

## 7 PLANNING PROPOSAL - HORNSBY RSL CLUB

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### EXECUTIVE SUMMARY

- On 13 June 2016, a Planning Proposal was submitted on behalf of the Hornsby Returned Services League (RSL) Club to facilitate a hotel development, residential apartments and a seniors housing development for property Nos. 4 High Street, 7-19 Ashley Street, 2-4 Webb Avenue and 3-7 William Street, Hornsby.
- Preliminary exhibition of the proposal from 2 June to 17 June 2016 resulted in 33 submissions of which 70% object to the proposal. Concerns relate to traffic impact, pedestrian safety, urban design, overshadowing, noise and heritage impact. A majority of issues raised have been addressed by an updated concept plan in response to an urban design review of the proposal and an updated traffic assessment.
- It is recommended that the Planning Proposal be supported for submission for a Gateway Determination, with amendments to reduce the building height of the proposed senior housing development to 5 storeys. It is also recommended that supporting Hornsby Development Control Plan amendments be endorsed for exhibition concurrent with the Planning Proposal.

### RECOMMENDATION

#### THAT:

1. Council forward the Hornsby RSL Planning Proposal attached to Group Manager's Report No. PL52/16 (Document No. D07100508) to the Department of Planning and Environment for a Gateway Determination with amendments to permit development up to 5 storeys on property Nos. 7-19 Ashley Street and 2-4 Webb Avenue, Hornsby, only if the development is for the purpose of a seniors housing development.
2. The General Manager be authorised to endorse the re-drafting of the Planning Proposal into the required format under Council's cover for Gateway Determination.
3. In accordance with the plan making powers delegated to Council, Council exercise Authorisation to prepare and make the Planning Proposal following the receipt of the Gateway Authorisation.
4. Council endorse the attached amendments to the Hornsby Development Control Plan (Document No. D07137316) to be exhibited concurrently with the Planning Proposal.
5. Following the exhibition, a report on submissions be presented to Council.
6. The proponent and submitters be advised of Council's resolution.

## PURPOSE

The purpose of this Report is to consider a Planning Proposal submitted on behalf of the Hornsby Returned Services League (RSL) Club, which seeks to amend the Hornsby Local Environmental Plan (HLEP) 2013 to facilitate a hotel, club expansion, additional parking and residential apartments including a seniors housing development for property Nos. 4 High Street, 7-19 Ashley Street, 2-4 Webb Avenue and 3-7 William Street, Hornsby (the site).

A copy of the Planning Proposal is available for viewing on Council's website [www.hornsby.nsw.gov.au/property/development-applications/planning-proposals](http://www.hornsby.nsw.gov.au/property/development-applications/planning-proposals) (Document No. D07100508).

## BACKGROUND

In December 2014, amendments to the Hornsby Local Environmental Plan (HLEP) 2013 were notified on the NSW Legislation website to facilitate mixed use redevelopment of the Hornsby West Side Precinct for developments between 15 to 25 storeys. The amendments applied to the existing Town Centre on land zoned B4 Mixed Use which includes the Hornsby RSL Club and Community Car Park.

During the exhibition period of the West Side Proposal, a submission on behalf of Hornsby RSL requested that Council increase the height limit of the RSL community car park to 15 storeys and include the vacant land at property Nos. 7 - 19 Ashley Street and Nos. 2 - 4 Webb Avenue, Hornsby in the West Side Precinct. The submission was supported by a concept plan detailing the potential built form of a future Club redevelopment.

JBA Planning Consultants, who were responsible for the preparation of Hornsby West Side Study, were engaged by Council to prepare the submissions report for the West Side Planning Proposal. In relation to the RSL submission, JBA provided the following comments:

- Residential buildings of a lower scale to interface with residential development to the west and south should be considered; and
- An increase in building height from 8 to 12 storeys for the RSL Club would be acceptable if the 5 storey edge to Ashley Street is retained.

JBA concluded that the amendments requested in the RSL submission were outside the scope of the West Side proposal and would require re-exhibition. Therefore, it was recommended that the RSL be invited to pursue a separate amendment to the HLEP for its land holdings.

