

- approximately 2,710m² of communal open space with 50% of the communal open space receiving solar access 2 hours of solar access between 9 am – 3 pm at 21st June.
- approximately 18.5% of the site for deep soil planting.

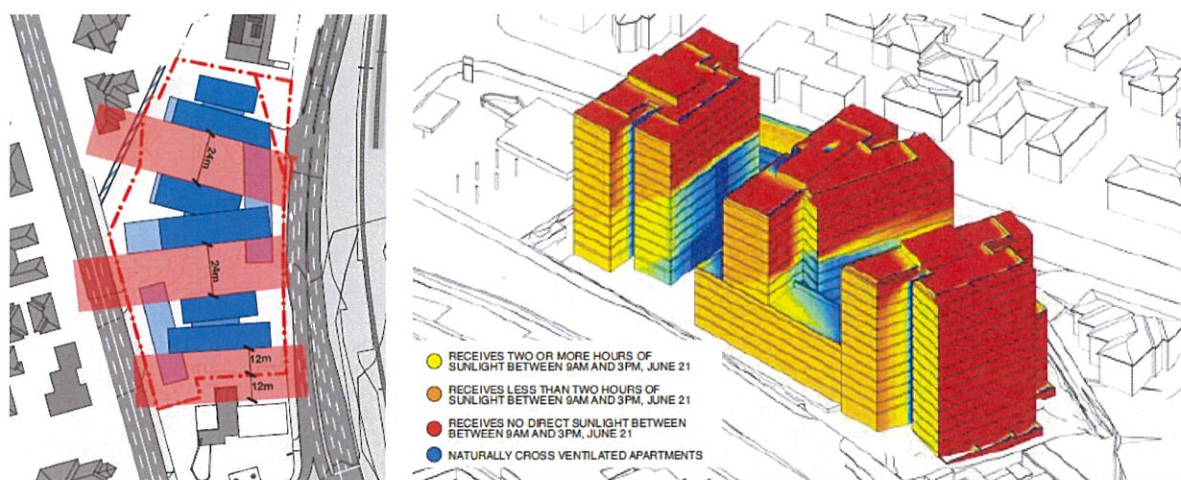


Figure 16 – Left: Building separation Right: Solar Access and Ventilation (Source: Applicant's RtS)

The Department is therefore satisfied the Applicant's RtS demonstrated the proposal is capable of compliance with ADG. The Department's detailed assessment of the proposal against the requirements of the ADG is provided in **Appendix E**.

6.2 Land use

The proposal seeks approval for a residential development with commercial uses on the ground floor. This comprises approximately 37,700m² of residential gross floor area (GFA) and 750m² to 1,000m² of non-residential GFA.

Council objected to the proposed land use mix and recommended that the proposal should provide a significantly higher level of commercial (business, office, retail) floorspace to provide more local jobs and support the existing and future populations of Epping Town Centre. Council recommended the equivalent of a 1:1 floor space ratio for commercial floor space should be provided by the proposal, equating to 10,120 m² of GFA.

Council's objection is based on findings from its strategic review of Epping Town Centre in 2017 (Epping Town Centre Planning Review). Council's review is ongoing and has included economic analysis, traffic assessment and heritage studies. However, there has not been any Planning Proposal to alter the existing planning controls within the Town Centre to date. Nevertheless, the review identified:

- since the Government led rezoning of Epping Town Centre (including the site) in 2014 through the Urban Activation Precinct (UAP) process, there has been an accelerated delivery of housing, resulting in a loss of commercial floor space and jobs. Council predict that the State Government's housing target for Epping of 5,500 dwellings is likely to be achieved by 2023, 13 years ahead of the Department's projection of 2036 in the UAP.
- a forecast demand for 13,000m² of retail floorspace and 55,616m² of office space would be required by 2036 which will not be met under current market trends and planning framework.

- that Epping will have between 8,755 and 10,000 additional dwellings by 2036 and Epping needs to play a more significant commercial role than other nearby centres, to meet the needs of local residential population as well as providing higher order services and commercial space.
- the subject site is Government owned and it provides an excellent opportunity to deliver employment opportunities and Government should lead in the implementation of the Central City District Plan, which identifies Epping as a Strategic Centre with a job target of 1,900 to 2,400 jobs by 2036.

The State Member for Epping, Dominic Perrottet MP, agreed with Council's concerns about the proposed land uses and advised that employment uses or public open space would be more appropriate for the site.

66% of public submissions also raised concerns that the proposal has insufficient commercial space to support jobs growth, daytime activation of the Town Centre, use of public transport and to slow the rate of residential developments.

In response to the issues raised in submissions, the Applicant submitted an Economic Analysis prepared by Hill PDA to consider the opportunity and feasibility for the proposal to include additional commercial floor space. In summary, the analysis identified that:

- there is no market demand for office space, but there is potential for secondary commercial floor space and smaller tenancies
- the site is not attractive to commercial tenants due to its location, being outside of Epping Town Centre and its residential setting.

Council considered the Applicant's RtS, including the economic analysis and maintained its concerns about the proposal, and considered a significantly higher amount of commercial floorspace would benefit Epping as a whole and not just the subject site. Council also considered the conversion of all ground floor area of the proposal alone will accommodate approximately 4,000 m² of commercial floor space.

