

PLANNING PROPOSAL

Property No. 10 Pembroke Street,
Epping

July 2015

CONTENTS

BACKGROUND

PART 1 - OBJECTIVES OR INTENDED OUTCOMES

PART 2 - EXPLANATION OF THE PROVISIONS

PART 3 - JUSTIFICATION

Section A - Need for the planning proposal

Section B - Relationship to strategic planning framework

Section C - Environmental, social and economic impact

Section D - State and Commonwealth interests

PART 4 - MAPS

PART 5 - COMMUNITY CONSULTATION

PROPOSED TIMELINE

APPENDICES

Appendix A - SEPP Checklist

Appendix B - Local Planning Directions Checklist

Appendix C - Checklist for the review of a request for delegation of plan making functions to councils

BACKGROUND

The Subject Site

The Planning Proposal applies to property No. 10 Pembroke Street, Epping (Lot 5, DP 249822) which is the site of the Epping Library and Leisure and Learning Centre and associated car-parking. The land is zoned B2 – *Local Centre* and has a maximum building height of 48 metres (approximately 15 storeys).

The subject site is 2,873m², is irregularly shaped with a narrow 'axe-handle' frontage to Pembroke Street and is classified as operational land under the *Local Government Act 1993*. Adjacent properties include Pembroke Street Reserve at property No. 8 Pembroke Street (Lot 1 DP 946027) which is zoned RE1 – Public Recreation, Chambers Court which is a short cul-de-sac off Pembroke Street that provides street access to the subject site and a B2 zoned office building at No. 12 – 22 Langston Place, Epping.

Property No. 10 Pembroke Street, Epping, is approximately 130 metres from the Epping Railway Station and located within the Epping Town Centre Urban Activation Precinct.

Vision

The *Epping Town Centre Urban Activation Precinct Structure Plan* (March 2013) identified a Town Square with a focus on civic functions in the forecourt to Epping library, with opportunities for active edges for retail and outdoor dining, community gathering, performances and other events. The draft *Epping Town Centre Public Domain Guidelines*, also recommend the establishment of the town square (urban plaza) in that location and the draft *Hornsby Community and Cultural Facilities Strategic Plan* recommends that Council seek to redevelop property Nos. 8 - 10 Pembroke Street and Chambers Court to create a co-located district library and multipurpose community and cultural centre, supported by an area of well-designed public open space – a town square.

Property Asset Management Strategy

The adoption of the Epping Urban Activation Precinct amendments to the HLEP 2013 has provided land owners within the precinct with a significant increase in property values. Council's Epping Library site has significantly benefitted from the increase in value and Council has already received some unsolicited approaches from a range of potential proponents.

Council has the opportunity to sell the Epping Library site to a residential/mixed use developer and then buy-back space for a new library, community facilities and urban plaza. Buy-backs and new facilities would be funded (in whole or in part) by the net proceeds of the sale of the asset.

The new and expanded community facilities at the Epping Library site would be co-located with an adjoining urban plaza in accordance with Council's draft *Community and Cultural Facilities Strategic Plan* and the *Epping Town Centre Study* (2011).

Shop Top Housing

Residential development is only permitted in the B2 zone in the form of Shop Top Housing which is defined in the Standard Instrument as *one or more dwellings located above ground floor retail premises or business premises*. The current definition only allows retail/business uses at ground floor levels and new library and community centre would have to be provided above this, likely at the first and second floors.

Locating the library and community centre away from the ground level would take away from the residential yield of the site and have implications for the proposed funding model. It would also serve to physically separate the library/community facilities from the street and proposed town square and this would compromise accessibility and reduce the range of functions that could occur around the expanded facilities.

The Northern Planners Group, along with LGNSW, have recently written to the Department of Planning and Environment seeking to have the definition of Shop Top Housing amended to broaden the range of ground floor uses to include other uses such as community facilities, medical centres, child care centres. To date, however, no reply has been received. An amendment to the HLEP 2013 to enable ground floor community facilities as part of residential flat building development at 10 Pembroke Street, Epping is required to facilitate Council's vision for a new town square and community facilities at Epping.

