



Hornsby RSL Club site (236 dwellings) - to permit residential flat buildings and increase the height of buildings for three sites

Proposal Title :	Hornsby RSL Club site (236 dwellings) - to permit residential flat buildings and increase the height of buildings for three sites		
Proposal Summary :	To amend the Hornsby Local Environmental Plan 2013 to permit residential flat buildings and increase the height of buildings for three sites: the Hornsby RSL Club; car park; and, a third site, located at 1A-7 William Street and 2 Ashley Lane (site 1), 4 High Street (site 2), 7-19 Ashley Street and 2-4 Webb Avenue (site 3), Hornsby.		
PP Number :	PP_2017_HORNS_001_00	Dop File No :	17/04934

Proposal Details

Date Planning Proposal Received :	05-May-2017	LGA covered :	Hornsby
Region :	Metro(Parra)	RPA :	The Council of the Shire of Hornsby
State Electorate :	HORNSBY	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	1A – 7 William Street and 2 Ashley Lane		
Suburb :	Hornsby	City :	Postcode : 2077
Land Parcel :	Site 1 - Hornsby RSL Club and Community Car Park (Lot 1 DP 432351, Lot 1 DP 817649, Lot 13 Sec 3 DP 1880 and Lot 9 DP 655107)		
Street :	4 High Street		
Suburb :	Hornsby	City :	Postcode : 2077
Land Parcel :	Site 2 - Hornsby RSL Club (Lot 2 DP 817649)		
Street :	7-19 Ashley Street and 2-4 Webb Avenue		
Suburb :	Hornsby	City :	Postcode : 2077
Land Parcel :	Site 3 - Vacant parcel of land and property at 19 Ashley Street (Lots 1, 2, 3, 4, 5, 6, 7 & 8 DP 222907)		

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DoP Planning Officer Contact Details

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DoP Project Manager Contact Details

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Metro North subregion	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :	1.40	Type of Release (eg Residential / Employment land) :	Both
No. of Lots :	0	No. of Dwellings (where relevant) :	236
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment : **The Lobbyist Contact Register was checked and indicated no contact with lobbyists regarding this planning proposal.**

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes : **Political Donations Disclosure Statement**

Political donations disclosure laws commenced on 1 October 2008. The legislation requires the public disclosure of donations or gifts for certain circumstances relating to the Planning system.

"The disclosure requirements under the new legislation are triggered by the making of relevant planning applications and relevant public submissions on such applications.

The term relevant planning application means:

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• A formal request to the Minister, a council or the Secretary to initiate the making of an environmental planning instrument..."

Planning Circular PS 08-009 specifies that a person who makes a public submission to the Minister or Secretary is required to disclose all reportable political donations (if any).

The Department has not received any disclosure statements for this Planning Proposal.

External Supporting
Notes :

Date of Receipt:

Additional information received from Council on 6 April 2017 clarifying proposed additional building height sought for Site 2 (38m or 12 storeys).

Further justification sought from Council on 27 April 2017 in relation to additional permitted uses. Council responded on 5 May 2017.

This has necessitated the adjustment of the receipt date.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment :

The objectives or intended outcomes of the Planning Proposal are shown as follows in the planning proposal (refer p.6):

SITE 1 (1A-7 William Street and 2 Ashley Lane, Hornsby):

permit a residential flat building up to 15 storeys (i.e. from a maximum height of 26.5m [8 storeys] to 48m [15 storeys]) to be constructed above the existing 4 storey community car park and activate the William Street frontage with ground floor commercial uses.

SITE 2 (4 High Street, Hornsby):

increase the building height from 26.5m [8 storeys] to 38.5m [12 storeys] to enable a hotel/serviced apartments and associated parking and permit a residential flat building above the existing Club.

SITE 3 (7-19 Ashley Street and 2-4 Webb Avenue, Hornsby):

permit development up to 5 storeys (i.e. from 10.5m [2 storeys plus attic] to 5 storeys) for the purpose of seniors housing only.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment :

Part 2 - Explanation of Provisions of the Planning Proposal (pages 7-8) proposes draft clauses without further explanation.