In response to Council's further concerns, the Applicant submitted an addendum to its earlier economic analysis. The addendum provided further information on the quantum of non-residential floor space with a focus on the potential for the site to accommodate smaller tenancies and secondary commercial uses. The addendum report identified uses servicing local needs would be more feasible for the site, particularly uses that services local residents within the walkable catchment of the site (within the residential area north of Carlingford Road). The addendum report identified these local uses, including potential retail shops are likely to be small scale, noting examples of existing small scale grocery store in Epping are only approximately 200m² in size and a hairdressing salon is approximately 100m².

The Applicant has since increased the non-residential gross floor area from 700 m² to between 750 m² and 1,000 m² consistent with the findings of the economic analysis.

Consideration

The Department has considered both the recommendations in Council's Epping Town Centre Planning Review (Commercial Floor Space Study) and the findings in the submitted economic analysis and addendum report. The Department acknowledges Council's Epping Town Centre

Review identified future demand and the potential shortfall of commercial floor space to deliver job growth by 2036.

However, the Department considers that requiring a minimum 1:1 commercial floor space ratio (minimum 10,120 m² non-residential floor space) is unreasonable, because:

- there is currently 30,000m² of commercial floor space (non-shop front) in the whole of Epping Town Centre and the current vacancy rate is at 24% (7,000m²). The Department considers it is unreasonable to require the provision of 10,120m² of commercial floor space at the site, representing a 33% increase in supply for Epping Town Centre, which is likely to remain vacant for an extensive period of time.
- Epping also has around 24,000 m² of shop front floor and has a vacancy rate of around 4%. The Department accepts the findings of the economic analysis which found some secondary commercial and retail spaces and services uses are feasible for the site and notes the proposal has increased its non-residential uses to up to 1,000m².
- the economic analysis attributes the high vacancy rate in Epping Town Centre to competition from nearby other higher order centres such as Macquarie Park, Chatswood, Norwest and Parramatta, which have higher quality and more efficient commercial buildings, co-location benefits and better access to services and amenities.
- the site is located outside the town centre. The sites immediately north and west of the site have residential uses and Carlingford Road forms a boundary between the site and the main commercial area of the town centre. The north and south side of Carlingford Road have different character, with Ray Road to the north having a residential character whereas Rawson Street and Beecroft Road have retail and business character.
- the Department also accepts findings in the submitted economic analysis that the site is not of sufficient scale to make it attractive for prospective office tenants, due to its predominately residential location.

The Department also notes the site was rezoned in 2014 from B2 Local Centre to R4 Zone High Density residential development, because of its location relative to the town centre and the R4 zoning would be more compatible with residential properties to the west of the site. As part of the rezoning studies, Transport for NSW also provided an analysis which identified only limited opportunities for commercial development on the site due its distance and pedestrian access from the railway station and constrained vehicle access from Carlingford Road. The Department considers these reasons are still relevant to the site and the proposal.

The increased transport connection and capacity from the operation of the new North West Metro Line will also significantly improve Epping residents' access to employment opportunities, particularly to nearby major employment centres at Macquarie Park, Chatswood and Norwest (all less than 15 minutes commute from Epping), consistent with a 30-minute city planning vision supported by Council and the Greater Sydney Commission.

The R4 High Density Residential zone has objectives to satisfy the housing needs and enable other uses that provide facilities or services to meet the day-to-day needs of residents. Commercial and office premises are prohibited in the R4 Zone. Whilst the Minister can grant development consent to prohibited uses, the Department's assessment found there is no strong evidence to support a

significant amount of commercial floor space for this site, against the objectives of the residential zone.

The Department's assessment therefore concludes the proposed land use mix is appropriate because the proposal is consistent with the objectives of the R4 High Density Residential Zone, the proposed non-residential floor space (750 m² – 1000m²) would support a range of uses such as neighbourhood shops, recreation uses and childcare centres to service local residents and provide local jobs and the opportunity to provide an additional 10,120m² of commercial floorspace is not viable.

6.3 Traffic and Parking

Traffic Impacts

Public submissions raised concerns with traffic congestion associated with traffic generation from the proposal and cumulative impacts from other proposed developments. Submissions also raised concerns with the delay and congestion at the Ray Road and Carlingford Road intersection, which is compounded by the pedestrian crossing phase of the signals.

Council's submission recommended an East-West Link road (parallel to Carlingford Road) through the site between Beecroft Road and Ray Road should be provided on the site to improve the traffic delay conditions at Carlingford Road and Beecroft Road and Carlingford Road and Ray Road intersections.

Council's recommendation relied on traffic study undertaken as part of its Epping Planning Review which included analysis of options for local traffic improvements, including the recommended East-West Link road. The recommended East-West Link Road would be approximately 100m north of the Beecroft Road/Carlingford Road intersection (**Figure 17**). The link road would be used primarily by local traffic using it to by-pass the intersections of Carlingford Road/Beecroft Road and Carlingford Road/Ray Road/Rawson Street.

TfNSW (RMS) provided advice on the proposal and did not raise concerns about traffic impacts but provided advice on the detailed design of the proposed deceleration lane, vehicular crossovers and required line marking. These matters are addressed by the recommended conditions of consent in **Appendix H (Condition C11)**.

In response to submissions, the Applicant provided a Traffic and Parking Addendum Memorandum prepared by SCT Consulting. The Memorandum included additional information on:

- Traffic distribution rates, cumulative impacts and assumptions used in traffic models and circulation of in and outbound trips in response to the Department's information request.
- Transport use data for the local area and future occupants of the development to demonstrate the proposal is a transit-oriented development.