PART 1 - OBJECTIVES OR INTENDED OUTCOMES

The objective of the planning proposal is to ensure that new and expanded community facilities at the Epping Library site can be co-located with an adjoining urban plaza in accordance with Council's draft *Community and Cultural Facilities Strategic Plan*, the *Epping Town Centre Urban Activation Precinct Structure Plan 2013* and the *Epping Town Centre Study* (2011).

The intended outcome of the Planning Proposal to enable residential flat buildings on property No.10 Pembroke Street, Epping (the Epping Library site), where the use of all premises on the ground floor is for the purposes of community facilities.

PART 2 - EXPLANATION OF THE PROVISIONS

To facilitate the intended future use of the site, a Planning Proposal has been prepared that proposes the following amendments to the HLEP 2013:

HLEP 2013	Amendment
Schedule 1 <i>Additional Permitted Uses</i>	Insert after 7: 8 Use of certain land at Pembroke Street and Chambers Court, Epping (1) This clause applies to land identified as "Area 8" on the Additional Permitted Uses Map being Lot 5 DP 249822, 10 Pembroke Street, Epping. (2) Development for the following purposes is permissible with development consent: (a) Residential flat buildings where the use of all premises on the ground floor is for the purposes of community facilities.
Additional Permitted Uses Map	Insert map sheet No.11 to identify Area 8 as referenced in Schedule 1

PART 3 - JUSTIFICATION

Section A - Need for the planning proposal

1. *Is the planning proposal a result of any strategic study or report?*

Yes. The *Epping Town Centre Urban Activation Precinct Structure Plan* (March 2013) identified a Town Square with a focus on civic functions in the forecourt to Epping library, with opportunities for active edges for retail and outdoor dining, community gathering, performances and other events.

The draft *Epping Town Centre Public Domain Guidelines* also recommend the establishment of the town square (urban plaza) in that location and the draft *Hornsby Community and Cultural Facilities Strategic Plan* recommends that Council seek to redevelop property Nos. 8 - 10 Pembroke Street and Chambers Court to create a co-located district library and multipurpose community and cultural centre, supported by an area of well-designed public open space that would function as a town square.

The co-located community facilities and town square cannot be achieved within the current planning controls.

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

Yes. Residential development is only permitted in the B2 zone in the form of Shop Top Housing which is defined in the Standard Instrument as *one or more dwellings located above ground floor retail premises or business premises*. The current definition only allows retail/business uses at ground floor levels and new library and community centre would have to be provided above this, likely at the first and second floors.

An amendment to the HLEP 2013 to enable ground floor community facilities as part of a residential flat building at 10 Pembroke Street, Epping is required to facilitate Council's vision for a new town square and community facilities at Epping.

3. *Is there a net community benefit?*

Yes. The Planning Proposal will deliver a net community benefit by enabling the inclusion of a library and community and cultural facilities on the ground floor of a residential flat building at property No. 10 Pembroke Street, Epping. This will allow a multi-purpose community hub associated with a new town square with a focus on civic functions in the forecourt to Epping library to be developed.

Section B - Relationship to strategic planning framework

4. *Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?*

Yes. The Planning Proposal is consistent with 'Goal 3 - A Great place to Live' and 'Direction 3.1 - Revitalise Existing Suburbs' of 'A Plan for Growing Sydney' in that it will

provide opportunities for local social infrastructure, arts and cultural opportunities in an existing suburb and priority precinct close to public transport and other facilities.

5. *Is the planning proposal consistent with the local council's Community Strategic Plan or other local strategic plan?*

Yes. The Planning Proposal is consistent with Council's draft *Community and Cultural Facilities Strategic Plan* to provide a multi-purpose community hub associated with a new town square centred on the current Epping Library and Leisure and Learning Centre.