On 13 May 2016, a Planning Proposal was submitted on behalf of the RSL Club to amend the HLEP and HDCP. Councillors received an informal briefing on the proposal on 20 July 2016 where it was noted a report would be presented to a future meeting of Council for consideration.

Following preliminary notification and feedback to the proponent on the urban design and traffic elements of the proposal, an updated concept plan and traffic assessment were submitted on 21 October 2016.

## SITES

The proposal relates to the following sites:

SITE	1	2	3
DESCRIPTION	RSL Club and Community Car Park	RSL Club – William Street car park	Vacant Land
ADDRESS	1A and 3-7 William Street and 2 Ashley Lane, Hornsby	4 High Street, Hornsby	7 – 19 Ashley Street and 2 - 4 Webb Avenue, Hornsby
AREA	2,449m <sup>2</sup>	6,698m <sup>2</sup>	5,463m <sup>2</sup>
ZONE	B4 – Mixed Use	B4 – Mixed Use	R3 – Medium Density Residential

Sites 1 and 2 are located within the boundary of the Hornsby West Side Precinct and adjoin the War Memorial Hall to the east, commercial development to the north and 3 storey residential flat buildings to the west.

The vacant land on Ashley Street is bound by low rise medium density housing on the western, southern and eastern boundaries and is subject to a change in grade between Ashley Street and Webb Avenue of 10 metres.

### PROPOSAL

The proposal seeks to amend the HLEP and HDCP as summarised below:

- Amend the Height of Building Map to increase the maximum permissible height as follows:
  - Site 1: from 26.5m (8 storeys) to 48m (15 storeys)
  - Site 2: from 26.5m (8 storeys) to 38.5m (12 storeys)
  - Site 3: from 10.5m (2 storeys plus attic) to 21.5m (6 storeys)
- Amend Clause 4.4(2D) of the HLEP to include public car parks as a ground floor use if the development is for the purpose of shop top housing.
- Amend the relevant figures in the HDCP to include Site 3 within the West Side Precinct (Part 4 Business of the HDCP) and amendments to reflect the desired built form, including building height, ground floor minimum setbacks, wall height and podium setbacks.

The supporting development concept seeks to provide a total of 108 hotel rooms / serviced apartments, 374 dwellings and 2,660m<sup>2</sup> of additional Club floorspace on the following sites:

- Retain the existing car park on Site 1 with the addition of a residential lobby, lift at the ground floor level, one additional level of parking and 10 additional residential levels containing 81 units.

The 240 existing car parking spaces would be retained and treatment would be made to the exterior facades of the parking levels, such as green walls, to mitigate the visual impacts of the proposal.

- Site 2 would be redeveloped with 327 car parking spaces (an increase of 253 spaces), of which 3 levels would be basement and 3 levels would be above ground.

Above the parking levels, 1,440m<sup>2</sup> of additional Club space is proposed with an additional six storey hotel / serviced apartment development containing approximately 108 rooms.

Above the existing Club auditorium, approximately 7 additional residential levels containing 56 units are proposed. Above the existing gaming area, 1 level is proposed to provide 1,220m<sup>2</sup> of floorspace for uses such as administration, gymnasium and meeting rooms for community groups.

- Site 3 would be developed for approximately 237 senior housing units in buildings ranging from 2 to 6 storeys over two stages.

The proponent provides the following justification for the proposal:

- The proposed seniors development would provide an alternative revenue stream to sustain the financial performance of the Club to maintain its ongoing services to the community.
- The proposed hotel facility would provide visitor accommodation within the Hornsby West Side precinct to service both visitors to the Club and commercial core of the Hornsby Town Centre.
- The Proposal is consistent with the *Metropolitan Strategy* by providing additional housing in close proximity to transport, business centres and employment opportunities.
- The target market for the senior housing development would be Club members of which 45% are aged over 65 years.

Should the rezoning proceed, future development applications would be determined by the Sydney North Planning Panel. It should also be noted that the concept plan is indicative only. Any future development application would not be limited to the submitted design concept and would be assessed against the relevant planning controls.

The proposal is supported by a traffic impact assessment and hotel feasibility study. The feasibility study concludes that the local market has the capacity to support an up-scale hotel type offering that would offer synergies with the conferencing and function venues of the Club.

