

PLANNING PROPOSAL

Hornsby RSL Club
PP/1/2016

January 2018

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INTRODUCTION

This Planning Proposal explains the intent of, and justification for, the proposed amendment to *Hornsby Local Environmental Plan 2013* for the following sites:

- Hornsby RSL Club and Community Car Park ('Site 1') – Properties Nos. 1A – 7 William Street (Lot 1 DP 432351, Lot 1 DP 817649 and Lot 13 Sec 3 DP 1880) and Property No. 2 Ashley Lane, Hornsby (Lot 9 DP 655107);
- Hornsby RSL Club ('Site 2') – Property No. 4 High Street, Hornsby (Lot 2 DP 817649); and
- Vacant Parcel of Land including 19 Ashley Street, Hornsby ('Site 3') – Properties Nos. 7 - 17 Ashley Street and Properties Nos. 2-4 Webb Avenue, Hornsby (Lots 1, 2, 3, 4, 5, 6, 7 & 8 DP 222907).

The sites (see Figure 1 – Location Map in Part 4 of this planning proposal) are owned by the Hornsby RSL Club and are located on the western side of the Hornsby Railway Station. The Club is seeking an amendment of the *Hornsby Local Environmental Plan 2013 (HLEP)* and *Hornsby Development Control Plan 2013 (HDCP)* to facilitate the development of three land holdings for the following uses:

- Site 1: Permit a residential flat building up to 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: Increase the building height from 8 to 12 storeys to enable a hotel / serviced apartments and associated parking and permit a residential flat building above the existing Club.
- Site 3: Permit development up to 5 storeys for the purpose of seniors housing only and place a maximum limit on the number of car spaces to ensure the number provided only supports that required for seniors housing and is not beyond the capacity of the local road network.

This Planning Proposal has been prepared in accordance with the *Environmental Planning and Assessment Act 1979 (EP&A Act)* and the Department of Planning and Environment's 'A Guide to Preparing Planning Proposals' August 2016.

BACKGROUND

In December 2014, amendments to the *HLEP* were made 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 Community Car Park (Site 1) and Hornsby RSL Club (Site 2).

During the exhibition period of the Hornsby 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 (Site 3) in Ashley Street into the West Side Precinct. The submission was accompanied by a concept plan detailing the potential built form of a future Club redevelopment.

As detailed in Group Manager's Report PL/41/2014 (see Appendix C), the request was not progressed as it was outside the scope of the West Side Planning Proposal and would require amendment and re-exhibition. The proponent was invited to submit a separate planning proposal for the RSL Club land holdings.

On 13 May 2016, a Planning Proposal was submitted on behalf of the RSL Club to amend the *HLEP* and *HDCP*.

A non-statutory preliminary exhibition of the Planning Proposal was held between 2 June and 17 June 2016. Thirty three submissions were received expressing concerns regarding traffic impact, pedestrian safety, urban design, overshadowing, noise and heritage impact.

Analysis of the submissions and documentation lodged to Council was undertaken by staff and Council's Design Excellence Panel. In response to urban design and traffic comments, an updated concept plan and traffic assessment was submitted on 21 October 2016.

On 8 February 2017, Council considered Group Manager's Report PL7/17 regarding the Planning Proposal and resolved to forward the application to the Department of

Planning and Environment (DP&E) for Gateway Determination. Council also resolved that the associated draft *HDCP* amendments be exhibited concurrently with the proposal. A copy of Council's resolution is attached (see Appendix C).

On 14 June 2017, a Gateway Determination was issued allowing the Planning Proposal to proceed subject to conditions, including that prior to community consultation it be updated to:

- Include a heritage assessment, which assesses the heritage significance of the War Memorial Hall heritage item, identifies development constraints and opportunities, and to what extent the proposed development would affect the heritage item;
- Identify the maximum number of car spaces needed to support the proposed senior housing site and identify a parking cap; and
- Include minor amendments to the text and maps in the planning proposal for clarity and consistency purposes.

The Gateway Determination identified a maximum LEP making timeframe of 12 months, community consultation for a minimum of 28 days and requirements for consultation with agencies. Authorisation for Council to exercise its delegation for plan making functions to amend *Hornsby Local Environmental Plan 2013* was issued concurrently with the Gateway Determination. A copy of the Gateway Determination is attached (see Appendix D).

In December 2017, a heritage assessment was submitted by the Club (copy attached at Appendix D), including an amended Site 2 massing diagram, and a request for reduction of the proposed height over part of Site 2 to respond to the findings of the heritage assessment. The High Street facing portion of the site (approximately one third of the site area) is now proposed to remain at the current maximum building height control of 26.5 metres for the extent that it adjoins the southern boundary of 2 High Street.

The objective of this revision, resulting in a transition in height across Site 2, is to reflect the intention of the Club that the existing RSL Club building on that portion of the site is not proposed for redevelopment and to provide an appropriate relationship (in terms of maximum height) to the Hornsby War Memorial Hall.

PART 1 - OBJECTIVES OR INTENDED OUTCOMES

The objectives or intended outcomes of the Planning Proposal are as follows:

- Site 1: Permit a residential flat building up to 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: Increase the building height from 8 to 12 storeys over the rear two thirds of the site to enable a hotel / serviced apartments and associated parking and permit a residential flat building above the existing Club.
- Site 3: Permit development up to 5 storeys for the purpose of seniors housing only and place a maximum limit on the number of car spaces to ensure the number provided only supports that required for seniors housing and is not beyond the capacity of the local road network.

