at 9am 21st June with and without proposed towers

Environmental Impact	Assessment
	 <p>Figure 13: Shadow analysis of playing field at 12pm on 21 June with and without proposed towers</p>
Public Domain	<p>It is considered that the proposal would provide significant improvements to the public domain.</p> <p>The planning proposal is supported by four reports related to public domain:</p> <ul style="list-style-type: none"> • Revised Urban Design report (Kann Finch, April 2024) • Revised Urban Design and Urban Design Appendix A (Gyde, April 2024) • Revised Public Domain Plan (Arcadia, 2024) • Draft Development Control Plan <p>The proposed public domain initiatives are supported by provisions in the proposed draft DCP, including landscaping, tree canopy, publicly accessible open space and plaza, pedestrian links, safety and security provisions for the site.</p>
Wind Assessment	<p>The planning proposal is supported by a Revised Wind Assessment Report prepared by Windtech, April 2024.</p> <p>The Report notes that there are some areas of the proposal that would be affected by strong winds and recommends treatment strategies for the final design.</p> <p>The recommended treatment strategies are intended to be incorporated in Council's site-specific updates to Parramatta DCP 2023.</p>

6.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

Table 10 Social and economic impact assessment

Social and Economic Impact	Assessment
Social	<p>The planning proposal is supported by a Revised Social Impact Assessment (Cred Consulting) recommending the social infrastructure needs arising from the proposal based on benchmarked demands. The planning proposal notes that these are</p>

Social and Economic Impact	Assessment
	<p>either not sufficient to warrant on-site facilities or addressed in Council's Community Infrastructure Strategy.</p> <p>The proposal will have a positive social impact by contributing to housing, publicly accessible open space, public domain, and employment opportunities.</p>
Economic	<p>Epping precinct centre is identified as a strategic centre in the District Plan and LSPS. The planning proposal will create capacity for additional jobs, commercial and retail floor space in the Epping town centre.</p> <p>The planning proposal is supported by the Revised Economic Impact Assessment (Atlas Economics, April 2024) that supports the need for commercial and retail offerings in the Epping Town Centre.</p> <p>The Department is satisfied that the proposal has adequately addressed economic impacts associated with the proposal.</p>

6.3 Infrastructure

The following provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal, and what infrastructure is proposed in support of the proposal.

Table 11 Infrastructure assessment

Infrastructure	Assessment
Traffic and Transport	<p>The planning proposal seeks to provide housing and non-residential floor area within the Epping Town Centre with access to public transport, services and facilities. The site is located approximately 200m from Epping train station.</p> <p>It is noted that TfNSW has provided advice on several occasions primarily focusing on traffic generation rate and regional traffic growth.</p> <p>The proposal is supported by a Traffic Impact Assessment (TIA) prepared by Stantec which recommends:</p> <ul style="list-style-type: none"> operational and physical improvements to the Rawson Street/ Carlingford Road/ Ray Road intersection to improve road performance. a Resident or Green Travel Plan is prepared to minimise the reliance on single occupancy car journeys to and from the site recommended extension of the service lane to Carlingford Road, developed as the primary vehicular access for service vehicles only into the loading dock, with access limited during flood events <p>The report indicates that:</p> <ul style="list-style-type: none"> Development is anticipated to generate around 273 and 450 vehicle trips in the AM and PM peak periods respectively. Compared to existing land use, this results in a net increase of about 132 vehicle trips in the AM peak and 138 trips in the PM peak.

Infrastructure	Assessment
	<ul style="list-style-type: none"> Existing AM peak traffic turning right turn onto Carlingford Road from Rawson Street experiences delays. The study identifies that 70% of this right turn traffic originates from outside of the town centre. The study includes a modelling scenario where it redistributes right-turning traffic at alternate locations (ie. Kent Street or Midson Road) to mitigate delays. Previous traffic study supporting Epping Town Centre Commercial rezoning includes signalisation of Kent Road/Carlingford Road which could mitigate delays at Rawson Street. <p>Based on the analysis, the potential traffic arising from the planning proposal is unlikely to have a significant impact on the existing condition of the road network to necessitate road network upgrades.</p> <p>However, broader transport impacts associated with the cumulative impact of development across the Epping Town Centre may need to be separately investigated and addressed at a precinct level. The transport plan would identify the required transport infrastructure or travel demand strategies (eg. higher maximum car parking rates) to sustainably support the cumulative growth of Epping Town Centre. This would reduce the need for piecemeal transport assessments with each rezoning proposal.</p> <p>Given that the proposal is located on Carlingford Road, a Gateway condition is included requiring further consultation with TfNSW in relation to development access from the State Road network.</p>
Utilities	<p>The site is located within an established urban area which is serviced by water, sewer services, electricity, gas and telecommunications.</p> <p>The planning proposal is supported by an Infrastructure Report - Electrical & Hydraulic Services (Stantec, April 2024).</p> <p>Consideration of servicing requirements for redevelopment of the site will be subject to detailed design assessment at DA stage.</p> <p>However, as the planning proposal will result in increased density on the subject site, a Gateway condition is included requiring that Ausgrid and Sydney Water are consulted on the planning proposal.</p>