The proposal with an indicative mix of 432 dwellings and 752 m² of non-residential floor space is forecasted to generate 85 vehicle trips in the morning peak, 66 vehicle trips in the afternoon peak and 672 total daily trips.

The Applicant argued the proposal represents less than 1% of traffic on the Beecroft Road and Epping Road corridor. The Applicant submitted that the proposed two separate access and egress

points will help address traffic distribution to minimise congestion. When traffic generation is distributed across the two accesses, the highest morning traffic impact will be on Ray Road and the highest afternoon traffic impact will be on Beecroft Road, but both peak hour traffic increase will be equivalent to no more than one additional vehicle per minute.

The Applicant's RtS further considered Council's recommendation for an East-West Link Road but argued the link road is not a sustainable, long-term option to address traffic congestion on roads in proximity to the site. The Applicant contended the link road would only result in stabilising the existing traffic and any such benefits will be absorbed by the existing background increase in traffic. The Applicant also raised road safety concerns should there be queuing onto Beecroft Road from traffic at the Ray Road end of the link road. The Applicant also argued the proposed East-West pedestrian/cycling link and associated public accessible open space will deliver better outcomes for the local community. The link will provide a safe and pleasant pedestrian and cycling access from Beecroft Road to Ray Road.



Figure 17 | Road network around the site (Source: Applicant's EIS)

Consideration

The Department's independent traffic consultant reviewed the Applicant's traffic report and the RtS's Memorandum. The consultant advised the traffic modelling and transport information are satisfactory. He noted both intersections at Carlingford Road and Ray Road and Beecroft Road and Carlingford Road have poor performance at Level of Service F (representing 9 minutes delay during peak hours

in 2017 as surveyed). However, the proposal will not generate sufficient traffic to cause further deterioration of these intersections. The Department accepts the consultant's advice and concludes the proposal would have a negligible impact on the surrounding road network.

The Department acknowledges public concerns regarding traffic congestion across Epping Town Centre. The Department has considered whether Council's recommendation for an East-West Link road through the site should be adopted.

The Department has carefully reviewed the findings and recommendations in Council's Epping Town Centre Traffic Study East-West Link and bus tunnel options prepared by EMM consultants dated 19 June 2018. The Department does not support an East-West Link road, because:

- the report identifies the East-West Link road will not directly improve road network performance and will only help to stabilise traffic conditions if a large number of planned and unplanned road upgrades are also carried out by Council and TfNSW (RMS) by 2036.
- if implemented alone, the link road will provide an alternative route for north-south traffic movements through the intersection of Carlingford Road and Beecroft Road. This will increase delays at the intersections of Carlingford Road and Beecroft Road and Epping Road and Blaxland Road that are already experiencing significant delays.

Following the Epping Planning Review in 2017, Council is yet to complete an Epping Town Centre Transport Delivery Plan and Development Contributions Plan to confirm plans and funding needed for local road network upgrades. However, the Department notes the Government has been working to coordinate the planning and delivery of regional infrastructure upgrades to support the growth of Epping Town Centre.

In 2018, the Government completed two major road upgrade projects (improvement of Carlingford Road/Beecroft Road intersection and widening of Epping Road to the east of the town centre) valued at \$31.1 million and committed \$4 million to plan and design the upgrade of Epping Station Bridge widening. The Government has since assigned a further \$46.4 million towards the bridge widening works. These works would improve the performance of the critical intersections at Epping Road and Blaxland Road and at Carlingford Road and Beecroft Road, reducing delays and traffic congestion.

Conclusion

Based on advice from TfNSW (RMS) and the Department's independent traffic consultant, the Department's assessment concludes the proposal will have acceptable traffic impacts. The Department also supports the proposal which seeks to adopt transit-orientated development principles in minimising private car use, particularly in light of the new transport capacity from the North West Sydney Metro Line.

The Department considers the proposed East-West Link road will increase private car movements through the residential area along Ray Road but will not secure improvements to traffic congestion in Epping Town Centre. The Department therefore accepts the benefits of the proposed pedestrian and cycle link and associated open space outweighs that of the East-West link road. The design and public benefits of the proposed pedestrian and cycle link and associated open space are further discussed under Section 6.3 of this report.

Car parking

The proposal will provide car parking spaces at the following rates:

- 0.4 spaces per studio and 1 bedroom dwelling
- 0.7 spaces per 2 bedroom dwelling
- 1.2 spaces per 3 or more bedroom dwelling
- 1 residential visitor car space per seven dwellings
- 1 non-residential space per 70m² of GFA.

Based on an indicative scheme to provide 432 dwellings and 752m² non-residential floor space, the proposal would have a maximum 342 car parking spaces, including 270 residents car spaces, 62 residential visitor car spaces and 10 non-residential car spaces.

Public submissions raised concerns that the proposal provides insufficient car parking and suggested car ownership is likely to be high for the proposal which in turn will cause potential impacts on on-street parking.

Council suggested lower car parking rates should be provided to reduce traffic congestion in the Epping Town Centre. Council recommended the adoption of car parking rates within the Hornsby DCP 2013.

The Applicant's RtS amended the proposed car parking provision and adopted the Hornsby DCP parking rates for residential development. In response to public concerns about on street parking, the Applicant's also adopted the Hornsby DCP visitor car parking rate of a minimum 1 space for 7 dwellings (i.e. 62 spaces based on the indicative 432 dwellings) rather than the more conservative minimum of 1 space per 10 dwellings originally proposed in the EIS as per the Parramatta DCP (43 spaces).