6. *Is the planning proposal consistent with applicable state environmental planning policies?*

Yes. The Planning Proposal is consistent with relevant State Environmental Planning Policies (SEPPs) and deemed SEPPs. See Appendix A for details.

7. *Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?*

Yes. The Planning Proposal is consistent with applicable s117 Ministerial Directions. See Appendix B for details.

Section C - Environmental, social and economic impact

8. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

No. This proposal applies to land in an established urban area where there are no known critical habitats, threatened species, populations or ecological communities, or their habitats.

9. *Are there any other likely environmental effects as a result of the planning proposal and how they are proposed to be managed?*

No. The proposal is limited to providing for an additional permitted use in a residential flat building development in the Epping Town Centre.

10. *How has the planning proposal adequately addressed any social and economic effects?*

Yes. The planning proposal would enable the development of a co-located library, community facility and Town Square that would result in a net social benefit to the existing and incoming community of Epping.

Section D - State and Commonwealth interests

11. *Is there adequate public infrastructure for the planning proposal?*

Yes. The subject site is 130 metres from Epping Railway Station Town Centre and has convenient access to high frequency bus routes.

12. *What are the views of State and Commonwealth public authorities consulted in accordance within this gateway determination?*

Consultation will occur with relevant public authorities identified as part of the gateway determination.

PART 4 - MAPS

Location and Height of Building Maps

Location Map

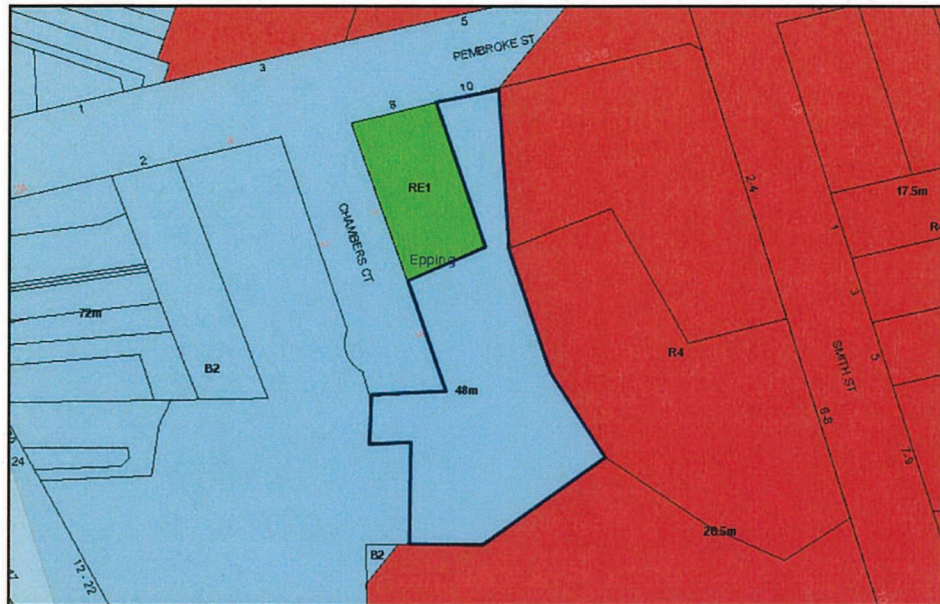


Figure 1 – Location of property No. 10 Pembroke Street Epping – the Epping Library Site

PART 5 - COMMUNITY CONSULTATION

In accordance with "A guide to preparing local environmental plans" prepared by the Department of Planning and Infrastructure (2009), the Planning Proposal would be required to be exhibited for a period of 28 days. At a minimum, the exhibition will include that:

Public Authorities

Notification letters and a copy of the Planning Proposal will be sent to relevant public authorities (if any) outlined in the Gateway Determination.

Advertisement in local newspapers

An advertisement will be placed in local newspapers that identify the purpose of the Planning Proposal and where the Planning Proposal can be viewed.

Advertisement on the Council website

The Planning Proposal will be exhibited on the Council website (www.hornsby.nsw.gov.au/onexhibition) under On Exhibition. Council's libraries have access to the website.