7 Consultation

7.1 Community

The planning proposal is categorised as complex under the LEP Making Guidelines (August 2023). Accordingly, a community consultation period of 30 working days is recommended and this forms part of the conditions to the Gateway determination.

7.2 Agencies

The proposal does not specifically raise which agencies will be consulted.

It is recommended the following agencies be consulted on the planning proposal:

- Ausgrid
- Crown Lands
- NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW)
- NSW Department of Education / Schools Infrastructure NSW
- State Emergency Service
- Sydney Water
- Transport for NSW

A Gateway condition is recommended that these agencies be consulted on the planning proposal and given 30 days to comment in accordance with the Department's *Local Environmental Plan Making Guideline (August 2023)*.

8 Timeframe

Council proposes an 8 month time frame to complete the LEP.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as complex.

The Department recommends an LEP completion date of 10 October 2025 in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

It is recommended that if the gateway is supported, it is accompanied by guidance for Council in relation to meeting key milestone dates to ensure the LEP is completed within the benchmark timeframes.

9 Local plan-making authority

Council has advised that it would like to exercise its functions as a local plan-making authority.

The Department recommends that Council be authorised to be the local plan-making authority for this proposal as the planning proposal is generally ,with the exception of direction 4.1 Flooding which remains unresolved. Consistency with this direction is unable to be demonstrated until consultation is completed and the planning proposal is updated in response to the consultation.

The Department's Plan Making Guideline notes that the Minister may withdraw an authorisation for a council to make a LEP if the conditions set out in the Gateway determination are not met. This can occur if:

- Council has not satisfied all the conditions of the Gateway determination.
- the planning proposal is inconsistent with the relevant section 9.1 Directions or the Planning Secretary has not agreed that the inconsistencies are justified.
- there are outstanding written objections from authorities and government agencies.

10 Assessment summary

. The planning proposal is supported to proceed with conditions for the following reasons:

- it is generally consistent with the strategic planning framework including the Central City District Plan, City of Parramatta Local Housing Strategy and Local Strategic Planning Statement
- it will facilitate job creation and the provision of commercial floorspace within an existing strategic centre.
- it supports the ongoing operation of the Epping town centre.
- it will facilitate housing delivery and contribute towards housing targets, with approximately 420 dwellings proposed.
- is generally consistent with the section 9.1 directions, noting 4.1 Flooding remains unresolved.
- is generally consistent with relevant SEPPs
- the proposal has given consideration to the likely environmental, social, economic and infrastructure impacts.

Further justification and consultation are required in relation to flooding. Gateway conditions are recommended in this regard.

11 Recommendation

It is recommended the delegate of the Secretary:

- Note that the inconsistency with section 9.1 direction 4.1 Flooding remains unresolved.

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

The following conditions are recommended to be included on the Gateway determination:

Prior to finalisation, the planning proposal is to be revised to:

1. Address Ministerial Direction 4.1 Flooding and provide a revised flood impact assessment in response to consultation with NSW Department of Climate Change, Energy, the Environment and Water and State Emergency Service. Consideration should be given to the recommendations of the 2022 NSW Flood Inquiry and the NSW Flood Risk Management Manual 2023; and
2. Ensure an appropriate mechanism is identified which facilitates the intended urban design outcomes, including the provision of publicly accessible open space.

Given the nature of the planning proposal, it is recommended that the Gateway authorise council to be the local plan-making authority and that an LEP completion date of 10 October 2025 be included on the Gateway.



10 September 2024

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