The Applicant, however, acknowledged a non-residential parking rate of 1 space per 70m² of GFA is less than the maximum rates under the Hornsby DCP which require 1 per 30m² for cafes/restaurant and 1 per 50m² for shops and offices. The Applicant argued this is appropriate for the site as it allows tenant parking, but no customer parking, due to proximity to the Town Centre and Epping rail interchange.

Consideration

The Department notes the Hornsby DCP was amended on 31 May 2019 to reduce parking rates in the Epping Town Centre. Based on the proposed indicative land use mix, there would be 428 spaces car parking spaces under the former DCP. Under the amended DCP, the number of car spaces would be reduced to 342 spaces.

Council confirmed the amended car parking rates in the Applicant's RtS are satisfactory. Council confirmed the residential and visitor parking rates are consistent with Council's DCP and it supported the higher visitor parking rates contained in the Hornsby DCP is to ensure visitor parking does not overflow on to the street.

The Applicant notes on-street unrestricted car parking in the surrounding streets is often fully utilised given the sites proximity to Epping Town Centre and Epping station, where it is common in urban areas for on-street, short-term parking to occur to support commuters, local employees and visitors.

The Department however considers on-street parking is subject to management and enforcement by Council over time through parking restrictions and other regulatory means.

The Department's independent transport consultant advised the proposed residential and non-residential car parking rates are appropriate. The consultant advised the rates are supported by the site's high level of transport access. The consultant considered the reduced parking provision is an appropriate balance between meeting car parking demand and encouraging public transport use.

Overall, the Department is satisfied that the revised residential car parking rates comply with Council's DCP.

The Department also accepts the independent consultant's advice and considers the proposed non-residential car parking rate of 1 space per 70m² is appropriate because of the site's accessible location and the proposed non-residential uses are likely to service local needs only as identified in the submitted economic analysis (see discussion in **Section 6.1 – Land Use**).

The Department also recommends conditions (**Conditions C8 and C9**) to require compliance with the nominated parking rates and require preparation of a Green Travel Plan to encourage public transport use.

6.4 Public benefits

Affordable housing

The proposal would provide a minimum of 5% of the total residential gross floor area as affordable housing managed by a Community Housing Provider (CHP). The precise number of affordable housing units will not be known until the detailed design phase has been completed and the total market housing component proposed.

Public submissions raised concerns about the lack of affordable housing proposed. Public submissions called for more affordable housing to be provided but were not consistent in regard to how much should be provided, with some arguing 10% or higher should be provided.

Council's submission recommended:

- 5% of dwellings should be dedicated to Council as affordable housing
- the mix of dwellings dedicated be representative of the proportion of studios, 1, 2 and 3 bedroom apartments provided elsewhere in the proposal
- the affordable housing dwellings be constructed and fitted out ready for occupation by a tenant.

Council later clarified that the proposed 5 % affordable housing would also be acceptable if they are dedicated or transferred to a Tier 1 Community Housing Provider (large providers that are registered on the National Regulatory System for Community Housing).

The Applicant advised in its RtS, that the proposed affordable housing will be managed by a Community Housing Provider and the same unit mix for affordable housing and market housing as recommended by Council will be adopted. The Applicant clarified that they propose the affordable housing will remain privately owned but managed by a Community Housing Provider.

The Applicant states the proposed affordable housing is consistent with Landcom's Housing Affordability and Diversity Policy which is applied to all its projects, targeting 5% to 10% across all their new housing projects.

The Department is satisfied with the proposed affordable housing because:

- the amount of affordable housing is within the range recommended by the Greater Sydney Commission and Council's policy.
- Landcom has adopted plans and policy to deliver 5-10% affordable housing over all of its projects. These projects include other large sites along the North West Metro Corridor.
- the Department accepts that the affordable housing units will be managed by a Community Housing Provider and not dedicated or transferred. Although they would remain in private ownership, the affordable housing units will meet the definition of affordable housing in State Environmental Planning Policy (Affordable Rental Housing) 2009, comprising housing for very low, low or moderate income households.
- the Department also supports Council's recommendations and recommends conditions of consent (**Condition C7**) requiring minimum of 5% of the residential GFA be managed by a Tier 1 Community Housing Provider and the unit mix for the affordable housing match the unit mix of the market housing component.

Subject to the recommended conditions, the Department's assessment concludes the proposal provides an acceptable amount and mix of affordable housing.

Through site link and public open space

The proposal includes a pedestrian and cyclist through-site link from Beecroft road (east) to Ray Road (west) and a pedestrian plaza at the southern end of the site adjacent to the non-residential uses fronting Beecroft Road (**Figure 18**).



Figure 18 | Indicative image of proposed east – west pedestrian through site link (Source: Applicant's RtS)

Council originally raised concerns with the design of the through site link at the EIS stage, advising that it should be 3m wide, accessible 24 hours a day, easily identified and be accessible by all users.

Public submissions also raised concerns on the availability of open space for the Epping region, including passive and active recreation space. Submission suggested more of the site, or all of the site, should have publicly accessible open space.

In response, the Applicant amended the design of the through site link, by widening the link from 3 m to 10 m, opened it up to the sky, provided additional deep soil zones and provided an accessible path for all users.

The Applicant also submitted additional Design Guidelines to increase the amount of deep soil landscaping for the site and design requirements for the publicly accessible open space (See **Figure 19**).