## DISCUSSION

This report considers the merit of the Planning Proposal in relation to State and local planning policies and the potential impacts of the proposal. Details of preliminary consultation with adjoining land owners and submissions received are also summarised.

### 1. Strategic Context

The following State and local planning policies are relevant to the Proposal as discussed below.

#### 1.1 A Plan for Growing Sydney

A 'Plan for Growing Sydney' has been prepared by the NSW State Government to guide land use planning decisions over the next 20 years. The Plan sets a strategy for accommodating Sydney's future population growth and identifies the need to deliver 689,000 new jobs and 664,000 new homes by 2031. The Plan identifies that the most suitable areas for new housing are in locations close to jobs, public transport, community facilities and services.

The sites are located within and adjoining the West Side Precinct of the Hornsby Town Centre which was rezoned in December 2014. The proposal is generally consistent with Council's strategy for the West Side as it would locate new, mixed use dwellings and employment generating floor space in close proximity to the Hornsby Town Centre and train station.

#### 1.2 Draft North District Plan

The Greater Sydney Commission has been established as a dedicated new body which will drive the implementation of Regional Plans across Sydney's six districts. On 21 November 2016, the Commission released the draft North District Plan for comment. The draft Plan provides guidance in relation to job creation, housing supply and sustainability.

The draft North District Plan identifies (in part), the following priorities for the Hornsby Town Centre:

- Encourage revitalisation of the commercial core;
- Attract mixed-use development west of the railway line, encourage stronger integration within the centre, and encourage 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.

Implementation of the District Plan would be via Council initiated actions such as a review of the Hornsby Housing Strategy, Employment Lands Strategy and Local Environmental Plan. Given that Council recently revised its planning controls for the West Side and invited the RSL to submit a separate Planning Proposal, it is appropriate that Council consider progressing this amendment separately to a future review.

The proposal would be consistent with the draft North District Plan's priorities for the Hornsby Town Centre in relation to attracting mixed use development west of the railway line and would also be consistent with Action L3 *Councils to increase housing capacity across the district* and Action L4 *Encourage housing diversity* in relation to well-located senior housing.

### 1.3 Section 117 Local Planning Directions

Section 117 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* allows the Minister for Planning to provide direction to Council in relation to the preparation of draft local environmental plans.

The Directions that are most relevant to this Proposal are listed below.

**Direction 1.1 Business and Industrial Zones:** The Objectives of this Direction are:

- *To encourage employment growth in suitable locations;*
- *To protect employment land in business and industrial zones; and*
- *To support the viability of identified strategic centres.*

The Proposal is consistent with this Direction as the rezoning would not reduce the amount of commercial floorspace within the West Side Precinct. Redevelopment of the community car park would include provision for ground floor commercial uses as discussed in the report and the hotel development would be complimentary to uses within the remainder of the town centre.

**Direction 3.1 Residential Zones:** The Objectives of this Direction are:

- *To encourage a variety and choice of housing types to provide for existing and future housing needs;*
- *To make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services; and*

- *To minimise the impact of residential development on the environment and resource lands.*

The vacant land on the southern side of Ashley Street is currently zoned R3 Medium Density Residential and seniors housing is a permissible land use that meets the locational requirements of the Seniors Housing SEPP.

Whilst the proposal is absent of detailed analysis regarding the need for the development and its nexus to the Club, the draft North District Plan identifies that the growth in persons over the age of 65 to 2036 represents the largest future change in the population profile of the Hornsby LGA. Therefore, it is appropriate that Council consider opportunities to increase the density of land use for seniors housing in locations that enable access to cultural facilities and promote social inclusion and access to services.

However, managing speculation that other sites in Ashley Street zoned R3 Medium Density Residential may also be suitable for increased density requires consideration. Therefore, to address future planning arguments of precedent for increased residential density, Section 1.8 of this report sets out proposed amendments to the HLEP that ensure that only a senior housing development that is greater than two storeys may occur.

#### **1.4 Hornsby Community Plan 2013-2023**

The Hornsby Shire Community Plan is a 10 year vision that identifies the main priorities and aspirations for the future of Hornsby Shire and is Council's long term plan to deliver the best possible services for the Shire.