PART 2 - EXPLANATION OF THE PROVISIONS

The objectives and intended outcomes, by site number, are proposed to be achieved by making the following amendments to the *HLEP 2013*:

- **Site 1:** Amend the existing maximum building height control (Height of Buildings Map) to increase the height permissible to be a maximum of 38.5 metres (12 storeys) and to include, as an additional land use permissible with consent (under Schedule 1 Additional permitted uses), the opportunity for a residential flat building above the existing car park only where associated with commercial floor space at street level.
- **Site 2:** Amend the existing maximum building height control (Height of Buildings Map) to increase the height permissible over the rear two-thirds of the site from 8 storeys (26.5 metres) to 12 storeys (38.5 metres) to facilitate a redevelopment comprising a hotel / serviced apartments and associated parking, and to include, as an additional land use permissible with consent (under Schedule 1 Additional permitted uses), the opportunity for a residential flat building above the existing Club.
- **Site 3:** Amend the existing maximum height of buildings clause (4.3 Height of buildings) and the Height of Buildings Map to identify a maximum height applicable of 17.5 metres (5 storeys) for seniors housing development only on this site (retaining the maximum building height for all other R3 permitted land uses at 10.5 metres). Add a local provision (under Part 6 Additional local provisions) which identifies a maximum limit on number of car spaces associated with redevelopment of the site for seniors housing to ensure the scale of seniors housing development at the greater height does not unreasonably increase local traffic.

More specifically, *Hornsby Local Environmental Plan 2013* is proposed to be amended as follows:

<p>Height of Building Map</p>	<p>Amend Map Sheet HOB_017 to show the maximum building heights for the following sites:</p> <p>(1) Property Nos. 1A – 7 William Street (Lot 1 DP 432351, Lot 1 DP 817649 and Lot 13 Sec 3 DP 1880) and Property No. 2 Ashley Lane, Hornsby (Lot 9 DP 655107): 48m or 15 storeys</p> <p>(2) Property No. 4 High Street, Hornsby (Lot 2 DP 817649): Part 26.5m or 8 storeys and part 38.5m or 12 storeys</p>
<p>Schedule 1 Additional Permitted Uses</p>	<p>Insert after 8:</p> <p>9 Use of certain land at William Street and Ashley Lane, Hornsby</p> <p>(3) This clause applies to land identified as “Area 9” on the Additional Permitted Uses Map being property Nos. 1A – 7 William Street (Lot 1 DP 432351, Lot 1 DP 817649 and Lot 13 Sec 3 DP 1880) and Property No. 2 Ashley Lane, Hornsby (Lot 9 DP 655107).</p> <p>(4) Development for the following purposes is permissible with development consent:</p> <p>(a) Residential flat building above existing 4 storey community car park, where the use of 400sq.m of gross floor area on the ground floor is for the purpose of commercial premises.</p> <p>10 Use of certain land at High Street; Hornsby</p> <p>(1) This clause applies to land identified as “Area 10” on the Additional Permitted Uses Map being property No. 4 High Street, Hornsby (Lot 2 DP</p>

	<p>817649).</p> <p>(2) Development for the following purposes is permissible with development consent:</p> <p>(a) Residential flat building above existing Club.</p>
Additional Permitted Uses Map	Amend map sheet APU_017 to identify Area 9 and Area 10 as referenced in Schedule 1.
Clause 4.3 Height of Building	<p>Insert after (2)</p> <p>(3) Despite subclause (2), the height of building for development on land identified as "Area 1" on the Height of Building Map may exceed the building height up to a maximum height of 17.5m if development is for the purpose of seniors housing.</p>
Clause 6.10 Maximum	<p>Insert after Clause 6.9</p> <p>Clause 6.10 Maximum number of car parking spaces for seniors housing on certain land at Hornsby</p> <p>(1) The objectives of this clause are as follows:</p> <p>(a) to identify the maximum number of car parking spaces that may be provided to service the use of land for seniors housing,</p> <p>(b) to minimise the amount of traffic generated because of proposed seniors housing development.</p> <p>(2) If development for seniors housing that includes car parking spaces in connection with that use is on land identified as "Area 1" on the Height of Buildings Map, the development must provide no more than:</p> <p>(a) 119 spaces for residents,</p> <p>(b) 21 spaces for visitors.</p>

	<p>(3) The number of car parking spaces to be provided for seniors housing development on land identified as "Area 1" on the Height of Buildings Map, is to be calculated:</p> <p>(a) at a rate of:</p> <p>(i) 0.5 parking spaces to be provided for every bedroom,</p> <p>(ii) 1 parking space to be provided for every 5 dwellings for visitors,</p> <p>(b) by including any existing car parking spaces and car parking spaces approved in connection with that use on land identified as "Area 1" on the Height of Buildings Map.</p>
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Note: The draft clauses identified in this table are indicative only and will be subject to legal drafting. Accordingly, the draft clauses may alter in the process of preparing amendments to the *Hornsby Local Environmental Plan 2013*.

PART 3 – JUSTIFICATION

Section A - Need for the planning proposal

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

No.

In 2014, a Planning Proposal for the Hornsby West Side was finalised by Council to enable shop top housing development up to 15 and 25 storeys. This amendment was informed by a master plan study prepared by JBA and supported by a detailed traffic assessment, economic study and heritage assessment.

The current proposal relates to land that is partly within and external to the West Side precinct. The proposed land uses would compliment and support the role and function of the Hornsby Town Centre and would also be consistent with the Sydney Metropolitan Strategy and draft North District Plan.

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

Yes.

Proceeding with a stand-alone planning proposal is considered appropriate in this instance to enable the timely consideration of urban design, traffic and heritage related issues.

3. *Is there a net community benefit?*

The Planning Proposal would provide the following community benefits:

- Well located residential and hotel development in close proximity to transport, shops and services.
- Addresses the growing need for senior housing development and is well located with respect to support services.
- Would ensure that future development of the vacant land on Site 3 would only be developed up to five storeys for the purpose of senior housing.

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 relevant objectives and actions outlined in the Sydney Metropolitan Strategy 'A Plan for Growing Sydney'.