Letters to affected owners

A letter will be sent to adjoining land owners advising them of the exhibition and how to make a submission.

Displays at the Council Administration Building and local libraries

The Planning Proposal will be displayed at the Council Administration Centre, 296 Peats Road, Hornsby and Epping Library.

Review of Consultation Strategy

Where submissions warrant, the consultation strategy may be reviewed to extend the exhibition period and/or the methods of consultation. This may occur where a submission provides reasonable justification for a request for an extension to the exhibition period or where Council is of the opinion an amendment to the consultation strategy would facilitate greater feedback.

Following the exhibition period, a report on submissions will be presented to Council for its consideration.

PROPOSED TIMELINE

Weeks after endorsement from DP&E for exhibition	Item
0	Endorsement of form and content of revised Planning Proposal
3	Exhibition Start
7	Exhibition end
9	Consideration of submissions
14	Report to Council on submissions
15	Request draft instrument be prepared

APPENDICES

Appendix A

State Environmental Planning Policy Checklist

State Environmental Planning Policies		
SEPP Title	Compliance	Comment
1. Development Standards	N/A	
2. Minimum Standards for Residential Flat Development	Repealed	
3. Castlereagh Liquid Waste Disposal Depot	Repealed	
4. Development Without Consent and Miscellaneous Complying Development	N/A	
6. Number of Storeys in a Building	N/A	
7. Port Kembla Coal Loader	Repealed	
8. Surplus Public Land	Repealed	
9. Group Homes	Repealed	
10. Retention of Low-Cost Rental Accommodation	Repealed	
11. Traffic Generating Developments	Repealed	
12. Public Housing (Dwelling Houses)	Repealed	
13. Sydney Heliport	Repealed	
14. Coastal Wetlands	N/A	
16. Tertiary Institutions	Repealed	
17. Design of Building in Certain Business Centres	Not Made	
18. Public Housing	Not Made	
19. Bushland in Urban Areas	N/A	
20. Minimum Standards for Residential Flat Development	Repealed	
21. Moveable Dwellings	N/A	
22. Shops and Commercial Premises	N/A	
24. State Roads	Not Made	
25. Residential Allotment Sizes	Repealed	
26. Littoral Rainforests	N/A	
27. Prison Sites	Repealed	
28. Town Houses and Villa Houses	Repealed	
29. Western Sydney Recreational Area	N/A	
30. Intensive Agriculture	N/A	
31. Sydney (Kingsford Smith) Airport	Repealed	
32. Urban Consolidation (Redevelopment of Urban Land)	Yes	The Planning Proposal would be consistent with the aims and objectives of the policy as it would a) promote the orderly and economic use and development of land no longer required for the purpose for which it is currently used and allow that land to be redeveloped for multi-unit housing and related development, and b) provide increased opportunities for people to live in a locality which is close to employment, leisure and other opportunities.