The relevant outcome indicators of the Plan which relate to the proposal are opportunities for seniors housing, increasing employment and use of sustainable transport. 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 high quality public transport.

#### **1.5 Housing Strategy**

The 2009, draft North Subregional Strategy set a target for the Hornsby LGA to achieve an additional 11,000 dwellings by 2031. This plan will be replaced by the draft North District Plan which includes a five year housing target of 4,350 (2016-2021) and further action to work with councils to establish a 20 year target to 2036.

Achievement of the five year target would be largely met by Council's existing 2011 Housing Strategy, Hornsby West Side Precinct and Epping Town Centre which was recently amalgamated with Parramatta City Council in accordance with the *Local Government (City of Parramatta and Cumberland) Proclamation 2016*.

The proposal would assist to achieve the long term target under the draft District Plan and would be consistent with Council's Housing Strategy which seeks to locate higher density residential development near centres which have convenient access to services and transport. This approach is essential to preserving the low density character of surrounding residential areas and also has benefits in relation to minimising environmental impacts and cost of infrastructure provision.

#### **1.6 Employment Lands Strategy**

Since 1994, Council's planning strategies for employment lands have been based on comprehensive studies. The most recent study undertaken was the Ku-ring-gai and Hornsby Subregional Employment Study (the 'Employment Study') in 2008. It aims to ensure local employment lands

strategies facilitate opportunities for the provision of an additional 13,500 jobs within the Subregion by 2031 (as required by the Metropolitan Strategy at the time).

The draft North District Plan proposes to increase this target to 18,000 jobs by 2036. The Hornsby Town Centre has approximately 419,696m<sup>2</sup> of employment generating floorspace generating approximately 14,300 jobs. Therefore, an additional 110,000m<sup>2</sup> of floorspace is required by 2036 to meet the new target.

The proposed mixed use redevelopment of the Club holdings would be consistent with the future job targets for the Hornsby Town Centre and would have a multiplier benefit in relation to the remainder of the centre.

### **1.7 Hornsby West Side**

In December 2014, amendments to the HLEP were finalised to increase the opportunity for mixed use residential development. The plan was supported by amendments to the HDCP to provide local planning controls and identify traffic improvements to be funded by the Shire Wide Section 94 Contributions Plan.

With the exception of the senior housing development on Site 3, the planning proposal is generally consistent with the existing strategy for the West Side. Assessment of the senior housing proposal would be more appropriately considered in relation to the context of the adjoining low / medium rise residential setting as discussed in Part 3 of this report.

### **1.8 Hornsby Local Environmental Plan 2013**

The following elements of the proposal are relevant to the HLEP.

#### **1.8.1 Height of Building Map**

The proposal to develop the vacant land on Ashley Street (Site 3) for a senior housing development up to 21.5m or 6 storeys would be out of character with the adjoining development and would not provide an appropriate transition of scale. The objective of the R3 Medium Density Residential zone is (in part) to provide a variety of housing types within a medium density residential environment.

A more appropriate approach would involve retaining the existing building height of 10.5m and amending Clause 4.3 Height of Building to enable an additional 3 storeys (17.5m) only if the development is for the purpose of a seniors housing development. This approach would ensure that development of greater intensity and traffic impact does not occur and would have the benefit of retaining the residential planning controls that apply to the site.

This approach would also ensure that a seniors housing development is of a similar scale to existing 5 storey developments within Council's Housing Strategy precincts. This would require revision of the concept plan to comply with Part 3.4 (Controls for 5 storey RFBs) of Council's HDCP with additional amendments as discussed in Section 3 of this report.

#### **1.8.2 Additional Permitted Use**

The proposal seeks to enable development above the existing Community Car Park (Site 1) by amending Clause 4.4(2D)(b) to insert public parking as the ground floor use of a shop top housing development. This approach would be inconsistent with the Standard Instrument definition of Shop Top Housing as "*one or more dwellings located above ground floor retail premises or business premises*". Similarly, development of residential units above the Club auditorium (Site 2) would also be inconsistent with the definition of shop top housing.