'A Plan for Growing Sydney' 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 Proposal is consistent with the strategy as it would allow for the delivery of hotel accommodation, residential flat buildings and employment generating floor space in close proximity to the Hornsby Town Centre and train station.

The draft North District Plan provides guidance in relation to job creation, housing supply and sustainability. Accordingly, the draft North District Plan identifies that the revitalisation of the commercial core and attracting further mixed-use development west of the railway line as a priority to allow for stronger integration with the centre and encourage the development of a lively restaurant strip.

- 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 the applicable strategies outlined in the *Hornsby Shire Community Plan 2013-2023*. 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.

- 6. Is the planning proposal consistent with applicable state environmental planning policies?**

Yes.

The Planning Proposal is consistent with applicable State Environmental Planning Policies (SEPPs) (see Appendix A).

The proposed Seniors Living component of the Proposal would be consistent with *SEPP (Housing for Seniors or People with a Disability) 2004*. The vacant land on the southern side of Ashley Street is currently zoned R3 Medium Density Residential. Seniors housing is a permissible land use that meets the locational requirements of the *Seniors Housing SEPP*.

7. *Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?*

Yes.

The Proposal is consistent with applicable Ministerial Directions (see Appendix B).

Direction 1.1 'Business and Industrial Zones' is applicable to the proposal. The objectives of the Direction indicate the importance of encouraging employment growth and protecting employment land in identified strategic centres. The proposal is consistent with this Direction as it would not reduce the amount of commercial floor space within the West Side precinct. Redevelopment of the Community Car Park (Site 1) would include provision for ground floor commercial uses and the hotel development would be complimentary to the remainder of the town centre.

Direction 3.1 'Residential Zones' relates to housing variety and choice to provide for existing and future needs. This Direction also outlines the importance of making efficient use of existing infrastructure whilst also minimising the impact of residential development on the environment and resource lands. The opportunity to provide a seniors housing development up to five storeys on Site 3 would be consistent with the Direction due to the relationship of the development to the adjoining RSL Club and other facilities within the Hornsby Town Centre.

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.

Critical habitat or threatened species, populations or ecological communities, or their habitats would not be impacted as a result of this Planning Proposal.

9. *Are there any other likely environmental effects as a result of the planning proposal and how they are proposed to be managed?*

Yes.

The Planning Proposal proposes to increase the maximum building height on three sites in close proximity to the commercial core of the West Side of Hornsby and the train station. The proposal would have impacts related to urban design, traffic management, solar access and heritage that require careful consideration.

The proposed development concept submitted with the Proposal has been evaluated by a member of Council's Design Excellence Panel. In response to issues raised, matters relevant to the LEP and DCP have been amended by the proponent to ensure the proposal would be capable of meeting the requirements of the Apartment Design Guideline. Other issues such as ground floor activation, location of entrances, materials and façade treatments would be more appropriately considered at the Development Application stage.

As outlined in Council's assessment report, the concept plan that supports the proposal is indicative only. Any future development application would be required to demonstrate compliance with the *HLEP*, *HDCP* and Apartment Design Guide.

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. Traffic improvements for the local area were also identified as part of the 2014 rezoning and implemented via amendments to the Hornsby DCP and S94 Contributions Plan. Based on updated modelling provided by the applicant, no additional traffic facilities are required to support the proposal which would contribute approximately 61 trips in the AM peak and 150 trips in the PM peak.

The Proposal is supported by a shadow analysis that illustrates the impact of the Proposal. Adjoining development would maintain a minimum of 2 hours of solar access consistent with the requirements of Council's *HDCP* and the NSW Government's Apartment Design Guide.

The subject sites are located in the vicinity of the Peat's Ferry Road Precinct of the Hornsby West Side Heritage Conservation Area. The Community Car Park is located adjacent to the Hornsby War Memorial Hall which is a local heritage listed item. The Hall is significant as a place of assembly and represents Australia's role in foreign conflict.

Group Manager's Report (PL7/17) discusses the potential impact of the proposal on the heritage values of the Hall and recommends that a Heritage Impact Assessment should be prepared as a condition of the Gateway Determination. Condition 1(c) of the Gateway Determination required the preparation of a heritage assessment.

In accordance with Condition (c) of the Gateway Determination, a heritage assessment has been submitted for the heritage item at 2 High Street, Hornsby, being *Statement of Heritage Impact (amended) Hornsby War*

Memorial Hall for Hornsby RSL Club – dated November 2017 (copy attached – see Appendix E). As a result of the heritage assessment, the proponent is also proposing a reduction in the maximum height of building for that part of the Hornsby RSL Club property at 4 High Street, Hornsby (Lot 2 DP 817649, referred to as Site 2 under the Planning Proposal) located immediately adjacent to the Hornsby War Memorial Site. The High Street facing portion of the site (approximately one third of the site area) is now proposed to remain at the current maximum building height control of 26.5 metres for the extent that it adjoins the southern boundary of 2 High Street. The objective of this revision, resulting in a transition in height across Site 2, is to reflect the intention of the Club that the existing RSL Club building on that portion of the site is not proposed for redevelopment and to provide an appropriate relationship (in terms of maximum height) to the Hornsby War Memorial Hall.

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

The planning 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.

The proposal to expand the Club facilities and provide a hotel development would assist with meeting future job targets outlined in the draft North District Plan and benefit other land uses within the Hornsby Town Centre who rely on close, high quality accommodation and conferencing facilities. The proposal may also have a multiplier benefit to the local economy.

Section D - State and Commonwealth interests

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

Yes.

Services are available in the vicinity of the site. The Proposal would not impose any additional demands on local infrastructure, public or community services. The sites are located in close proximity to existing bus and train services (approximately 400m).

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

Consultation would occur with the public authorities identified in the Gateway Determination, including Transport for NSW, NSW Police, Office of Environment and Heritage and NSW Fire Service.