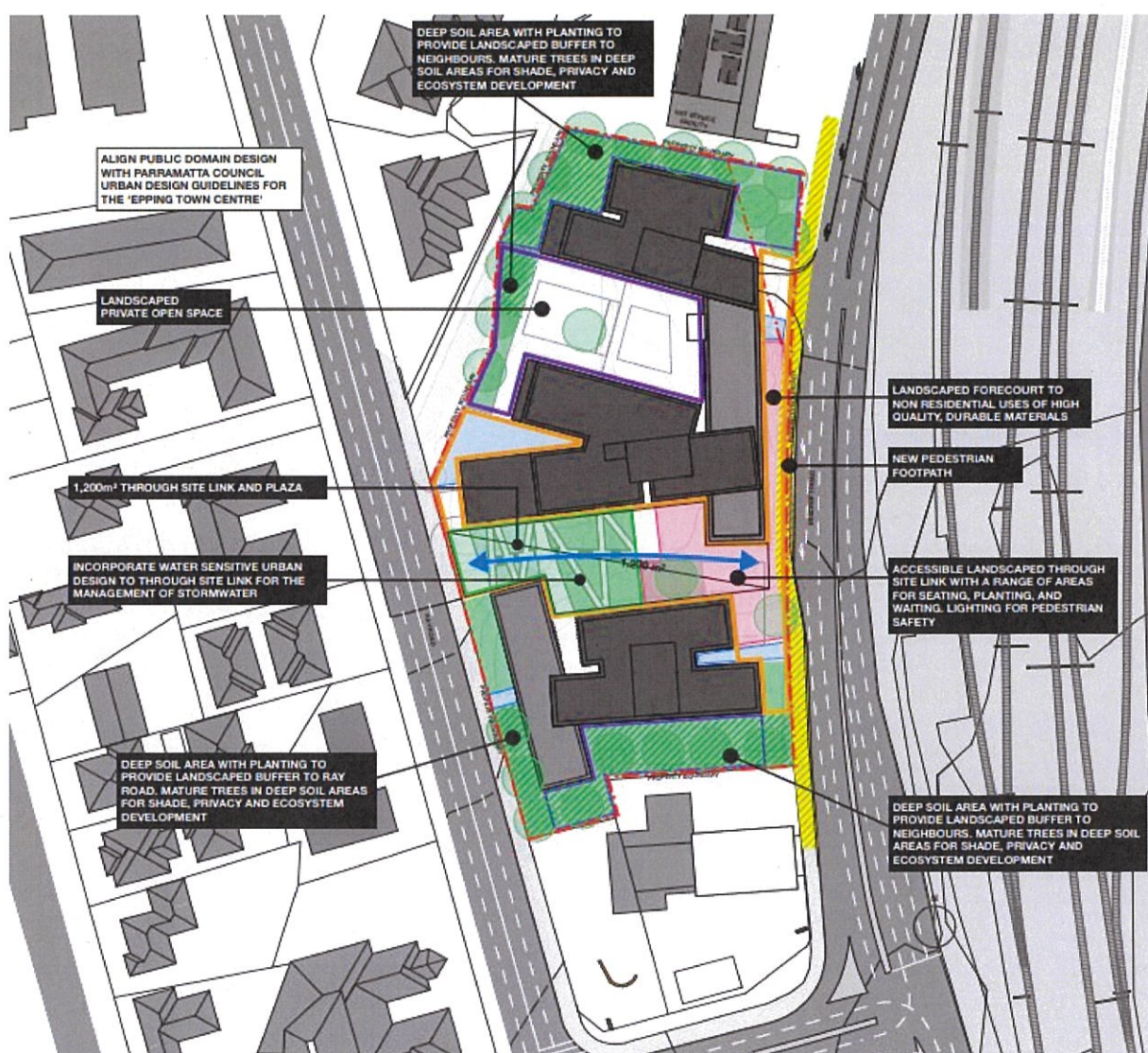


Figure 19 | Extract of Design Guidelines for public domain and landscaping (Source: Applicant's RtS)

The Department supports the amended design of the through site link and updated design guidelines on public domain and landscaping, because the amended proposal will:

- provide 1,200 m² of publicly accessible open space to support recreation needs of residents, including a plaza area as well as other landscaped area for passive recreation uses
- provide safe access for both pedestrian and cycling from Beecroft Road to Ray Road
- complement the design and identity of future non-residential use for the site, particularly through the mid-block area where activation is otherwise limited
- support more landscaped areas and contribute to tree canopy cover
- provide good sightlines from Beecroft Road to Ray Road.

The Department also considers the amended Design Guidelines, which sets out requirements for detailed design of the through site link, would ensure the proposal results in an appropriate outcome for the site. The amended Design Guidelines require future proposal to demonstrate the through site link will be easy to use by residents and the public and a pleasant experience, including the following design criteria:

- use of deep soil areas to provide mature trees for shade and privacy
- clear and legible access to residential lobbies along the link
- provide a range of areas for seating, planting and waiting
- use of high quality and durable materials
- incorporate water sensitive urban design principle for stormwater management
- incorporate lighting and sightlines to ensure user safety and comply with Crime Prevention Through Environmental Design principles.

The Department also supports recommendations in Council's submission with respect to:

- investigate separating the staircase and ramps
- simplify the levels at landings
- reduce the total length of ramps
- increase landscaped spaces at level changes in the link
- consider how the path of travel for ramps will terminate in close proximity to building entrances.