Council recently completed an amendment to the HLEP to enable ground floor community facilities as part of a mixed use residential flat building development at No. 10 Pembroke Street, Epping. A similar approach to permit a mixed use residential flat building above the existing Community Car Park structure and RSL Club would require an amendment to Schedule 1 – Additional Permitted Uses. The amendment would also require the provision of 400m<sup>2</sup> of commercial floorspace at the ground level of the Community Car Park to activate William Street and the laneway as per the concept plan.

This approach would not require any change to the existing FSR control of 3:1 which would apply to the redevelopment of Sites 1 and 2. Concept plans submitted with the proposal confirm this control would be appropriate.

## **2. Environmental Evaluation**

The environmental impacts related to the Proposal are discussed below.

### **2.1 Urban Design**

The Development Concept has been reviewed by a member of Council's Design Excellence Panel who advises that:

- Ground floor activation of the William Street car park and the eastern laneway adjoining the Sydney Water Pump Station with commercial floorspace is required to justify the proposal.
- The façade treatment of the William Street car park structure is critical to the quality of the public domain and should provide a visual transition from 2 to 5 storeys consistent with the DCP requirement.
- Development of the car park on Ashley Street should provide a 6m setback for deep soil planting along the boundary with Nos. 14 – 18 Ashley Street. The Ashley Street Club façade should be amended to provide Club or Hotel lobbies or other active uses.
- The proposed development of the vacant land on the southern side of Ashley Street should not refer to the RSL Club building for setback requirements and be no more than 5 storeys with a street wall no greater than 4 storeys along Ashley Street and 3 storeys along Webb Avenue to maintain a sensitive scale and transition to adjoining development.

A concept drawing of a development envelope that would be appropriate has been prepared by Council's Design Excellence Panel member and is attached to the Planning Proposal available for viewing on Council's website [www.hornsby.nsw.gov.au/property/development-applications/planning-proposals](http://www.hornsby.nsw.gov.au/property/development-applications/planning-proposals) (Document No. D07100508).

The development concept drawings detailed in the Planning Proposal demonstrate an appropriate outcome may be achieved. A future Development Application would not be restricted to the concept submitted, and would be required to demonstrate compliance with the HLEP, HDCP and Apartment Design Guide. Clause 6.8 of the HLEP requires that development consent not be granted unless the development exhibits design excellence. Assessment of this requirement would be informed by an independent assessment by a member of Council's Design Excellence Panel.

In principle, the development concept would be capable of meeting relevant floorspace and building separation requirements of the DCP and SEPP 65 Apartment Design Guideline subject to amendments as discussed in Part 3 of this report.

### **2.2 Traffic Assessment**

Council's traffic model to support the 2014 rezoning of the West Side Precinct identified limited free capacity to cater for additional trips based on the planned development of 1,000 additional dwellings.



The original model did not assume re-development of the Club lands and also assumed full take up of development opportunity.

To model the impact of the proposed development, the original Hornsby West Side Study Traffic Study has been updated by the proponent using the same traffic consultant previously engaged by Council. The following key assumptions were updated in relation to trip generation for all development sites, including the proposed development:

- Reduction of residential apartment trips from 0.29 trips per unit to 0.19 trips per unit in accordance with the Roads and Maritime Services *Guide to Traffic Generating Developments – Technical Direction 2013*.
- Compares vehicle trips and intersection performance based on 50% completion of all development within the West Side by 2021.
- Traffic distribution modified to assume 25% of traffic from the RSL precinct to use Frederick Street and Pretoria Parade.
- 20% reduction to Motel traffic rates due to assumed average occupancy of 80%.
- 50% reduction to Club traffic rates due to proximity to public transport, residential precincts and the findings of the RSL parking Study 2014.
- 20% reduction to Senior Living traffic rates due to proximity to amenities.
- Exclusion of AM peak traffic for senior housing which does not coincide with the commuter morning peak.

The modified assumptions above would result in total traffic volumes for the entire West Side Precinct that would slightly reduce the level of service for key intersections and translate into a small travel time increase through the precinct (south and north bound along Peats Ferry Road) of 3 – 5 seconds. Trips generated from the proposed RSL Club developments would contribute approximately 61 trips in the AM peak and 150 trips in the PM peak.