PART 4 - MAPS

1. Information Maps: Location, Land Use Zones, Hornsby West Side

The three sites affected by the Planning Proposal are identified on the maps below.

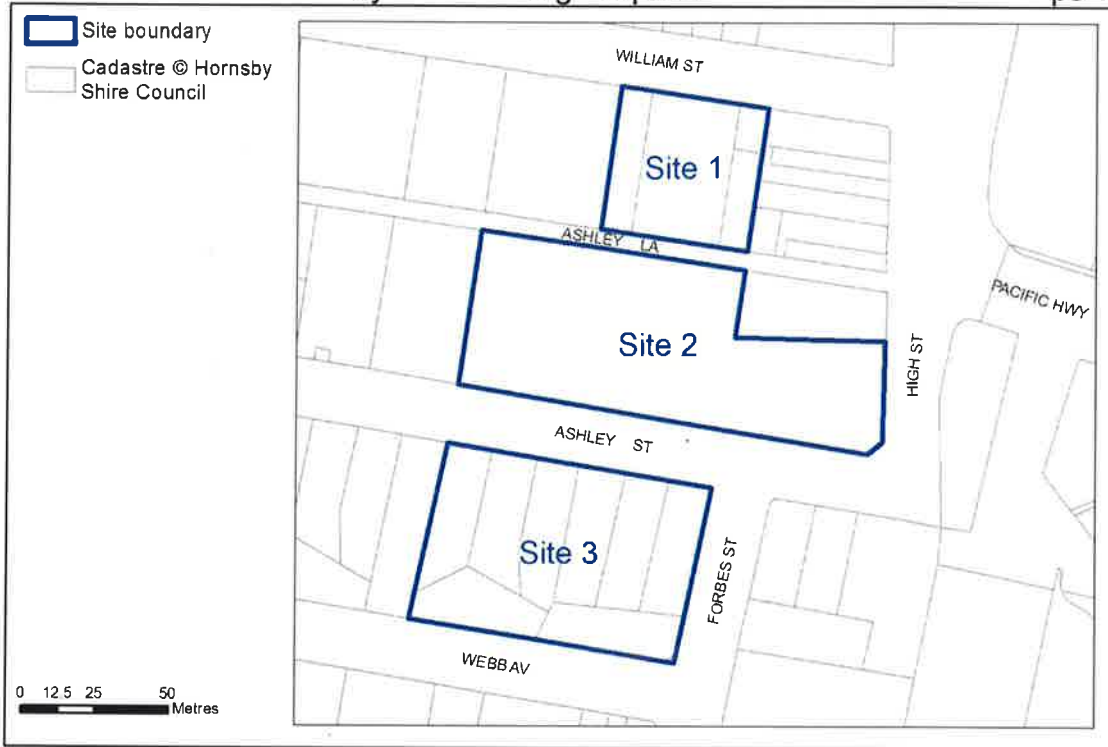


Figure 1: Location Map: The subject sites are identified edged heavy blue.

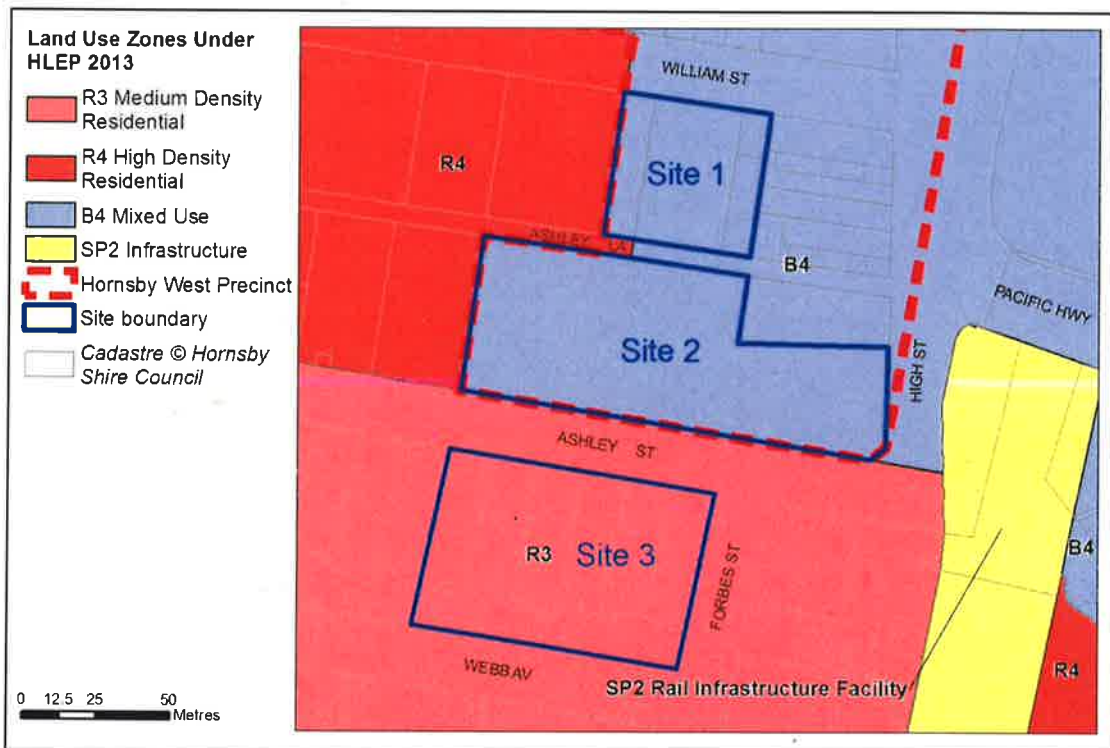


Figure 2: Current Land Use Zones and Extent of Hornsby West Side Precinct

2. Proposed Map Amendments: Height of Buildings Map

The Planning Proposal seeks to amend Sheet 17 Height of Buildings Map (HOB Map Identification number: 4000_COM_HOB_017_020_20141114). The current maximum heights for the subject sites and their vicinity are identified in **Figure 3** and the proposed heights are illustrated in **Figure 4** below

