

PLANNING PROPOSAL

Property Nos. 2 - 4 Epping
Road, Epping

February 2015

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BACKGROUND

Subject Sites

Property Nos. 2 – 4 Epping Road, Epping are located on the southern side of Epping Road just east of Blaxland Road. Each lot is approximately 1500sqm and both properties are reserved for partial (approx. 3m) frontage acquisition by Roads and Maritime Services. Property No. 2 Epping Road is a mechanic's garage and Property No. 4 Epping Road is 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 Epping Town Centre Urban Activation Precinct

The subject sites are within the Epping Town Centre Urban Activation Precinct. In March 2014, *State Environmental Planning Policy (Epping Town Centre) 2013* (the SEPP Amendment) amended *Hornsby Local Environmental Plan 2013* and zoned properties No. 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 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 development.

In July 2014, Council sought advice about whether the Department would be prepared to respond via a SEPP Amendment or would support a Council initiated planning proposal to increase the maximum building height for Properties No. 2 and No. 4 Epping Road to 8 storeys (26.5m). Council had previously adopted an 8 storey outcome for the sites through the *Epping Town Centre Study 2011*.

On 30 July 2014, 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 Hornsby Shire Council Resolution

At its meeting on 11 February 2015, Council considered Group Manager's Report No. PL6/15 (copy attached) concerning a planning anomaly that had arisen from the final Epping Town Centre Urban Activation Precinct Plan and subsequent *State Environmental Planning Policy (Epping Town Centre) 2013* (the SEPP Amendment) amendment of *Hornsby Local Environmental Plan 2013*.

The SEPP Amendment zoned properties No. 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, however, a 26.5m (8 storeys) height was applied to property Nos. 6 – 14 Epping Road.

Council resolved to progress a Planning Proposal to amend the Height of Buildings Maps of Hornsby Local Environmental Plan (2013) to increase the Maximum Height of Building permitted for property Nos. 2 - 4 Epping Road Epping from 17.5m (5 storeys) to (26.5m) 8 storeys.

PART 1 - OBJECTIVES OR INTENDED OUTCOMES

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 the outcomes for the subject properties identified in Council's adopted *Epping Town Centre Study 2011* and which is consistent with adjoining properties along Epping Road; and
- Encourage redevelopment, avoid site isolation risk and maximise opportunities for better urban form and vehicle access outcomes.

PART 2 - EXPLANATION OF THE PROVISIONS

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

PART 3 - JUSTIFICATION

Section A - Need for the planning proposal

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

The Epping Town Centre has been the subject of several strategic planning studies.

The Epping Town Centre Study

Council adopted the *Epping Town Centre Study 2011* in 2012. It provided for 8 storey development at the subject sites as the width of Epping Road provided proportion to an 8 storey building height and the sites were within the 400m walking catchment of the Epping Railway Station.

The study further identified that 8 storeys at 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.

Urban Activation Program

The subject sites are within the Epping Town Centre Urban Activation Precinct. In 2012, the Department of Planning and Infrastructure undertook a number of studies to inform the proposed rezoning of the Precinct and engaged Architectus to undertake built form review of *Epping Town Centre Study 2011*. The Architectus 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 2013* provided for 5 storey development on both the subject sites when it was exhibited. Inquiries to the Department have indicated that the reduction in building height from the *Epping Town Centre Study 2011* to the *Epping Town Centre Urban Activation Precinct Structure Plan 2013* 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.

Hill PDA Feasibility Appraisal

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.

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

Yes. The Planning Proposal is the best means of achieving the intended outcome. Maximum building heights are a principal development standard that can only be amended by progressing with a planning proposal to amend the Height of Buildings Map of HLEP 2013.

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.

A Planning Proposal is required to ensure that the subject sites are not isolated, opportunities for better urban form are maximised and the rear lane identified in the *Forest Grove Residential Precinct Key Development Principles Diagram* of the HDCP 2013 can be accommodated.