The Department recommends conditions to incorporate amendments to the Design Guidelines with respect to Council's recommendations (**Condition B2**).

The Department is satisfied the proposed through site link will support good residential amenity and contributes to the availability of open space and local connectivity for local residents.

6.5 Other issues

The Department's consideration of other issues is summarised in **Table 6**. These are issues raised by Council or in public submissions which are not otherwise key issues addressed above.

Table 6 | Department's assessment of other issues

Issue	Findings	Recommendations
Ecologically Sustainable Development	<ul style="list-style-type: none"> Council recommended that the proposal should provide improved commitments to on-site renewable energy, BASIX energy, electric vehicle charging and urban heat island effects. The Department notes the proposal commits to BASIX water and energy requirements, waste reduction targets and use of sustainable timber building materials. The Department is satisfied the proposal meets the requirements of State Environmental Planning Policy (Building Sustainability Index BASIX) 2004 and incorporates appropriate design measures to ensure the building achieves high levels of energy efficiency and environmental sustainability. The Department requires the ESD targets identified in the Applicant's ESD Report to be applied to the detailed design phase as minimum targets. 	Conditions B3 and C18-C20 set out ESD requirement for subsequent applications for detailed design.
Design Excellence	<ul style="list-style-type: none"> Clause 6.8 of HLEP requires the consent authority to consider whether the proposal exhibits design excellence. Refer to Appendix E for detailed consideration of the proposal against the LEP clauses. NSW Government Architect's Office (GANSW) provided advice on the design vision and intent behind the proposal and details about landscaping as a key part of achieving high quality design outcomes for the site. The Applicant revised the Design Excellence Strategy in response to feedback from the Department and GANSW. Following the determination of the Concept proposal, future DA's seeking approval for the detailed design of the buildings will be required to undergo a review by the State Design Review Panel and demonstrate 	Conditions C4 and C6 require future development applications must demonstrate how design excellence is achieved, including consistency with the Design Guidelines and the advice of the Design Review Panel as detailed in the submitted Design Excellence Strategy.

how design excellence and consistency with the design guidelines are achieved.

- The Department is satisfied future development would be appropriately guided by the Design Guidelines and Design Excellence Strategy to ensure a high quality architectural, landscape and urban design outcome is achieved on the site.

Flooding and Stormwater

- The concept application includes a Flooding and Stormwater Report (Appendix K- EIS) providing recommendations on integrated water management.
- Council and EESG raised no concerns in relation to stormwater. Sydney Water recommended conditions of consent with respect to their assets, which the Department supports (**Condition C15**).
- The Department notes the site adjoins Sydney Water's concrete stormwater channel that feeds into Devlin's Creek but the site is not identified to be flood affected.
- The Department is satisfied the proposal is generally consistent with Water Sensitive Urban Design principles and future application for detailed design will need to provide further details on stormwater management including the detailed design of onsite stormwater detention system.

Condition C26 set out requirements for a water management plan for future applications.

Bushfire Risk

- The site is identified on the Hornsby Bushfire Prone Land Map. The concept application includes a Bushfire Risk Assessment (Appendix O of the EIS), which identified the area of vegetation that is the hazard is located to the north of the site and is mapped as a category one hazard with a 100m buffer area surrounding the hazard.
- The Department notes the submitted Bushfire Risk Assessment and the Bushfire Prone Land Map did not take into account the recent subdivision of the site from the Sydney Metro Service Facility. The Department notes the bushfire hazard will be separated from the site by the Service Facility.
- The Department accepts the findings of the submitted report and is satisfied the proposal is capable of compliance with requirements of the Planning for Bushfire Protection 2019.

Condition C28 requires future applications to be accompanied by bushfire assessment to address Planning for Bushfire Protection 2019.

- To ensure bushfire impacts are appropriately considered at the detailed design stage, the Department recommends future DA(s) include a further bushfire assessment to ensure the requirements of Planning for Bushfire Protection 2019 are met.

Heritage

- The concept application includes a Heritage Assessment Report (Appendix L of the EIS) assessing potential impacts of the proposal on built heritage, archaeology and aboriginal heritage. The Report found no artefacts or evidence of archaeology values and aboriginal heritage at the site and its vicinity. The Report found the proposal will not impact the local heritage items at 25 Ray Road and the remnant bushland on Beecroft Road and the Rosebank Ave Conservation Area in the vicinity of the site.
- The Department is satisfied the proposal is sufficiently separated from the local heritage items and conservation area in the vicinity and is unlikely to result in any significant heritage impacts. The Department also notes the Heritage Council had no comments on the proposal.
- To ensure heritage impacts are appropriately managed, the Department recommends future DA(s) include a detailed heritage impact statement including provisions to address any unexpected finds.

Condition C16 requires future applications to be accompanied by heritage impact statement including provisions to address any unexpected finds.

Noise

- The concept application includes a Noise Impact Assessment (Appendix J of the EIS) assessing potential noise impacts from Beecroft Road and the adjoining Sydney Metro Service Facility to the proposal. The assessment included mitigation measures for the detailed design of future development.
- The Department is satisfied the proposal is capable of compliance with the Noise requirements in the Infrastructure SEPP as detailed in **Appendix E** of this report.
- The Department has also recommended conditions to ensure potential noise impacts are appropriately considered at the detailed design stage.

Conditions C24 and C25 set out requirements for noise impact assessment and mitigation measures for future applications.