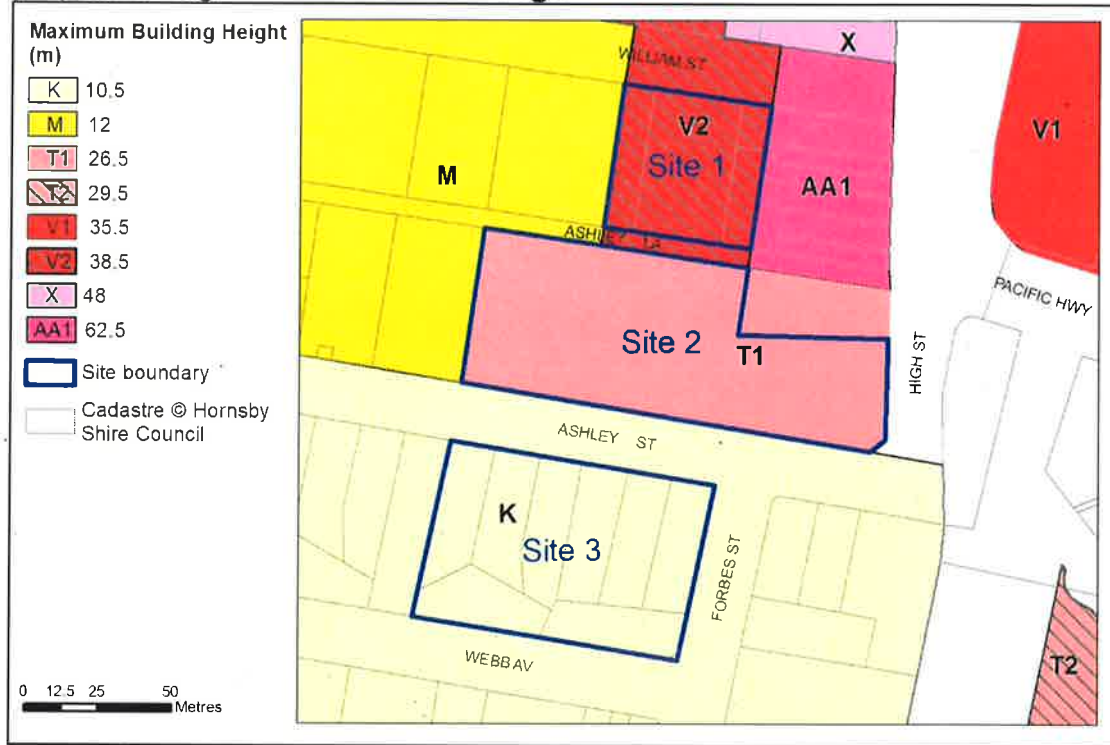


Figure 3: Current HLEP 2013 Height of Buildings Map

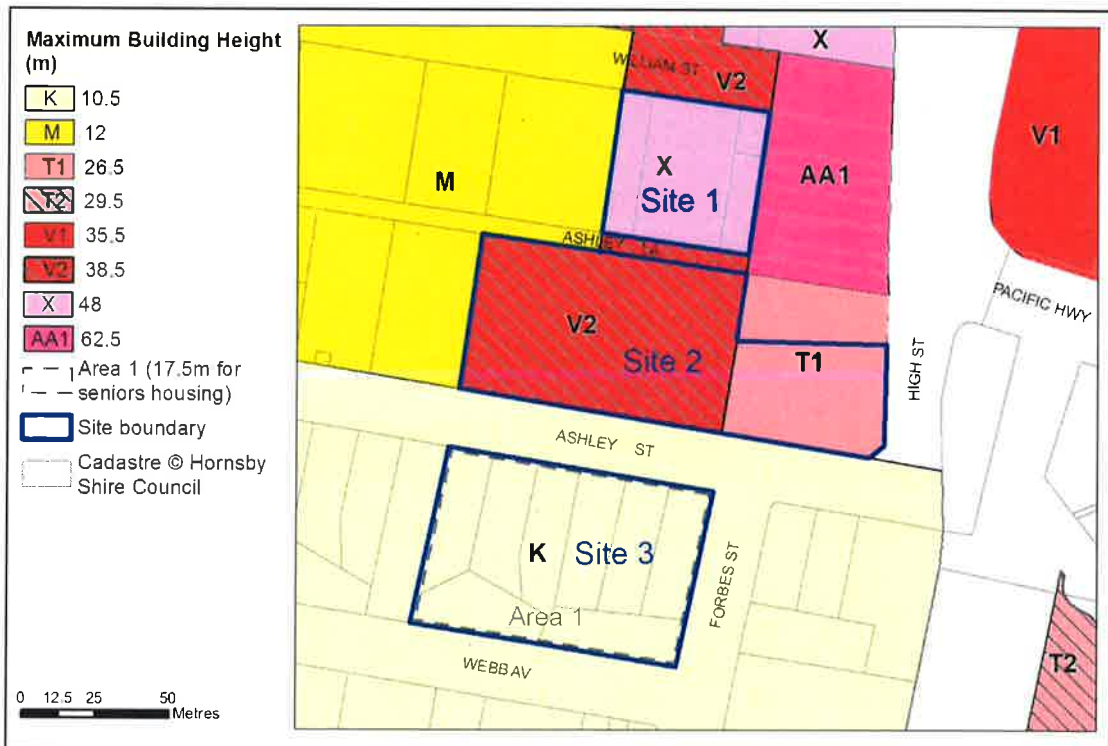


Figure 4: Proposed amendments to HLEP 2013 Height of Buildings Map

3. Proposed Map Amendment: Additional Permitted Uses Map

The Planning Proposal seeks to amend Sheet 17 of the *Hornsby Local Environmental Plan 2013 Additional Permitted Uses Map* (Map identification number: 4000_COM_APU_017_020_20130805) to add new areas "Area 9" and "Area 10". The purpose of this amendment is to identify the properties associated with the additional above ground floor uses proposed for Sites 1 and 2 under Schedule 1 Additional Permitted Uses (see also Part 2 – Explanation of Provisions under this Planning Proposal).