In summary, these clauses propose:

SITE 1 (1A-7 William Street and 2 Ashley Lane, Hornsby):

- amend the maximum height of buildings control (from 8 storeys [38.5m]) to 48m or 15 storeys;
- amend the additional permitted uses map and schedule to permit development for a residential flat building above an existing 4 storey car park, where the use 400sqm of gross floor area on the ground floor is for the purpose of commercial premises;

SITE 2 (4 High Street, Hornsby):

- amend the maximum height of buildings (from 26.5m) to 38m or 12 storeys;
- amend the additional permitted uses map and schedule to permit development for a residential flat building above existing club; and,

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SITE 3 (7-19 Ashley Street and 2-4 Webb Avenue, Hornsby):

- by a local clause, permit the maximum height of buildings control of 10.5 m to be exceeded to a maximum height of 17.5m provided development is for the purposes of seniors housing.

Department Comment:

To ensure the community understands the proposed amendments, as a condition of the Gateway determination, it is recommended that prior to exhibition the Explanation of Provisions section of the proposal is amended by Council to include a plain English description of the intended outcomes.

No objection is held to the retention of the draft clauses in the proposal, subject to the above, and a note being appended indicating that the clauses will be subject to legal drafting and may alter in the process.

It is noted that a building high standard of 38m is included in the Explanation of Provisions. This standard should be 38.5 and a condition to rectify this anomaly is recommended.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

e) List any other matters that need to be considered :

SECTION 117 DIRECTIONS

The proposal is consistent with all S.117 Directions, with the exception of the following:

1.1 BUSINESS AND INDUSTRIAL ZONES

Sites 1 and 2 are zoned B4 Mixed Use. Site 1 comprises the RSL Club 4 storey community car park. Site 2 comprises the RSL Club and the William Street car park.

In respect of site 1, by a proposed additional use provision, the proposal seeks to make permissible a residential flat building above the existing 4 storey community car park, where the use of 400sqm of gross floor area on the ground floor is for the purpose of commercial premises. As the total site area is 2,449sqm, there is a theoretical reduction in potential business use.

In respect of site 2, a proposed additional use provision will make permissible a residential flat building above the existing club.

The direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing business zone.

The relevant consideration within the direction is that a planning proposal must not reduce the total floor space for employment uses and related public services in the zone.

Department Comment:

The proposal does not intend to alter the zone, however, by confirming the car park and club uses on the ground floor, technically the proposal reduces the theoretical total floor space for employment uses. The planning proposal – with its subject sites in immediate proximity to the Hornsby Town Centre and Hornsby Train Station – makes provision for a

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mixture of compatible land uses in a location well serviced by public transport.

For both sites, any inconsistency with the direction is considered to be of a minor nature and it is recommended that the delegate of the Secretary agree that the proposal may proceed on the basis of minor significance.

2.3 HERITAGE CONSERVATION

While the subject land is not identified as a heritage item, and the proposal is not inconsistent with the direction in this regard, the car park in site 1 is proposed to be developed involving an increase in permissible built form.

Site 2 is located adjacent to the Hornsby War Memorial Hall, which is a local heritage item (No.483). As an increase in permissible built form may potentially impact upon the landscape values and visual backdrop of the Hall.

Council's Group Manager Report accompanying the proposal considers the potential impact on the heritage values of the War Memorial Hall and recommends that a Heritage Impact Assessment be prepared as a condition of the Gateway Determination.

Department Comment:

The Department supports the preparation of a further heritage study by a suitably qualified heritage consultant to assess the future development constraints and opportunities presented by the War Memorial Hall, and the extent to which the carrying out of the proposal would affect the heritage item.

A condition of the determination is recommended. However, given that the item is of local significance it is considered that consultation with the Office of Environment and Heritage is not necessary.

3.1 RESIDENTIAL ZONES

The direction specifies that a planning proposal affecting an existing residential zone will contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactorily to the council, or other appropriate authority, have been made to service it).