The traffic assessment considers all local traffic improvements identified in the HDCP and does not require any additional works to accommodate the proposal. In summary, the proposal is considered satisfactory on traffic grounds given the minor increase in delay that would be experienced at key intersections on Peats Ferry Road. This may be further mitigated over the longer term as full development of all land in the West Side Precinct may not occur.

### **2.3 Solar Access**

The proposal is supported by a shadow analysis that illustrates the impact of the proposal at 9am, 11am, 12pm, 1pm and 3pm on 21 June (winter solstice). Adjoining developments would maintain a minimum 2 hours of solar access consistent with the requirements of Council's HDCP and the NSW Government's Apartment Design Guide. Future impact would be similar to existing residential units that adjoin the William Street and Dural Street car parks where development up to 12 storeys is currently permitted.

### **2.4 Heritage Assessment**

The subject sites are located in the vicinity of the Peats Ferry Road Precinct of the Hornsby West Side Heritage Conservation Precinct. The Community Car Park is located adjacent the Hornsby War Memorial Hall which is a local heritage item (No.483), significant as a place of assembly and representative of Australia's role in foreign conflicts.

A Heritage Impact Assessment was not submitted to support the proposal and assessment of its impact has been made against the requirements of Part 9 Heritage of the HDCP. An increase of the permissible built form on the Hornsby RSL site would potentially impact the landscape values and visual backdrop of the War Memorial Hall.

Therefore, it is recommended as condition of the Gateway Determination that a heritage assessment be prepared by a suitably qualified heritage consultant to assess the heritage significance of the War Memorial Hall, future development constraints and opportunities of the site and the extent to which the carrying out of the Planning Proposal and proposed development would affect the heritage item. In this regard, improved 3 dimensional view and massing diagrams of the High Street and Ashley Lane elevations would be required.

### 3. HORNSBY DEVELOPMENT CONTROL PLAN

The proposal seeks to amend the HDCP to include the vacant land on Ashley Street (Site 3) into the commercial core also known as the West Side Precinct and to amend the West Side Precinct controls as summarised in Table 1 below.

Table 1: Proposed Setback Controls

Site	Existing	Proposed	Comment
<b>1. Community Car Park</b>			
No change	0	0	No change.
<b>2. Hornsby RSL Site</b>			
Ashley Street:	0-3m	0m	The proponent advises that car park component of the hotel development development would match the setback of the existing RSL Club which is considered appropriate.
Western Boundary:	6m	0m	A 6m minimum setback to the western boundary would be required to achieve an appropriate building setback and provision for deep soil landscaping.
<b>3. Seniors Housing Site</b>			
Ashley Street	7.6m	4m	The setback controls should be consistent with the prevailing setbacks in the adjoining residential area. Therefore, setbacks in accordance with Section 3.4 of the HDCP should apply. This would require front boundary setbacks of 10m, which can be reduced to 8m for 1/3 of the building width.  The side boundary setback should be increased, consistent with the ADG to 9m to reflect the change in scale with development on the western boundary.  Secondary setbacks above the street wall should also be provided as follows:
Forbes Street	7.6m	4m	
Webb Avenue	7.6m	6m	
Western Boundary	6m	6m	

			<p>Ashley Street: Streetwall up to 4 storeys with secondary setback of 3m.</p> <p>Webb Avenue: Streetwall up to 3 storeys with secondary setback of 6m.</p> <p>The above setback controls would ensure that a senior housing development provides an appropriate landscape setting. A re-design of the proponents concept plan would be required consistent the drawings detailed in the peer review report.</p>
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The proposal also seeks to amend the wall heights for street edge development upon which podium levels would be set back as detailed in Part 4 Business, Clause 4.5.5 Setbacks, Figure 4.5(o) of the HDCP. Table 2 outlines the proposed amendments:

Table 2: Proposed Wall Heights and Podium Setbacks

Site	Existing	Proposed	Comment
<b>1. Hornsby RSL and Community Car Park</b>			
William Street	2 storey	5 storey	<p>The Hornsby West Side <i>Podium Heights and Upper Floor Setback</i> requirements were recently amended to remove the 5 storey podium level on Station Street.</p> <p>Whilst the proposal is based on retaining the existing car park, should this not be feasible then it would appropriate to retain a 2 storey podium as per the northern side of William Street.</p> <p>Should a future report confirm that the existing car park structure is suitable to accommodate additional levels, a variation to the DCP control may be considered.</p>
Podium setbacks	3m	6m	The proposal to increase the setback line for the tower element from 3m to 6m to all property boundaries is supported and is consistent with the requirements of the ADG to provide an appropriate building separation as per the concept plan.
<b>2. Hornsby RSL Site</b>			
Ashley Street	NA	3 storeys	The HDCP does not indicate the desired wall height for the section of Ashley Street related to the proposal.