Crime Prevention Through Environmental Design

- The submitted Design Guidelines include requirements with respect to Crime Prevention Through Environmental Design (CPTED). The Guidelines addressed matters such as passive surveillance from private and communal open space, the co-location of publicly accessible open space with proposed non-residential to ensure activation, access control, etc.
- The Department is satisfied the proposal is consistent with the principles of CPTED and recommends a further Security and Crime Risk Assessment be submitted with future applications.

Condition C21 requires the submission of a Security and Crime Risk Assessment for future applications.

Wind Impact

- The submitted concept application includes a Wind Impact Assessment (Appendix M of the EIS). The assessment noted the outdoor trafficable areas of the development site can achieve a satisfactory level of comfort subject to shielding provided by the proposed buildings and neighbouring buildings together with the use of effective wind mitigation strategies such as dense landscaping and building orientation.
- The Department accepts the findings of the assessment and considers wind impacts can be appropriately mitigated and managed at the site, subject to conditions requiring further assessment of wind impacts at the detailed design stage.

Condition C17 set out wind assessment requirements for future applications.

Construction Management

- The submitted concept application addressed potential construction impacts of the proposal in the EIS, including relevant sections in the submitted noise impact assessment and traffic and transport study (Appendices J and I of the EIS).
- Sydney Metro provided advice and recommended conditions on the protection of the Sydney Metro rail corridor under the site (**Condition C14**).
- The Department is satisfied the construction impacts of future buildings can be appropriately managed subject relevant conditions of consent.

Condition C22 – C23 set out requirements for construction management for future applications.

Consent Authority

- Public submissions recommend the development should be assessed by Council as Council knows about other development in Epping and traffic issues.

The Department considers no additional conditions or amendments are necessary.

- The Department notes that the proposal is State Significant Development due to the proposal's relationship with rail infrastructure and the Minister is the consent authority.
- The Department has consulted with Council and addressed issues raised by Council as detailed in **Appendix F**.

VPA / Future Contributions

- The concept proposal did not seek approval for the carrying out of development. Any voluntary planning agreement and future contributions will be addressed by future applications for the carrying out of development.
- The Department's consideration and recommendations relating to affordable housing are addressed in **Section 6.4** of this report.

The Department considers no additional conditions or amendments are necessary.

7 Evaluation

The Department has assessed the merits of the proposal and all submitted documentation including the issues raised in submissions, as well as the Applicant's response to those issues.

The proposal will deliver housing and local services near Epping Town Centre, benefiting from the additional transport capacity and connection from the North West Sydney Metro Line and will have great access to major employment centres.

The Department considers the proposal will accommodate an appropriate land use mix consistent with the residential zoning and context of the site. The Department accepts the Council's recommendation for over 10,000m² is not feasible for the site due to its residential setting and high vacancy rates for commercial premises in Epping Town Centre. The Department considers the proposed non-residential floorspace will service local residents and will contribute to local jobs.

The Department is satisfied the proposed development fully complies with the planning controls adopted for the site and future development applications will be guided by a set of Design Guidelines and a Design Excellence Strategy to ensure a high quality architectural, landscape and urban design outcome is achieved on the site.

The Department supports the proposal which seeks to adopt transit-orientated development principles in minimising private car use. The Department considers Council's recommendation for an East-West Link road will increase private car movements through the residential area along Ray Road but will not improve traffic flow within the Epping Town Centre. The Department also accepts the amended car parking rates and requires the preparation of a Green Travel Plan to further encourage public transport use.

The Concept proposal would also deliver significant public benefits including a minimum 5% affordable housing, 1200m² of public accessible open space and a pedestrians and cyclists link.

The Department considers the impacts of the development are satisfactory and can be appropriately mitigated through the implementation of the recommended conditions of consent.

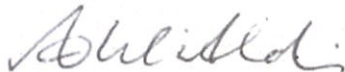
The Department's Assessment concludes the proposal is in the public interest and approvable, subject to the conditions outlined within this report.

8 Recommendation

It is recommended that the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report;
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant consent to the application;
- **agrees** with the key reasons for approval listed in the notice of decision (**Appendix G**);
- **grants consent** for the application in respect of SSD 8784, as amended, subject to condition s in the attached development consent; and
- **signs** the attached development consent and recommended conditions of consent (see Attachment H).

Recommended by:



Anthony Witherdin
Director
Key Sites Assessments

Recommended by:



22/5/2020

Anthea Sargeant
Executive Director
Regions, Industry and Key Sites

9 Determination

The recommendation is: **Adopted by:**

A handwritten signature in blue ink, appearing to read 'Rob Stokes', is written over the printed name.

The Hon. Rob Stokes

Minister for Planning and Public Spaces

20th July, 2020

Appendices

Appendix A – List of referenced documents

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning, Industry and Environment's website as follows.

1. Environmental Impact Statement
<https://www.planningportal.nsw.gov.au/major-projects/project/11716>
2. Submissions
<https://www.planningportal.nsw.gov.au/major-projects/project/11716>
3. Applicant's Response to Submissions
<https://www.planningportal.nsw.gov.au/major-projects/project/11716>
4. Peer Review of Transport, Traffic and Parking Assessment, Samsa Consulting, 2019
<https://www.planningportal.nsw.gov.au/major-projects/project/11716>

Appendix B – Environmental Impact Statement

<https://www.planningportal.nsw.gov.au/major-projects/project/11716>

Appendix C – Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/11716>

Appendix D – Submissions Report

<https://www.planningportal.nsw.gov.au/major-projects/project/11716>

Appendix E – Statutory Considerations

Decisions made under the EP&A Act must have regard to the objects set out in Section 1.3 of the Act. A response to the objects is below.