The planning proposal does not contain such a provision and Hornsby LEP 2013 does not include the standard essential service clause. However, the subject land is currently zoned for housing purposes i.e. R3 Medium Density Residential, and any inconsistency with the direction in this regard is of minor significance. It is accordingly recommended that the delegate of the Secretary agree that the proposal may proceed on the basis of minor significance

ADDITIONAL PERMITTED USE

There are two proposed additional uses, as follows:

Site 1: The proposal seeks to enable development above the existing car park i.e. an existing 4 storey car park, where the use of the ground floor area is limited i.e. 400sqm.

Site 2: The proposal also seeks to enable a residential flat building above the existing club.

Residential development in the B4 zone is only permitted in the form of shop-top housing. Council notes that the proposal in this regard is inconsistent with the Standard Instrument definition of shop-top housing as "one or more dwellings located above ground floor retail premises or business premises".

Given the unique circumstances to each site, i.e. the presence of a car park structure

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and an existing club, Council has sought the introduction of additional uses to apply to each site.

Department Comment:

The use of an additional use in this manner was previously introduced into Hornsby LEP 2013 (by amendment No.7) to enable ground floor community facilities (in lieu of ground floor retail premises or business premises) as part of a mixed use residential flat building development at No.10 Pembroke Street, Epping.

In this instance it was considered that strict application of the definition - denying the opportunity to locate residential development with a public facility in the Epping town centre, was not in the public interest.

Similarly, the current proposal recognises that proposed residential development at these sites is well founded and the current B3 zone is appropriate. The planning proposal - with its subject sites in immediate proximity to the Hornsby Town Centre and Hornsby Train Station - makes provision for a variety of housing types in a location well serviced by public transport.

In these unique circumstances, it is not considered the intent of the definition is being compromised and that an adverse precedent will be set by allowing this proposal to proceed.

LOCAL CLAUSE

While retaining the R3 zone, by a local clause, the proposal intends to permit the height control for Site 3 to be exceeded only for the purpose of seniors housing.

Council has justified this approach on the basis that should the height of building control be changed without restriction, a residential flat building of five storeys would be permissible and would establish an undesirable precedent with traffic impacts that exceed the capacity of the local road network.

The Traffic Study (Bitzios Oct 2016) accompanying the planning proposal finds that by restricting Site 3 to seniors housing a reduction in commuter morning peak traffic demand of 89 vehicles per hour would eventuate.

Department Comment:

This approach is supported as it is not expected to significantly affect the morning or afternoon peak traffic network performance. To ensure that traffic generation is appropriately restricted, it is recommended as a Gateway determination condition that Council identifies the maximum number of car spaces needed to support the senior housing use on the site and amends the planning proposal to incorporate this cap, prior to exhibition.

Have inconsistencies with items a), b) and d) being adequately justified? **N/A**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Diagrams are included in the proposal as follows:

- location map - Figure 4 (see Appendix A);
- existing and proposed amendments of the height of building maps, i.e. Figure 1 provides the current height controls and Figure 2 illustrates proposed height amendments; and,
- Figure 3 - which provides proposed amendments to the additional uses map.

These maps are considered suitable for consultation purposes provided these are amended as follows:

- relocate figure 4 to the commencement of Part 4 - Maps;

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- remove the text box where it appears on page 15 and provide a suitable introductory/explanatory note at this location;
- adjust Figure 1 so that it appears to be in scale with Figure 2;
- identify the subject sites on Figures 1 and 2 to show sites 1,2 and 3 (cross reference to Figure 4);
- provide a key on Figures 1 and 2 identifying applicable heights; and
- rename the numbers for each figure so that following the relocation of Figure 4 in the proposal, the figure numbers appear in numerical order.

Prior to finalisation of the proposal, Council will be required to prepare the proposed maps in a form that is consistent with the Department's "Standard technical requirements for LEP maps".

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Given the nature of the Planning Proposal, the Department considers that a 28 day community consultation period is appropriate.**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **December 2013**

Comments in relation to Principal LEP : **Hornsby Local Environmental Plan 2013 was made on 3 December 2013. Date of commencement was 10 January 2014.**

Assessment Criteria

Need for planning proposal : **Sites 1 and 2 are zoned B4 Mixed Use and Site 3 is zoned R3 Medium Density Residential under the Hornsby Local Environmental Plan 2013.**

The proposal does not seek to alter the existing zones.