3. *Is there a net community benefit?*

Yes. The Planning Proposal will deliver a net community benefit by assisting to achieve the orderly and economic use of land close to a transport hub. The increased building height is likely to achieve better urban design outcomes as it would provide a building height consistent with the 8 storey building height for the remainder of the block from 6 to 14 Epping Road.

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 the State Government's Metropolitan Strategy for Sydney to 2031 in that it will provide opportunities for additional new homes within walking distance of a major transport hub in an established urban area.

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 Community Strategic Plan.

'Your Community Plan 2013 – 2033' aims to achieve a harmonious natural and built environment by monitoring and reviewing existing planning controls to ensure quality outcomes for the long term benefit of the Shire.

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 relates to an amendment to the Height of Buildings map only. No zoning, land use or other planning instrument amendments are required.

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

The planning proposal aims to amend a current Height of Building development standard that constrains the development feasibility of property No. 4 Epping Road. Property No. 2 Epping Road is also recommended for an increased building height due to its prominent location on the corner of Epping and Blaxland Roads.

Section D - State and Commonwealth interests

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

Yes. The sites adjoin the Epping Town Centre and have convenient access to rail, bus, employment, social and educational opportunities.

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

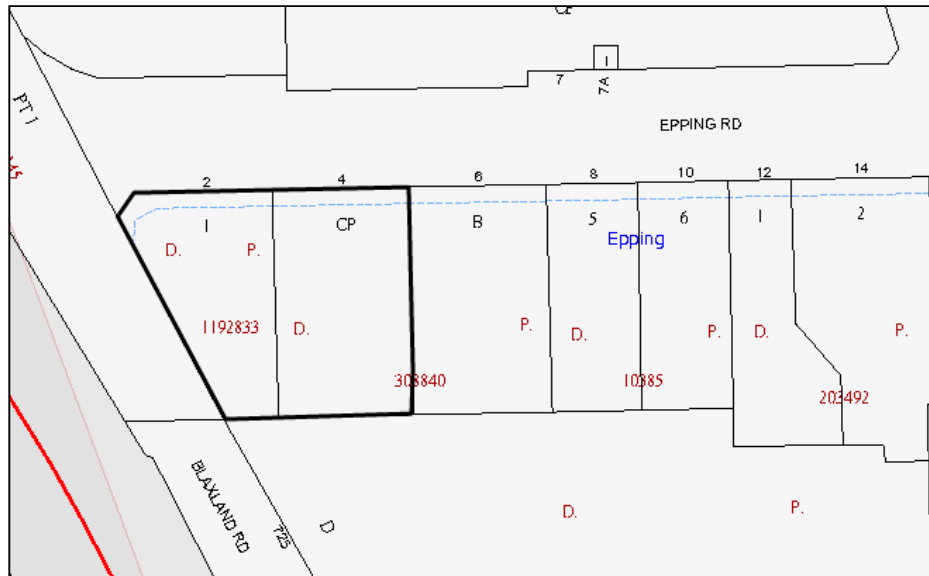
Consultation will occur with relevant public authorities identified as part of the gateway determination.

