

15 PLANNING PROPOSAL FOR PROPERTY NOS. 2-4 EPPING ROAD, EPPING**EXECUTIVE SUMMARY**

- In March 2014, *State Environmental Planning Policy (Epping Town Centre) 2013* amended *Hornsby Local Environmental Plan 2013* and zoned property Nos. 2 – 4 Epping Road R4 – High Density Residential with a maximum building height of 17.5m (5 storeys).
- On 8 October 2014, Council considered Group Manager's Report No. PL72/14 reviewing submissions received in response to the exhibition of development control plan amendments for the Epping Town Centre. Council resolved (in part) that a Planning Proposal be prepared to increase the permissible height of building for property Nos. 2 – 4 Epping Road from five to eight storeys.
- To avoid site isolation and maximise opportunities for better urban form and vehicle access, it is recommended that Council endorse the Planning Proposal for submission to the Department of Planning and Environment for Gateway Determination and exhibition.

RECOMMENDATION**THAT:**

1. Council forward the Planning Proposal for property Nos. 2-4 Epping Road, Epping attached to Group Manager's Report No. PL6/15 to the Department of Planning and Environment seeking endorsement for exhibition.
2. In accordance with the plan making powers delegated to Council, Council exercise Authorisation to prepare and make the Planning Proposal following the receipt of Gateway Authorisation.
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 that proposes to increase the maximum building height permitted at property Nos. 2-4 Epping Road, Epping from 17.5m (5 storeys) to 26.5m (8 storeys) to resolve a planning anomaly arising from the final Epping Town Centre Urban Activation Precinct Plan.

BACKGROUND

In March 2014, *State Environmental Planning Policy (Epping Town Centre) 2013* (the SEPP Amendment) amended *Hornsby Local Environmental Plan 2013* and zoned properties Nos. 2-14 Epping Road R4 – *High Density Residential*. A maximum building height of 17.5m (5 storeys) was applied to property Nos. 2-4 Epping Road and 26.5m (8 storeys) to the adjacent property Nos. 6-14 Epping Road.

Draft amendments to the *Hornsby Development Control Plan 2013* (HDCP) to support the SEPP Amendment were exhibited in June 2014. Submissions included concerns that the 5 storey (17.5m) building height for No. 4 Epping Road would not provide a return that would enable owners to purchase an equivalent unit elsewhere in Epping. The concerns were subsequently substantiated by a Hill PDA feasibility appraisal, commissioned by the landowners, which concluded that a maximum building height of at least 8 storeys would be needed to achieve a dwelling yield that would encourage re-development.

On 8 October 2014, Council considered Group Manager's Report No. PL72/14 regarding submissions received during the exhibition of amendments to the HDCP in relation to the Epping Town Centre Urban Activation Precinct. The report concluded that '*.....on the grounds that Council previously adopted an 8 storey outcome for Property Nos. 2-4 Epping Road (by its adoption of the Epping Town Centre Study in 2012), it is considered reasonable in this case, to support a change in building height....*'.

Council resolved that a Planning Proposal be prepared to increase the permissible height of building for property Nos. 2-4 Epping Road from five to eight storeys.

SITE

The subject sites are located on the southern side of Epping Road. Property No. 2 Epping Road is located on the corner of Blaxland Road and contains a mechanic's garage and property No. 4 Epping Road is improved by a 1920s residential flat

building of 8 strata units. Lots immediately to the east (Nos. 6-14 Epping Road) largely contain single dwelling houses in garden settings.

Land immediately to the south of the subject sites is unimproved and zoned Local Open Space RE1. It is privately owned and identified for Council open space acquisition.

The frontages of the subject properties are reserved for acquisition by Roads and Maritime Services for road widening to a depth of 3-4m. The properties are approximately 1,500sqm each with dimensions of 30m (width) x 50m (depth). The proposed road acquisition would reduce their depth to 46-47m and overall area to approximately 1,380sqm.