			The proponent advises that the car park structure would match the height of the existing RSL Club which is considered appropriate.
Ashley Lane	NA	3 storeys	Similar to Dural Lane, the podium height and setback would be extended along that part of the lane zoned B4 to coincide with the precinct boundary.
Podium Setback			
Ashley Street:	NA	3m	For Ashley Street and Lane, a podium setback of 3m consistent with the approach in the remainder of the precinct is appropriate.
Western boundary:	NA	6m	On the western boundary, a podium setback of 6 metres is proposed and would provide the required ADG separation of 12m.

Should the proposal receive a Gateway Determination, it would be necessary to exhibit the draft HDCP amendments which may be viewed on Council's website: [www.hornsby.nsw.gov.au/property/development-applications/planning-proposals](http://www.hornsby.nsw.gov.au/property/development-applications/planning-proposals) (Document No. D07137316). Exhibition would occur concurrently with the Planning Proposal.

#### 4. CONSULTATION

The outcomes of the preliminary notification undertaken by Council and further statutory requirements for the proposal, should it proceed to Gateway Determination, are detailed below.

##### 4.2 Preliminary Notification

The Planning Proposal was exhibited for non-statutory preliminary comment between 2 June 2016 and 17 June 2016. A notice was placed on Council's website and in the Hornsby Advocate. Letters were sent to adjoining property owners and copies of the Planning Proposal were made available for inspection at Council's Administration Building and Hornsby Library.

During the notification period, a total of 33 submissions were received, including:

- 6 form letters supporting the Planning Proposal;
- 4 form letters opposing the Planning Proposal;
- 8 individual letters supporting the Planning Proposal; and
- 15 individual letters opposing the Planning Proposal.

Supporting letters referred to the benefits of seniors living housing and housing choice and noted that the proposal would be consistent with the approach of increasing building height in the West Side Precinct. Improvements to car parking and the location of housing in close proximity to public transport were also raised.

Submissions opposing the Proposal raised concerns in relation to the following issues:

- Overshadowing of adjoining residential development;
- Traffic congestion and on street car parking;
- Pedestrian safety in Ashley Lane;

- Building design, vehicle entrance locations and ramps;
- Noise impact from additional parking levels on William Street;
- Context and scale of the proposed Senior Living development; and
- Heritage impact the War Memorial Hall and solar access to the War Memorial and Tree Palms adjacent to the Hornsby Railway Station.

The above concerns have been addressed in part by amendments to the concept plan and traffic assessment as resubmitted. Furthermore, the recommendation by Council's Design Excellence Panel to reduce the maximum building height of the proposed Senior Housing development to 5 storeys and to require additional secondary setbacks would ensure an appropriate scale relationship with existing two storey dwellings.

According to Council's records, no significant safety issues or events have occurred in relation to access via Ashley Lane. Redevelopment of the Club lands would provide further opportunity to improve visibility, casual surveillance and embellishment of the lane with improved street lighting and line marking. Further assessment of this issue would be appropriate at the Development Application stage.

Concern regarding solar impact on the War Memorial Park adjacent to the Hornsby Railway Station is noted. This area would be impacted by all future adjoining developments with permitted building heights between 20 and 25 storeys. Recent amendments to the Hornsby HDCP to require slim line towers would ensure that shadow impact is limited.

#### **4.3 Formal Consultation**

"A guide to preparing local environmental plans" has been prepared by the DP&E to assist councils in preparing planning proposals and LEPs. Should Council resolve to proceed with the Planning Proposal, and Gateway Authorisation is issued by the DP&E, consultation would be undertaken in accordance with the Gateway Determination requirements.