The proposed amendments are included in the map shown in **Figure 5** below.

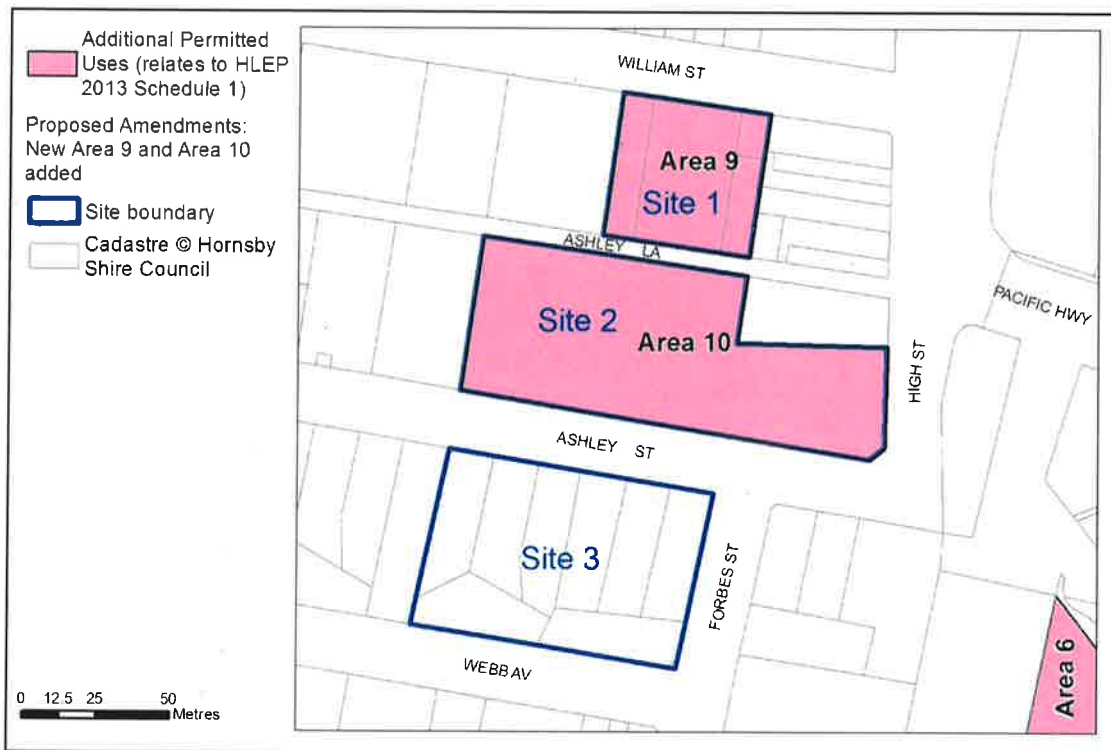


Figure 5: Proposed additions to the HLEP 2013 Additional Permitted Uses Map

PART 5 - COMMUNITY CONSULTATION

In accordance with “*A guide to preparing local environmental plans*” prepared by the Department of Planning and Environment (2016), and the Gateway Determination issued 14 June 2017, the consultation strategy will include:

Advertisement in the local newspaper

An advertisement placed in the Hornsby Advocate identifying the purpose of the Planning Proposal and where the Planning Proposal can be viewed.

Advertisement on the Council website

The Planning Proposal would be exhibited on Council's website (www.hornsby.nsw.gov.au/) under 'On Exhibition'. Council's libraries have access to the website.

Letters to affected owners

A letter would be sent to landowners who adjoin or are in close proximity to the site, and those who made submissions in response to the preliminary non-statutory exhibition of the Planning Proposal and supporting documents, advising them of the exhibition of the Proposal and inviting submissions.

Displays at the Council Administration Buildings and local libraries

The Planning Proposal would be displayed at the Council Administration Centre, 296 Pacific Highway, Hornsby and the Hornsby Library.

Consultation with Authorities

A copy of the Planning Proposal and relevant supporting material will be provided to the public authorities identified in the Gateway Determination, including Transport for NSW – Roads and Maritime Services; Transport for NSW – Sydney Trains; relevant authorities for the supply of water, electricity and the disposal and management of sewage; as well as NSW Police, Office of Environment and Heritage, and NSW Fire Service.

PART 6 – PROJECT TIMELINE

Weeks after Gateway Determination	Item
0	Gateway Determination
31	Exhibition Start
36	Exhibition end
37	Consideration of submissions from exhibition
42	Report to Council on submissions
43	Request draft instrument be prepared