The sites form part of West Side Precinct of the Hornsby Town Centre and are in in close proximity to Hornsby Train Station.

Residential development at Sites 1 and 2 is only permitted in the form of shop-top housing.

The definition of shop-top housing requires commercial use of the ground floor.

The Planning Proposal proposes to amend the local environmental plan to permit residential flat buildings above club facilities and increase the height of buildings for the Hornsby RSL Club, car park, and other site.

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Consistency with strategic planning framework :

A Plan For Growing Sydney

The actions of A Plan for Growing Sydney which apply to the proposal are:

- Action 1.7.1: Invest in strategic centres across Sydney to grow jobs and housing and create vibrant hubs of activity;
- Action 2.1.1: Accelerate housing supply and local housing choices;
- Action 2.2.2: Undertake urban renewal in transport corridors which are being; and transformed by investment and around strategic centres

The proposal is consistent with these actions with respect to Hornsby's status as a strategic centre and delivering housing and jobs in locations along transport corridors.

Draft North District Plan

The actions of the draft North District Plan which relate to the proposal are:

- Action P6: Grow and manage the visitor economy within the District;
- Action L3: Councils to increase housing capacity across the District;
- Action L4: Encourage housing diversity.

The proposal is consistent with these actions in that a future hotel development would facilitate improved tourism infrastructure for the district along with additional housing capacity and housing diversity.

In addition, the following District Planning priorities are relevant:

- encourage revitalisation of the commercial core;
- attract mixed-use development west of the railway line, encouraging stronger integration within the centre, and encouraging the development of a lively 'eat-street' or restaurant strip;
- improve walking and cycling connections between Hornsby Station and the Hospital;
- reduce negative traffic impacts on pedestrians;
- promote walking, cycling and public transport to the centre and within it; and
- Prioritise public domain upgrades, place making initiatives and a new civic space.

Hornsby Community Strategic Plan

The outcome indicators of the Community Strategic Plan which relate to the Planning Proposal are:

- opportunities for seniors housing; and
- increasing employment and use of sustainable transport.

Department Comment:

The proposal is consistent with these outcomes with respect to the employment and economic benefits of the hotel; well located and integrated seniors housing; and, additional housing in proximity to frequent public transport services.

Environmental social economic impacts :

The Planning Proposal seeks to increase the maximum building height on three sites which are in close proximity to the commercial core of the Hornsby Town Centre and Hornsby Train Station.

The proposal would have impacts related to urban design, traffic management, and heritage that would require careful consideration at the development application stage.

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Urban Design

The concept plan that supports the proposal is indicative only. Subject to the lodgement of a future development application to Council. Design requirements of the residential flat buildings and serviced apartments would be assessed against the State Environmental Planning Policy 65 and Apartment Design Guide.

Traffic Management

Based on updated modelling provided by the proponent, no additional traffic management measures are required to support the proposal which would contribute approximately 61 trips in the morning peak and 150 trips in the afternoon peak.

Council's traffic model to support the 2014 rezoning of Hornsby West Side Precinct identified limited free capacity to cater for additional trips based on the planned development of 1,000 additional dwellings and did not assume re-development of the club lands. Consequently, it is recommended that the Roads and Maritime Services be consulted on the proposal.

Heritage

Council's Group Manager Report accompanying the proposal discusses the potential impact on the heritage values of the War Memorial Hall and recommends that a Heritage Impact Assessment be prepared as a condition of the Gateway determination.

Department Comment: The Department supports the preparation of a further heritage study by a suitably qualified heritage consultant to assess the heritage significance of the War Memorial Hall, future development constraints and opportunities and the extent to which the carrying out of the proposal would affect the heritage item.

Environmental, Social and Economic Impacts

The Planning Proposal relates to a developed site in a highly urbanised area and therefore is unlikely to generate environmental impacts.

The proposal is not supported by a social or economic assessment. However, a market demand report for a hotel development submitted with the application indicates demand for this land use within the Hornsby Town Centre locality.