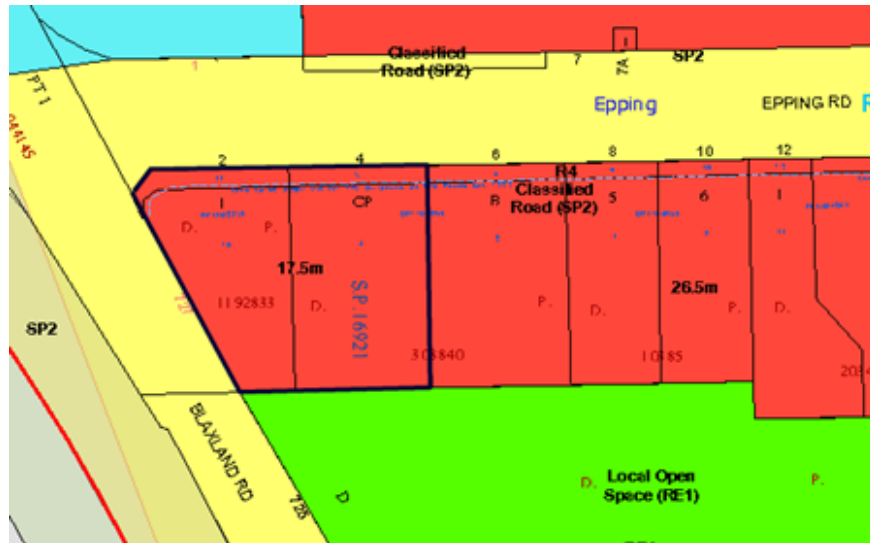


Figure 1 – Location of Property Nos. 2 – 4 Epping Road, Epping

PROPOSAL

The Planning Proposal aims to amend the Height of Building Map of the *Hornsby Local Environmental Plan 2013* to increase the maximum building height limit for property Nos. 2-4 Epping Road, Epping from the current 17.5m (5 storeys) to 26.5m (8 storeys).

The intended outcomes for the Planning Proposal are to:

- Resolve a planning anomaly that arose from the final Epping Town Centre Urban Activation Precinct Structure Plan and subsequent SEPP Amendment;
- Provide a building height consistent with Council's adopted *Epping Town Centre Study 2011* and adjoining properties along Epping Road; and
- Encourage redevelopment, avoid site isolation risk and maximise opportunities for better urban form and vehicle access outcomes.

A copy of the draft Planning Proposal is attached.

DISCUSSION

This report considers the merit of the Planning Proposal in relation to previous studies undertaken for the Epping Town Centre and the potential impacts of the proposal:

1.1 Epping Town Centre Study

Council adopted the *Epping Town Centre Study 2011* in 2012. It provided for 8 storey development on the subject sites due to the width of Epping Road and location within the 400m walking catchment to the Epping Railway Station.

The Study further identified that 8 storeys on the subject sites would provide for a transition in heights between the adjacent proposed 5 storey Forest Grove Residential Precinct and the adjoining new residential intensification area in the Epping Town Centre Core to the north.

Potential impacts from traffic generation and overshadowing were addressed by the Study based on an 8 storey configuration and embodied within the final recommended traffic improvements to be delivered by Roads and Maritime Services based on funding provided by the NSW Government's Housing Acceleration Fund.

1.2 Urban Activation Program

The subject sites are within the *Epping Town Centre Urban Activation Precinct*. In 2012, the then Department of Planning and Infrastructure undertook a number of studies to inform the proposed rezoning of the Precinct and engaged Architects to

undertake a built form review of the *Epping Town Centre Study 2011*. The Architects' review generally supported the key recommendations of the Town Centre Study but recommended a greater range of building options in residential areas adjoining the Town Centre Core including smaller (2 – 6 storey) residential flat buildings on single lots.

The Department's subsequent *Epping Town Centre Urban Activation Precinct Structure Plan* provided for 5 storey development on the subject sites when exhibited. The Department has advised that the reduction in building height from the *Epping Town Centre Study 2011* to the *Epping Town Centre Urban Activation Precinct Structure Plan* and subsequent SEPP Amendment was most likely for urban design reasons and because of the (then) proposed heritage listing of No. 4 Epping Road.

The heritage listing for property No. 4 Epping Road, however, did not proceed.

1.3 Development Feasibility

In August 2014, the body corporate of property No. 4 Epping Road (Strata Plan 16921) commissioned Hill PDA Consulting to undertake a development feasibility appraisal of the site using 5, 8 or 10 storey building height scenarios. The appraisal identified that the cost to purchase the existing 8 strata units would exceed the residual land value and would produce a negative return. The appraisal concluded that 8 storey development, which would potentially result in 44 - 49 dwelling units (an additional 15 – 20 dwelling units), was required to return a profit margin and encourage redevelopment.