PART 4 - MAPS

Location and Height of Building Maps

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

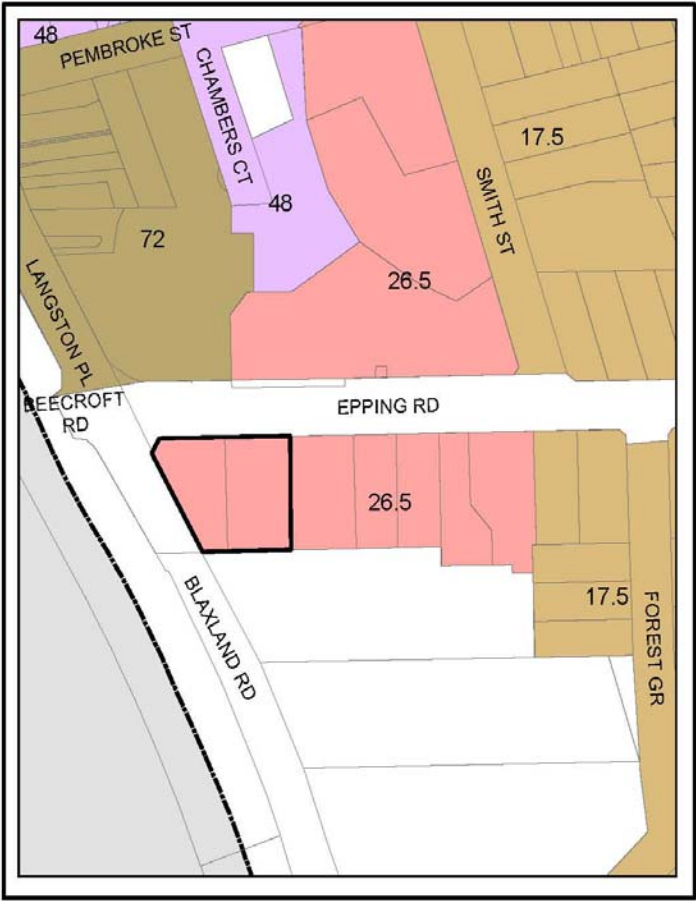
Location Map



Aerial Photo



Proposed Height of Building Map



Extract Map No: 11 – Proposed Height of Building Map – Nos. 2 - 4 Epping Road Epping

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 enable the feasible redevelopment of properties recently zoned R4.
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	Repealed	

Development Proposals		
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. The Planning Proposal does not propose to rezone land or introduce new land uses.
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 is consistent with SEPP 65 and proposed changes to SEPP 65 and the Residential Flat Design Code as it would provide a max building height consistent with adjacent 8 storey building heights.
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. Kosciusko 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	N/A	
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	Yes	The planning proposal is consistent with the 117 Direction as it will broaden the choice of building available and make more efficient use of existing infrastructure and services in Hornsby Shire.
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 enable additional dwellings within walking distance of the Epping Urban Activation Precinct transport hub.
3.5 Development Near Licensed Aerodromes	N/A	

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	Direction applies to all councils that contain a mine subsidence district proclaimed pursuant to section 15 of the Mine Subsidence Compensation Act 1961 or that contain unstable land. Clarification was sought from the Department of Planning in late 2005 as to the meaning of 'unstable land'. A formal response has not been received. However, a Department representative advised by email 29 November 2005 that unstable land is land that is subject to land slip because of slope and soil/geological conditions.
4.3 Flood Prone Land	N/A	The subject sites are not identified as flood prone.
4.4 Planning for Bushfire Protection	N/A	The subject sites are 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	N/A	
7. Metropolitan Planning		
7.1 Implementation of the Metropolitan Plan for Sydney 2036	Yes	The Planning Proposal does not contradict or hinder the achievement of the vision, land use strategy, policies, outcomes or actions of the <i>Metropolitan Plan for Sydney 2036</i> or <i>A Plan for Growing Sydney</i> released December 2014

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")

Local Government Area:

Hornsby Shire

Name of draft LEP:

**Hornsby Local Environmental Plan 2013 (Amendment No. 4) Maximum Building Height -
Property Nos. 2 – 4 Epping Road, Epping**

Address of Land (if applicable):

Property Nos. 2 – 4 Epping Road, Epping

Intent of draft LEP:

**To amend the Height of Building Map of the *Hornsby Local Environmental Plan 2013* for
Property Nos. 2 – 4 Epping Road, Epping from the current 17.5m (5 storeys) to 26.5m (8
storeys).**

Additional Supporting Points/Information:

**The current maximum building height of 17.5m (5 storeys) would not provide a return that would
allow owners to purchase an equivalent unit elsewhere in Epping. A 26.5m (8 storey) maximum
building height would return a dwelling yield that would encourage redevelopment and provide
a permissible building height consistent with adjacent land.**