The proposed expansion of the club facilities and new hotel development would assist with meeting future job targets outlined in the draft North District Plan and benefit other complementary land uses within the Hornsby Town Centre that rely on close, high quality accommodation and conferencing facilities.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	28 Days
Timeframe to make LEP :	12 months	Delegation :	RPA
Public Authority Consultation - 56(2)(d) :	Office of Environment and Heritage Transport for NSW - Sydney Trains Transport for NSW - Roads and Maritime Services Other		

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Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

Heritage

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
1 - Cover Letter - Hornsby RSL.pdf	Proposal Covering Letter	Yes
3 - Appendix D - Council Report and Minutes.pdf	Proposal	Yes
4.1 - Appendix E - 216 Urbis Planning Proposal-Part1.pdf	Proposal	Yes
4.2 - Appendix E - 216 Urbis Planning Proposal-Part2.pdf	Proposal	Yes
4.3 - Appendix E - 216 Urbis Planning Proposal-Part3.pdf	Proposal	Yes
5 - Appendix F - Design Excellence Peer Review.pdf	Proposal	Yes
2 - Planning Proposal, and Appendices A-C - Hornsby RSL Corrected Version.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

Additional Information : **DELEGATION OF THE GREATER SYDNEY COMMISSION'S PLAN MAKING FUNCTIONS**
Given the nature of the planning proposal it is recommended that the Commission's plan making powers be issued to Council in this instance.

CONSISTENCY WITH SECTION 117 DIRECTIONS

It is recommended that the Executive Director, Regions, as delegate of the Secretary, agree that the inconsistency with the following Section 117 Directions are of minor significance: 1.1 Business and Industrial Zones and 3.1 Residential Zones.

RECOMMENDATION

It is recommended the planning proposal proceed, subject to the following conditions:

1. Prior to undertaking public exhibition, the following action is to be undertaken by Council:

(a) A plain English explanation of the intended effect of the proposed provisions.

Note: while no objection is held to the retention of the draft clauses within the proposal, a note is to be appended indicating that the clauses will be subject to legal drafting and may alter in the process.

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- (b) Ensure that the building height standard specified as 38m in the Explanation of Provisions is correct and amend the proposal if necessary.
- (c) A heritage assessment is to be prepared by a suitably qualified heritage consultant to assess the heritage significance of the War Memorial Hall heritage item, identifying development constraints and opportunities and the extent the proposed development would affect the heritage item. The assessment is to be placed on exhibition.
- (d) Council is to identify the maximum number of car spaces needed to support the proposed senior housing use on the site and is to amend the planning proposal to incorporate this cap, prior to exhibition.
- (e) Supporting maps are to be amended, as follows:
 - relocate figure 4 to the commencement of Part 4 - Maps;
 - remove the text box where it appears on page 15 and provide a suitable introductory/explanatory note at this location;
 - adjust Figure 1 so that it appears to be in scale with Figure 2;
 - identify the subject sites on Figures 1 and 2 to show sites 1,2 and 3 (cross reference to Figure 4);
 - provide a key on Figures 1 and 2 identifying applicable heights; and
 - rename the numbers for each figure so that following the relocation of Figure 4 in the proposal, the figure numbers appear in numerical order.

Note: Prior to finalisation of the proposal, Council will be required to prepare the proposed maps in a form that is consistent with the Department's "Standard technical requirements for LEP maps".

2. A copy of the amended planning proposal is to be forwarded to the Department for information prior to the commencement of community consultation.

3. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:

- (a) the planning proposal must be made publicly available for a minimum of 28 days; and
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of 'A Guide to Preparing Local Environmental Plans' (Department of Planning and Environment 2016).

4. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of section 117 Directions and State Environmental Planning Policies:

- Transport for NSW – Roads and Maritime Services;
- Transport for NSW – Sydney Trains; and,
- relevant authorities for the supply of water, electricity, and the disposal and management of sewage.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment.


Should the public authorities require any additional information, or specify any additional matters to be addressed, the planning proposal is to be updated to respond to any such submission, a copy of which is to be included with the updated planning proposal.

5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission).

6. The timeframe for completing the amending Local Environmental Plan is to be 12 months from the week following the date of the Gateway determination.

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Supporting Reasons :

Signature: 
Printed Name: T DORAN Date: 18/5/17