Object of Section 1.3 of EP&A Act

Department's Consideration

- | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources | <p>The proposal promotes the social and economic welfare of the community by providing employment and housing within a highly accessible site for transport, and, in doing so, contributing to the achievement of State, regional and local planning objectives</p> <p>The proposal comprises development associated with approved station infrastructure and does not have any impacts on the State's natural or other resources.</p> |
| (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment | <p>The proposal has integrated ESD principles and targets as discussed in Section 4 of this report.</p> |
| (c) to promote the orderly and economic use and development of land | <p>The proposal represents the orderly and economic use of the land primarily as it will increase housing and provide employment opportunities near public transport. The proposed land uses are appropriate and the form of the development has regard to the planning controls that apply, the character of the locality and the context of surrounding development.</p> |
| (d) to promote the delivery and maintenance of affordable housing | <p>The concept proposal promotes the delivery of affordable housing with a minimum 5% of dwellings to be affordable housing.</p> |
| (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats | <p>The site has been granted a Biodiversity Development Assessment Report (BDAR) waiver as the proposal is not likely to have any significant impact on biodiversity values. There is no significant vegetation on the site.</p> |
| (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage) | <p>The site does not contain heritage items and is not located near or within a conservation area. The Department is satisfied that the development of the site will have no adverse impact on heritage items and there is little potential for aboriginal archaeological remains.</p> |
| (g) to promote good design and amenity of the built environment | <p>The proposal demonstrates a good design approach to the relevant planning controls and in relation to the context of the site. Amenity impacts are managed by either the form of the development or by the recommended conditions of consent for mitigation measures during the detailed design applications.</p> |
| (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants | <p>The application is for concept approval and does not include construction, however, construction impacts of the concept have been taken into consideration in the assessment.</p> |

- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State

The Department publicly exhibited the proposed development as outlined in **Section 5**. This included consultation with Council and other public authorities and consideration of their responses.

- (j) to provide increased opportunity for community participation in environmental planning and assessment.

The Department publicly exhibited the application which included notifying adjoining landowners, placing a notice in the local press and displaying the application on the Department's website and at the Council's office and Service NSW Centres. The Department also provided the RtS to Council and other relevant agencies and placed the RtS on its website. The engagement activities carried out by the Department are detailed in **Section 5**.

Environmental Planning Instruments (EPIs)

To satisfy the requirements of section 4.15(a)(i) of the EP&A Act, this report includes references to the provisions of the EPIs that govern the carrying out of the project and have been taken into consideration in the Department's environmental assessment. The EPIs that have been considered as part of the assessment of the proposal are:

- State Environmental Planning Policy (State & Regional Development) 2011 (SRD SEPP)
- State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX)
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
- Draft State Environmental Planning Policy (Remediation of Land) (Draft Remediation SEPP)
- State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development (SEPP 65)
- Draft State Environmental Planning Policy (Environment) (Draft Environment SEPP)
- Hornsby Local Environmental Plan (HLEP) 2013.

State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)

An assessment against relevant sections of the SRD SEPP is set out in the table below:

Relevant Section	Department's Consideration
3 Aims of Policy The aims of this Policy are as follows: <ul style="list-style-type: none"> (a) to identify development that is State significant development, (b) to identify development that is State significant infrastructure and critical State significant infrastructure, (c) to identify development that is regionally significant development. 	The proposal is identified as State significant development.

8 Declaration of State significant development: Section 4.36

The proposal is permissible with consent and is specified in Schedule 1.

- (1) Development is declared to be State significant development for the purposes of the Act if:
- (a) the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and
 - (b) the development is specified in Schedule 1 or 2.

Schedule 1 State significant development —general (Clause 19 (2))

19 Rail and related transport facilities

Development within a rail corridor or associated with railway infrastructure that has a capital investment value of more than \$30 million for any of the following purposes:

- (a) commercial premises or residential accommodation

Note: An amendment to the SEPP was exhibited between 8 June 2018 and 6 July 2018.

It is proposed to update Schedule 2 of the SEPP to identify areas adjacent to the Sydney Metro Northwest and within Government ownership as identified sites on the State Significant Development Sites Map. It is proposed to limit the uptake of this clause to development carried out by or on behalf of Transport for New South Wales or the Planning Ministerial Corporation established under the Act.

As of the date of writing this report, the amendment to the SEPP had not been adopted.

The development has a CIV of more than \$30 million and is development associated with railway infrastructure for the purpose of residential accommodation and commercial premises.

The proposed amendment to the SEPP applies to the development as it is on land identified as a State Significant Development Site (Epping) adjacent to the Sydney Metro North West corridor and within government ownership. The concept proposal is consistent with the amendment to the SEPP.

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)

The Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and providing for consultation with relevant public authorities for certain development during the assessment process.

The Infrastructure SEPP is applicable as the concept proposal involves development in or adjacent to a rail corridor (Division 15 Railways), being the Sydney Metro Northwest corridor. Under the provisions of Clause 86 – *Excavation in, above, below or adjacent to rail corridors*, the application is required to be referred to TfNSW (Sydney Trains). The application was referred to TfNSW who has advised that it has no comment on the application.

Under the provision of Clause 87 – *Impact of rail noise or vibration on non-rail development* residential accommodation that is on land in or adjacent to a rail corridor cannot be approved unless