Appendix A – State Environmental Planning Policy Checklist

SEPP Title	Comment
SEPP 1. Development Standards	Consistent The Planning Proposal does not contain provisions that contradict or would hinder application of this SEPP.
SEPP 2. Minimum Standards for Residential Flat Development	Repealed
SEPP 3. Castlereagh Liquid Waste Disposal Depot	Repealed
SEPP 4. Development Without Consent and Miscellaneous Complying Development	Repealed
SEPP 6. Number of Storeys in a Building	Repealed
SEPP 7. Port Kembla Coal Loader	Repealed
SEPP 8. Surplus Public Land	Repealed
SEPP 9. Group Homes	Repealed
SEPP 10. Retention of Low-Cost Rental Accommodation	Repealed
SEPP 11. Traffic Generating Developments	Repealed
SEPP 12. Public Housing (Dwelling Houses)	Repealed
SEPP 13. Sydney Heliport	Repealed
SEPP 14. Coastal Wetlands	Not applicable
SEPP 15. Rural Land-Sharing Communities	Repealed
SEPP 16. Tertiary Institutions	Repealed
SEPP 17. Design of Building in Certain Business Centres	Not Made
SEPP 18. Public Housing	Not Made
SEPP 19. Bushland in Urban Areas	Not applicable
SEPP 20. Minimum Standards for Residential Flat Development	Repealed
SEPP 21. Moveable Dwellings	Not applicable
SEPP 22. Shops and Commercial Premises	Not applicable
SEPP 24. State Roads	Not Made
SEPP 25. Residential Allotment Sizes	Repealed
SEPP 26. Littoral Rainforests	Not applicable
SEPP 27. Prison Sites	Repealed
SEPP 28. Town Houses and Villa Houses	Repealed
SEPP 29. Western Sydney Recreational Area	Repealed
SEPP 30. Intensive Agriculture	Not applicable
SEPP 31. Sydney (Kingsford Smith) Airport	Repealed
SEPP 32. Urban Consolidation (Redevelopment of Urban Land)	Repealed
SEPP 33. Hazardous and Offensive Development	Not applicable
SEPP 34. Major Employment Generating Industrial Development	Repealed
SEPP 35. Maintenance Dredging of Tidal Waterways	Repealed
SEPP 36. Manufactured Home Estates	Not applicable
SEPP 37. Continued Mines and Extractive Industries	Repealed
SEPP 38. Olympic Games and Related Development Proposals	Repealed
SEPP 39. Spit Island Bird Habitat	Repealed
SEPP 40. Sewerage Works	Not Made
SEPP 41. Casino/Entertainment Complex	Repealed

SEPP 42. Multiple Occupancy and Rural Land	Repealed
SEPP 43. New Southern Railway	Repealed
SEPP 44. Koala Habitat Protection	Not applicable
SEPP 45. Permissibility of Mining	Repealed
SEPP 46. Protection and Management of Native Vegetation	Repealed
SEPP 47. Moore Park Showground	Not applicable
SEPP 48. Major Putrescible Landfill sites	Repealed
SEPP 50. Canal Estates	Not applicable
SEPP 51. Eastern Distributor	Repealed
SEPP 52. Farm Dams and Other Works in Land and Water Management Plan Areas	Not applicable
SEPP 53. Metropolitan Residential Development	Repealed
SEPP 54. Northside Storage Tunnel	Repealed
SEPP 55. Remediation of Land	Consistent. The Planning Proposal is consistent with SEPP 55. Analyses of Council records indicate that no known contamination risks are affiliated with the sites.
SEPP 56. Sydney Harbour Foreshores and Tributaries	Repealed
SEPP 58. Protecting Sydney's Water Supply	Repealed
SEPP 59. Central Western Sydney Economic and Employment Area	Repealed
SEPP 60. Exempt and Complying Development	Repealed
SEPP 61. Exempt and Complying Development for White Bay and Glebe Island Ports	Repealed
SEPP 62. Sustainable Aquaculture	Not applicable
SEPP 63. Major Transport Projects	Repealed
SEPP 64. Advertising and Signage	Not applicable
SEPP 65. Design Quality of Residential Flat Development	Consistent. The proposal would not impact on the existing character of the West Side precinct, particularly Sites 1 and 2 which would complement the existing commercial character of the area. 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 SEPP and Apartment Design Guide. The proposal would also be referred to Council's Design Excellence Panel for comment pursuant to the Design Excellence provisions of the <i>HLEP 2013</i> .
SEPP 67. Macquarie Generation Industrial Development	Repealed
SEPP 69. Major Electricity Supply Projects	Repealed
SEPP 70. Affordable Housing (Revised Schemes)	Not applicable
SEPP 71. Coastal Protection	Not applicable
SEPP 72. Linear Telecommunications Development – Broadband	Repealed
SEPP 73. Kosciusko Ski Resorts	Repealed
SEPP 74. Newcastle Port and Employment Lands	Repealed

SEPP 1989. Penrith Lakes Scheme	Not applicable
SEPP 2004. Housing for Seniors or People with a Disability	Consistent. The proposed Seniors Living component of the Proposal would be consistent with SEPP (Housing for Seniors or People with a Disability) 2004. 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.
SEPP 2004. Building Sustainability Index: BASIX	Not applicable
SEPP 2004. ARTC Rail Infrastructure	Repealed
SEPP 2004. Sydney Metropolitan Water Supply	Repealed
SEPP 2005. Development on Kurnell Peninsula	Not applicable
SEPP 2005. State Significant Precincts	Not applicable
SEPP 2006. Sydney Region Growth Centres	Not applicable
SEPP 2007. Mining, Petroleum Production and Extractive Industries	Not applicable
SEPP 2007. Miscellaneous Consent Provisions	Not applicable
SEPP 2007. Infrastructure	Not applicable
SEPP 2007. Kosciuszko National Park – Alpine Resorts	Not applicable
SEPP 2008. Rural Lands	Not applicable
SEPP 2008. Exempt and Complying Development Codes	Not applicable
SEPP 2009. Western Sydney Parklands	Not applicable
SEPP 2009. Affordable Rental Housing	Not applicable
SEPP 2009. Western Sydney Employment Area	Not applicable
SEPP 2009. Affordable Rental Housing	Not applicable
SEPP 2010. Urban Renewal	Not applicable
SEPP 2011. Sydney Drinking Water Catchment	Not applicable
SEPP 2011. State and Regional Development	Not applicable
SEPP 2013 (Three Ports)	Not applicable
SEPP 2016 (Integration and Repeals)	Not applicable
SEPP 2017 (Vegetation in Non-Rural Areas)	Not applicable (The sites contain minimal existing trees located largely on boundaries and consideration will be given to their management subject to the lodgement of a future development application to Council.)
SEPP 2017 (Educational Establishments and Child Care facilities)	Not applicable