33. Hazardous and Offensive Development	N/A	
34. Major Employment Generating Industrial Development	Repealed	
35. Maintenance Dredging of Tidal Waterways	Repealed	
36. Manufactured Home Estates	N/A	
37. Continued Mines and Extractive Industries	Repealed	
38. Olympic Games and Related Development Proposals	Repealed	
39. Spit Island Bird Habitat	N/A	
40. Sewerage Works	Not Made	
41. Casino/Entertainment Complex	N/A	
42. Multiple Occupancy and Rural Land (Repeal)	Repealed	
43. New Southern Railway	Repealed	
44. Koala Habitat Protection	N/A	
45. Permissibility of Mining	Repealed	
46. Protection and Management of Native Vegetation	Repealed	
47. Moore Park Showground	N/A	
48. Major Putrescible Landfill sites	Repealed	
49. Tourism Accommodation in Private Homes	Draft	
50. Canal Estates	N/A	
51. Eastern Distributor	Repealed	
52. Farm Dams and Other Works in Land and Water Management Plan Areas	N/A	
53. Metropolitan Residential Development	Repealed	
54. Northside Storage Tunnel	Repealed	
55. Remediation of Land	Yes	The Planning Proposal is consistent with SEPP 55.
56. Sydney Harbour Foreshores and Tributaries	Repealed	
58. Protecting Sydney's Water Supply	Repealed	
59. Central Western Sydney Economic and Employment Area	N/A	
60. Exempt and Complying Development	N/A	
61. Exempt and Complying Development for White Bay and Glebe Island Ports	Repealed	
62. Sustainable Aquaculture	N/A	
63. Major Transport Projects	Repealed	
64. Advertising and Signage	N/A	
65. Design Quality of Residential Flat Development	Yes	The Planning Proposal does not introduce any provisions inconsistent with SEPP 65, proposed changes to SEPP 65 and the Residential Flat Design Code.
66. Integration of Land Use and Transport	Draft	
67. Macquarie Generation Industrial Development	Repealed	
68. Not Allocated		
69. Major Electricity Supply Projects	Repealed	
70. Affordable Housing (Revised Schemes)	N/A	
71. Coastal Protection	N/A	
72. Linear Telecommunications Development – Broadband	Repealed	
73. Kosciuszko Ski Resorts	Repealed	

74. Newcastle Port and Employment Lands	Repealed	
SEPP 1989. Penrith Lakes Scheme	N/A	
SEPP 2004. Housing for Seniors or People with a Disability	N/A	
SEPP 2004. Building Sustainability Index: BASIX	N/A	
SEPP 2004. ARTC Rail Infrastructure	Repealed	
SEPP 2004. Sydney Metropolitan Water Supply	Repealed	
SEPP 2005. Development on Kurnell Peninsula	N/A	
SEPP 2005. Major Development	N/A	
SEPP 2006. Sydney Region Growth Centres	N/A	
SEPP 2007. Mining, Petroleum Production and Extractive Industries	N/A	
SEPP 2007. Temporary Structures	N/A	
SEPP 2007. Infrastructure	N/A	
SEPP 2007. Kosciuszko National Park – Alpine Resorts	N/A	
SEPP 2008. Rural Lands	N/A	
SEPP 2008. Exempt and Complying Development Codes	N/A	
SEPP 2009. Western Sydney Parklands	N/A	
SEPP 2009. Affordable Rental Housing	N/A	
SEPP 2009. Western Sydney Employment Area	N/A	
SEPP 2009. Affordable Rental Housing	N/A	
SEPP 2010. Urban Renewal	N/A	
SEPP 2011. Sydney Drinking Water Catchment	N/A	
SEPP 2011. State and Regional Development	N/A	
Sydney Regional Plans (deemed SEPPs)		
SREP 1. Dual Occupancy	Repealed	
SREP 2. Dual Occupancy	Repealed	
SREP 3. Kurnell Peninsula	Repealed	
SREP 4. Homebush Bay	Repealed	
SREP 5. Chatswood Town Centre	N/A	
SREP 6. Gosford Coastal Areas	Repealed	
SREP 7. Multi-Unit Housing – Surplus Government Sites	Repealed	
SREP 8. Central Coast Plateau Areas	N/A	
SREP 9. Extractive Industry (No. 2)	N/A	
SREP 10. Blue Mountains Regional Open Space	Repealed	
SREP 11. Penrith Lakes Scheme	N/A	
SREP 12. Dual Occupancy	Repealed	
SREP 13. Mulgoa Valley	N/A	
SREP 14. Eastern Beaches	Repealed	
SREP 15. Terrey Hills	Repealed	
SREP 16. Walsh Bay	N/A	
SREP 17. Kurnell Peninsula	N/A	
SREP 18. Public Transport Corridor	N/A	
SREP 19. Rouse Hill Development Area	N/A	
SREP 20. Hawkesbury Nepean River (No. 2 – 1997)	N/A	

SREP 21. Warringah Urban Release Area	Repealed	
SREP 22. Parramatta River	Repealed	
SREP 23. Sydney and Middle Harbours	Repealed	
SREP 24. Homebush Bay Area	N/A	
SREP 25. Orchard Hills	N/A	
SREP 26. City West	N/A	
SREP 27. Wollondilly Regional Open Space	Repealed	
SREP 28. Parramatta	N/A	
SREP 29. Rhodes Peninsula	N/A	
SREP 30. St Marys	N/A	
SREP 31. Regional Parklands	Repealed	
SREP 33. Cooks Cove	N/A	
SREP 2005. Sydney Harbour Catchment	Yes	The Planning Proposal will not contradict or hinder application of this SREP.