### **5. STATUTORY CONSIDERATIONS**

The preparation of a Planning Proposal is the first step in the process of requesting changes to a planning instrument. Should Council resolve to proceed with the Proposal to Gateway Determination, the DP&E would confirm the technical studies required and relevant parts of the Planning Proposal to be updated or amended prior to public exhibition.

As part of the Gateway Authorisation process, Section 23 of the EP&A Act allows the Minister and the Director-General 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 the Department of Planning and Environment on 3 March 2013.

On the grounds that the planning proposal is consistent with the types of draft LEPs to be routinely delegated by the DP&E, it is recommended that Council exercise the Authorisation in this instance.

### **BUDGET**

The evaluation and advertising of the Planning Proposal is covered by the fee paid to Council for lodgement of the Proposal in accordance with Council's adopted fees and charges.

### **POLICY**

There are no policy implications associated with this Report.

### **CONCLUSION**

The proposed Club development seeks amendments to the HLEP and HDCP to support opportunity for increased car parking, club space, residential units and a seniors housing development. As the proposal is partly located within the West Side Precinct of the Hornsby Town Centre, it is appropriate to consider the increase in building height consistent with the remainder of the precinct.

With respect to the vacant land on Ashley Street, the proposed senior housing development would be supported subject to a reduced building height of 5 storeys and increased side setbacks consistent with development in Council's Housing Strategy Precincts. This would require the re-design of the concept plan that may be undertaken as a condition of Gateway Determination.

The Proposal would have acceptable environmental impacts with traffic movements to be accommodated by planned improvements to key intersections on Peats Ferry Road. Accordingly, it is recommended that Council forward to the Proposal to the DP&E for Gateway Determination and endorse exhibition of the proposed amendments to the Hornsby Development Control Plan available for viewing on Council's website [www.hornsby.nsw.gov.au/property/development-applications/planning-proposals](http://www.hornsby.nsw.gov.au/property/development-applications/planning-proposals) (Document No. D07100508).

### **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:**

There are no attachments for this report.

File Reference: PP/1/2016  
Document Number: D07131992

AGAINST: NIL

**7 PL7/17 Planning Proposal - Hornsby RSL Club**

**(PP/1/2016)**

Note: COUNCILLOR AZIZI declared a Less Than Significant Non-Pecuniary Interest in this Item under Clause 51A of Council's Code of Meeting Practice (see Declarations of Interest in these Minutes). The nature of the interest was stated by COUNCILLOR AZIZI on the Declaration of Interest form as "The company I currently work with 'Vision Training Institute', has in the past had dealings with Hornsby RSL Club, in training their staff" and the explanation of why the interest does not require further action in the circumstances was "To date I have had no direct meetings or business transaction with Hornsby RSL Club through Vision".

Ms Jacqueline Slee of Hornsby, addressed Council regarding this item.

Mr Julian Elliott of Hornsby, addressed Council regarding this item.

Mr Bill Chen of Hornsby, addressed Council regarding this item.

Mr David Lousick on behalf of the applicant, addressed Council regarding this item.

RESOLVED ON THE MOTION OF COUNCILLOR TILBURY, seconded by COUNCILLOR ANISSE

THAT:

1. Council forward the Hornsby RSL Planning Proposal attached to Group Manager's Report No. PL52/16 (Document No. D07100508) to the Department of Planning and Environment for a Gateway Determination with amendments to permit development up to five storeys on property Nos. 7-19 Ashley Street and 2-4 Webb Avenue, Hornsby, only if the development is for the purpose of a seniors housing development.
2. The General Manager be authorised to endorse the re-drafting of the Planning Proposal into the required format under Council's cover for Gateway Determination.
3. In accordance with the plan making powers delegated to Council, Council exercise Authorisation to prepare and make the Planning Proposal following the receipt of the Gateway Authorisation.
4. Council endorse the attached amendments to the Hornsby Development Control Plan (Document No. D07137316) to be exhibited concurrently with the Planning Proposal.
5. Following the exhibition, a report on submissions received be presented to Council.
6. The proponent and submitters be advised of Council's resolution.

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

AGAINST: NIL