Hill PDA Consulting previously prepared the economic assessment that supported the recommendations of the Epping Town Centre Study (2011). Within this report, Hill PDA calculated development feasibility for five storey development based on the amalgamation of two allotments with single dwelling houses. In the case of property No.4 Epping Road, Hill PDA's new assessment is based on the same methodology as the 2011 study with updates to reflect the acquisition cost of eight units. Accordingly, the findings of the new Hill PDA report support the case to review the permitted building height.

Whilst the development feasibility of No. 2 Epping Road has not been assessed, it would be desirable that this property also permit an 8 storey development given its prominent location at the corner of Epping and Blaxland Roads.

1.4 The Need for a Stand Alone Planning Proposal

In July 2014, Council sought advice from the Department of Planning and Environment about whether it would support a SEPP Amendment or Local Environmental Plan Amendment to amend the maximum building heights at the subject sites. The Department advised that:

'.....It appears that the site could be considered for further development, however (it) would be subject to detailed assessment to determine whether a development density beyond that provided under the LEP was found to have strategic merit'.

The Strategic Planning Branch undertakes annual house-keeping HLEP amendments intended to address minor or inconsequential amendments. Whilst this amendment would normally be undertaken this way, it is recommended that a stand-alone Planning Proposal be prepared for the following reasons:

- It has been 10 months since the Epping Town Centre Urban Activation Precinct SEPP Amendment was gazetted;
- Land assembly is well advanced as evidenced by recent Development Applications including an application for the construction of an eight-storey residential flat building at property Nos. 6-8 Epping Road;
- There is a risk of isolation should developers be unable to acquire all 8 strata units at No. 4 Epping Road; and
- There is an opportunity to achieve rear lane access to service all adjoining properties.

Accordingly, it is recommended that a stand-alone planning proposal proceed to provide certainty that the properties may be viably redeveloped.

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 is consistent with the types of draft LEPs to be routinely delegated, it is recommended that Council 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 will 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

The purpose of the attached Planning Proposal is to resolve a planning anomaly arising from the final Epping Town Centre Urban Activation Precinct Plan. An amendment to increase the permitted height of buildings from 5 storeys to 8 storeys would enable the owners of No.4 Epping Road to sell their units within a timeframe that is supportive of land assembly by developers thereby avoiding isolation. Accordingly, it is recommended that Council endorse the Planning Proposal 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. [View](#) Planning Proposal - Property Nos. 2-4 Epping Road, Epping

File Reference: F2014/00222
Document Number: D04461347

approved subject to the conditions of consent detailed in Schedule 1 of Group Manager's Report No. PL7/15.

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

AGAINST: NIL

14 PL5/15 Reporting Variations to Development Standards

(F2004/07599)

RESOLVED ON THE MOTION OF COUNCILLOR TILBURY, seconded by COUNCILLOR BERMAN,
THAT the contents of Group Manager's Report No. PL5/15 be received and noted.

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

AGAINST: NIL

15 PL6/15 Planning Proposal for Property Nos. 2-4 Epping Road, Epping

(F2014/00222)

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

1. Council forward the Planning Proposal for property Nos. 2-4 Epping Road, Epping attached to Group Manager's Report No. PL6/15 to the Department of Planning and Environment seeking endorsement for exhibition.
2. In accordance with the plan making powers delegated to Council, Council exercise Authorisation to prepare and make the Planning Proposal following the receipt of Gateway Authorisation.
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, AZIZI, BERMAN, BROWNE, COX, GALLAGHER,
HUTCHENCE, RUSSELL, SINGH AND TILBURY

AGAINST: NIL

INFRASTRUCTURE AND RECREATION DIVISION

16 IR1/15 Tender T40/2014: Supply and Delivery of Concrete

(F2014/00497)

RESOLVED ON THE MOTION OF COUNCILLOR TILBURY, seconded by COUNCILLOR BERMAN,
THAT Council accept tenders from Hanson Construction Materials Pty Ltd and Able Metromix Concrete for all work under Tender No. T40/2014: Supply and Delivery of Concrete.

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