Appendix B

Local Planning Directions (s117) Checklist

Ministerial Directions (s117)		
S117 Direction Title & Summary	Compliance	Comment
1. Employment and Resources		
1.1 Business and Industrial Zones	Yes	The planning proposal will protect the current Library and Leisure and Learning centre employment on the subject site, provide for broad cultural and arts employment and support the viability of the Epping Town Centre.
1.2 Rural Zones	N/A	
1.3 Mining, Petroleum Production and Extractive Industries	N/A	
1.4 Oyster Aquaculture	N/A	
1.5 Rural Lands	N/A	
2. Environment and Heritage		
2.1 Environmental Protection Zones	N/A	
2.2 Coastal Protection	N/A	
2.3 Heritage Conservation	N/A	
2.4 Recreation Vehicle Areas	N/A	
3. Housing Infrastructure and Urban Development		
3.1 Residential Zones	N/A	
3.2 Caravan Parks and Manufactured Home Estates	N/A	
3.3 Home Occupations	N/A	
3.4 Integrating Land Use and Transport	Yes	The planning proposal is consistent with the 117 Direction as it will a) improve access to services in the Epping Town Centre by public transport; b) c) reduce dependence on, and travel demand by cars and d) support efficient and viable public transport services.
3.5 Development Near Licensed	N/A	

Aerodromes		
3.6 Shooting Ranges	N/A	
4. Hazard and Risk		
4.1 Acid Sulfate Soils	N/A	
4.2 Mine Subsidence and Unstable Land	N/A	
4.3 Flood Prone Land	N/A	The subject site is not identified as flood prone.
4.4 Planning for Bushfire Protection	N/A	The subject site is not identified as bushfire prone.
5. Regional Planning		
5.1 Implementation of Regional Strategies	N/A	
5.2 Sydney Drinking Water Catchments	N/A	
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N/A	
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A	
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA))	Revoked	
5.6 Sydney to Canberra Corridor	Revoked	
5.7 Central Coast	Revoked	
5.8 Sydney Second Airport: Badgerys Creek	N/A	
6. Local Plan Making		
6.1 Approval and Referral Requirements	Yes	The planning proposal does not contain provisions requiring concurrence, consultation or referral of development applications to a Minister or public authority.
6.2 Reserving Land for Public Purposes	N/A	
6.3 Site Specific Provisions	Yes	The planning proposal introduces site specific provisions that a) allow additional specific land uses to be carried out in the zone the land is

		situated on and c) 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 (<i>Hornsby Local Environmental Plan 2013</i>)
7. Metropolitan Planning		
7.1 Implementation of the Metropolitan Plan for Sydney 2036	Yes	Yes. The Planning Proposal is consistent with 'Goal 3 - A Great place to Live' and 'Direction 3.1 – Revitalise Existing Suburbs' of 'A Plan for Growing Sydney' in that it will provide opportunities for local social infrastructure, arts and cultural opportunities in an existing suburb and priority precinct close to public transport and other services.

Appendix C

Evaluation criteria for the delegation of plan making functions

Checklist for the review of a request for delegation of plan making functions to councils
(Attachment 4 from "A guide to preparing local environmental plans")

N/A – Subject Site is Council owned land and a request to exercise the delegated plan making functions to Council is not being made.

Local Government Area:

Name of draft LEP:

Address of Land (if applicable):

Intent of draft LEP:

Additional Supporting Points/Information: