



20 July 2015

Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Attention: Rachel Cumming, Director Metropolitan Delivery (Parramatta)

Dear Ms Cummings

Planning Proposal – Additional Permitted Uses – Property No. 10 Pembroke Street, Epping

The purpose of this letter is to present a Planning Proposal to the Minister to seek a Gateway Determination in accordance with Clause 56 of the *Environmental Planning and Assessment Act, 1979* (EP&A Act). The Planning Proposal seeks to make Residential Flat Buildings permissible with consent where the use of all premises on the ground floor is for the purpose of community facilities, at property No. 10 Pembroke Street Epping (the Epping Library site).

At its meeting on 8 July 2015, Council considered Group Manager's Report No. PL52/15 (copy attached) concerning a Planning Proposal to ensure that new and expanded community facilities at the Epping Library site would be permissible as a ground floor use, mixed use residential development. Council resolved to progress the Planning Proposal to amend *Schedule 1 – Additional Permitted Uses* of the *Hornsby Local Environmental Plan 2013*.

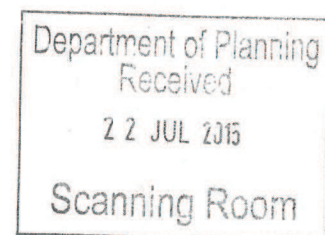
In accordance with Council's resolution, please find attached a Planning Proposal setting out Council's objectives and intended outcomes, justification for the proposal and the intended community consultation to be carried out. I would be pleased if you would refer it to the LEP Review Panel for a Gateway Determination. Council is not seeking Authorisation to Exercise Delegation for this Planning Proposal as property No.10 Pembroke Street Epping (the Epping Library site) is owned by Hornsby Shire Council.

Should you have any further enquiries concerning this matter, please contact Lisa Newell, Principal Strategic Planner on 9847 6945.

Yours faithfully

Fletcher Rayner
Manager
Strategic Planning Branch

Attachments: Planning Proposal – Additional Permitted Use – Property No. 10 Pembroke Street, Epping
Group Managers Report No. PL52/15,
Council resolution





FOR ACTION

Meeting: GENERAL MEETING

08/07/2015

TO: Principal Strategic Town Planner - Strategic Planning (Lisa Newell)

Subject: Planning Proposal - Epping Library Site - Additional Permitted Uses

Target Date: 22/07/2015

Notes:

RESOLVED ON THE MOTION OF COUNCILLOR TILBURY, seconded by COUNCILLOR COX,
THAT:

1. Council forward the Planning Proposal for property No. 10 Pembroke Street, Epping attached to Group Manager's Report No. PL52/15 to the Department of Planning and Environment seeking Gateway Determination and endorsement for exhibition.
2. Should the Minister determine under Section 56(2) of the *Environmental Planning and Assessment Act 1979* that the matter may proceed without significant amendment to the *Proposal*, Council publicly exhibit the Planning Proposal in accordance with the Gateway Determination.
3. The General Manager be given delegated authority to endorse the exhibition material.
4. Following the exhibition, a report on submissions be presented to Council.

FOR: COUNCILLORS ANISSE, BERMAN, BROWNE, COX, GALLAGHER, HUTCHENCE,
RUSSELL, SINGH AND TILBURY

AGAINST: NIL

[Open Item in Minutes](#)

10 PLANNING PROPOSAL - EPPING LIBRARY SITE - ADDITIONAL PERMITTED USES

EXECUTIVE SUMMARY

- At its meeting on 10 June 2015, Council resolved to provide in-principle support for the creation of a multi-purpose community hub associated with a new Town Square centred on the Epping Library site.
- Council also resolved to prepare a Planning Proposal to enable ground floor community facilities as part of a mixed use residential development on property No. 10 Pembroke Street, Epping, (the Epping Library site).
- The library site is zoned B2 Local Centre in accordance with the *Hornsby Local Environmental Plan 2013* and residential development is only permitted in the form of Shop Top Housing.
- The Shop Top Housing definition would preclude a new library and community facility at the ground floor of a residential development on the site. However, Council's Property and Asset Management Plan recommends selling the Epping Library site for residential development to fund a new Town Square and ground floor community facilities on the site.
- To ensure Council's vision for the new Town Square and community facilities at Epping can be progressed, it is recommended that Council endorse the progression of a Planning Proposal to enable residential flat buildings where the use of all premises on the ground floor is for the purposes of community facilities at property No. 10 Pembroke Street, Epping, for submission to the Department of Planning and Environment for Gateway Determination and exhibition.

RECOMMENDATION

THAT:

1. Council forward the Planning Proposal for property No. 10 Pembroke Street, Epping attached to Group Manager's Report No. PL52/15 to the Department of Planning and Environment seeking Gateway Determination and endorsement for exhibition.
2. Should the Minister determine under Section 56(2) of the *Environmental Planning and Assessment Act 1979* that the matter may proceed without significant amendment to the *Proposal*, Council publicly exhibit the Planning Proposal in accordance with the Gateway Determination.
3. The General Manager be given delegated authority to endorse the exhibition material.
4. Following the exhibition, a report on submissions be presented to Council.

PURPOSE

The purpose of this report is to present a Planning Proposal to enable residential flat buildings where the use of all premises on the ground floor are for the purposes of community facilities on the current Epping Library site, known as property No.10 Pembroke Street, Epping.

BACKGROUND

At its meeting on 10 June 2015, Council considered Group Manager's Report No. EH5/15 and resolved that:

1. *Council provide in-principle support to the vision to create a new, multipurpose district hub at Epping comprised of library facilities, a community centre, supporting car parking and an urban plaza at 8-10 Pembroke Street, Epping.*
2. *A communication strategy be prepared that provides for a process of consultation with business and property owners and the broader community in respect of Council's plans to redevelop its community facilities in Epping.*
3. *A Planning Proposal be prepared to amend the Hornsby Local Environmental Plan 2013 to enable ground floor community facilities as part of a mixed use residential flat building development at 10 Pembroke Street, Epping.*
4. *Council seek Expressions of Interest for the sale of 10 Pembroke Street, Epping and subject to successful road closure, the potential sale of part or all of Chambers Court, Epping including the purchase back of community facilities as outlined in Group Manager's Report No. EH5/15.*
5. *Council confirm its commitment to maintaining library services in Epping throughout the course of any Expression of Interest and redevelopment process.*
6. *The results of the Expressions of Interest process be the subject of an Informal Briefing prior to Council proceeding further.*

In relation to item 3 above, a draft Planning Proposal has been prepared that would enable the intended outcome as detailed within this report.

DISCUSSION

This report presents a Planning Proposal which seeks to amend *Schedule 1 – Additional Permitted Uses* and the *Additional Permitted Uses Map* of the *Hornsby Local Environmental Plan 2013* to enable ground floor community facilities as part of a mixed use residential flat building development at No.10 Pembroke Street, Epping.

1. SITE

Property No. 10 Pembroke Street (Lot 5 DP 249822) is an irregularly shaped lot of 2,873sq.m with a narrow handle to Pembroke Street. Improvements include the Epping Library, Leisure and Learning Centre and associated car-parking. The site is zoned B2 Local Centre in accordance with the *Hornsby Local Environmental Plan (HLEP) 2013* with a building height limit of 48 metres (approximately 15 storeys) and is classified as operational land under the *Local Government Act 1993*.

The adjacent property No. 8 Pembroke Street (Lot 1 DP 946027) is zoned RE1 Public Recreation and is known as Pembroke Street Reserve. It has an area of 929.5sq.m and functions as a pocket park. Chambers Court is a short cul-de-sac off Pembroke Street that provides access to the Epping Library, Leisure and Learning Centre and an office building at Nos. 12 – 22 Langston Place, Epping. The

roadway has an area of approximately 1,258m² and is zoned B2 Local Centre with a building height limit of 48 metres (approximately 15 storeys).

2. 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.

As noted in Group Manager's Report EH5/15, now is an ideal time for Council to best capitalise on high property values and renew and centralise its aged and costly community facilities in Epping. 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)*.

3. 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.

As noted in Group Managers Report No EH5/15, locating the library and community centre away from the ground floor would take away from the residential yield of the site and have implications for the proposed redevelopment funding model. It would also serve to physically separate the library/community facilities from the street/proposed urban plaza/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 residential development with ground floor community uses at No.10 Pembroke Street, Epping is required to facilitate Council's vision for a new town square and community facilities at Epping.

PLANNING PROPOSAL

To facilitate the intended future use of the site, a Planning Proposal has been prepared (as attached) 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

The above amendment would ensure that a library and community facility would be permissible with consent at the ground floor of a residential flat building development on the subject site.

STATUTORY CONSIDERATIONS

As part of the Gateway Authorisation process, Section 23 of the *Environmental Planning and Assessment Act 1979* allows the Minister and the Secretary to delegate functions to a council and/or an officer or employee of a council. When submitting a planning proposal, Council is required to identify whether it wishes to Exercise Delegation (the Authorisation). Authorisation delegates the following plan making powers to Council:

- to make and determine not to make an LEP;
- to defer inclusion of certain matters; and
- to identify which matters must be considered and which stages of the plan making process must be carried out again.

At its meeting on 12 December 2012, Council resolved to formally accept the plan making delegations and delegate the plan making functions to the General Manager. Acknowledgement of Council's resolution was received from (then) Department of Planning and Infrastructure (now the Department of Planning & Environment), on 3 March 2013.

On the grounds that the planning proposal applies to Council owned land, it is recommended that Council does not resolve to exercise the Authorisation in this instance.

CONSULTATION

Should Council resolve to proceed with the Planning Proposal, and Gateway Authorisation is issued by the Department of Planning and Environment, the Plan will be formally exhibited in accordance with the Consultation Strategy contained within the attached Planning Proposal and in accordance with *"A guide to preparing local environmental plans"* prepared by the Department of Planning and Infrastructure (2009). The Planning Proposal would be exhibited for a period of 28 days and, at a minimum will include the following:

- Notification letters and a copy of the Planning Proposal will be sent to relevant public authorities (if any) outlined in the Gateway Determination;
- An advertisement will be placed in local newspapers that identify the purpose of the Planning Proposal and where the Planning Proposal can be viewed;
- The Planning Proposal will be exhibited on the Council website under On Exhibition (www.hornsby.nsw.gov.au/onexhibition). Council's libraries have access to the website;

- A letter will be sent to adjoining land owners advising them of the exhibition and how to make a submission; and
- The Planning Proposal will be displayed at the Council Administration Centre, 296 Peats Road, Hornsby and Epping Library.

A report outlining the outcomes of the public agency consultation and submissions received during public exhibition would be presented to Council for its consideration at the conclusion of the exhibition period.

BUDGET

There are no budgetary implications associated with this report.

POLICY

There are no policy implications associated with this Report.

CONCLUSION

Council's Property and Asset Management Plan recommends selling the Epping Library site for residential development and using the proceeds to fund new community facilities on the site and an adjacent town square. 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 definition does not permit library and community facilities at the ground floor of any new residential development on the site.

Accordingly, it is recommended that Council endorse progression of the attached Planning Proposal to enable residential flat buildings where the use of all premises on the ground floor is for the purposes of community facilities on property No.10 Pembroke Street, Epping, (the Epping Library site), for submission to the Department of Planning and Environment for Gateway Determination and exhibition.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Manager Strategic Planning – Fletcher Rayner, who can be contacted on 9847 6744.

FLETCHER RAYNER
Manager - Strategic Planning
Planning Division

JAMES FARRINGTON
Group Manager
Planning Division

Attachments:

1. Planning Proposal - Epping Library, Property No.10 Pembroke Street, Epping - July 2015

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