Sydney Regional Plans (deemed SEPPs)	Comment
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	Not applicable
SREP 6. Gosford Coastal Areas	Repealed
SREP 7. Multi-Unit Housing – Surplus Government Sites	Repealed
SREP 8. Central Coast Plateau Areas	Not applicable
SREP 9. Extractive Industry (No. 2)	Not applicable
SREP 10. Blue Mountains Regional Open Space	Repealed
SREP 11. Penrith Lakes Scheme	Not applicable

SREP 12. Dual Occupancy	Repealed
SREP 13. Mulgoa Valley	Repealed
SREP 14. Eastern Beaches	Repealed
SREP 15. Terrey Hills	Repealed
SREP 16. Walsh Bay	Not applicable
SREP 17. Kurnell Peninsula	Not applicable
SREP 18. Public Transport Corridor	Repealed
SREP 19. Rouse Hill Development Area	Repealed
SREP 20. Hawkesbury Nepean River (No. 2 – 1997)	Consistent. The Planning Proposal does not impact on environmentally sensitive areas within the Hawkesbury-Nepean catchment (including the river, riparian land, escarpments and other scenic areas, national parks, wetlands, and significant flora and fauna habitats).
SREP 21. Warringah Urban Release Area	Repealed
SREP 22. Parramatta River	Repealed
SREP 23. Sydney and Middle Harbours	Repealed
SREP 24. Homebush Bay Area	Not applicable
SREP 25. Orchard Hills	Not applicable
SREP 26. City West	Not applicable
SREP 27. Wollondilly Regional Open Space	Repealed
SREP 28. Parramatta	Repealed
SREP 29. Rhodes Peninsula	Repealed
SREP 30. St Marys	Not applicable
SREP 31. Regional Parklands	Repealed
SREP 33. Cooks Cove	Not applicable
SREP 2005. Sydney Harbour Catchment	Not applicable

Appendix B – Section 117 Directions Checklist

No.	Section 117 Direction	Comment
1. Employment and Resources		
1.1	Business and Industrial Zones	<p>Consistent.</p> <p>The proposal is consistent with this Direction as the rezoning would not reduce the amount of commercial floor space within the West Side Precinct. Redevelopment of the community car park (Site 1) would provide provision for ground floor commercial uses and the hotel development would be complimentary to uses within the remainder of the town centre.</p>
1.2	Rural Zones	Not applicable
1.3	Mining, Petroleum Production and Extractive Industries	Not applicable
1.4	Oyster Aquaculture	Not applicable
1.5	Rural Lands	Not applicable
2. Environment and Heritage		
2.1	Environmental Protection Zones	Not applicable.
2.2	Coastal Protection	Not applicable
2.3	Heritage Conservation	The sites have not been identified as being of heritage significance.
2.4	Recreation Vehicle Areas	Not applicable
2.5	Application of E2 and E3 zones and Environmental Overlays in Far North Coast LEPs	Not applicable
3. Housing, Infrastructure and Urban Development		
3.1	Residential Zones	<p>Consistent.</p> <p>The vacant parcel of land is currently zoned R3 Medium Density Residential. The proposal is consistent with this Direction as Seniors Housing is a permissible land use that meets the locational requirements of the Seniors Housing SEPP.</p> <p>The draft North District Plan identifies that the growth in persons over the age of 65 to 2036 represents the largest future change in population profile of the Hornsby LGA. The Proposal would allow for the increase in housing for seniors with access to cultural facilities and transport hubs such as Hornsby Train Station.</p>
3.2	Caravan Parks and Manufactured Home Estates	Not applicable
3.3	Home Occupations	Not applicable
3.4	Integrated Land Use and Transport	Not applicable

3.5	Development near licensed Aerodromes	Not applicable
3.6	Shooting Ranges	Not applicable
4. Hazard and Risk		
4.1	Acid Sulphate Soils	The site does not contain Acid Sulphate Soils.
4.2	Mine Subsidence and Unstable Land	Not applicable
4.3	Flood Prone Land	Not applicable
4.4	Planning for Bushfire Protection	Not applicable
5. Regional Planning		
5.1	Implementation of Regional Strategies	Not applicable
5.2	Sydney Drinking Water Catchments	Not applicable
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable
5.5	Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	Not applicable
5.6	Sydney to Canberra Corridor	Not applicable
5.7	Central Coast	Not applicable
5.8	Sydney Second Airport: Badgerys Creek	Not applicable
5.9	North West Rail Link Corridor Strategy	Not applicable
5.10	Implementation of Regional Plans	Not applicable
6. Local Plan Making		
6.1	Approval and Referral Requirements	Not applicable
6.2	Reserving Land for Public Purposes	Not applicable
6.3	Site Specific Provisions	Not applicable
7. Metropolitan Planning		
7.1	Implementation of A Plan for Growing Sydney	Consistent.
7.2	Implementation of Greater Macarthur Land Release Investigation	Not applicable
7.3	Parramatta Road Corridor Urban Transformation Strategy	Not applicable

Appendix C - Council Report and Minutes PL7/17

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

7 PLANNING PROPOSAL - HORNSBY RSL CLUB

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 (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,	4 High Street, Hornsby	7 – 19 Ashley Street and 2 - 4 Webb Avenue,

	Hornsby		Hornsby
AREA	2,449m ²	6,698m ²	5,463m ²
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 2,660m² 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, 1,440m² 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 1,220m² 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 419,696m² of employment generating floorspace generating approximately 14,300 jobs. Therefore, an additional 110,000m² 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 HDPC 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 HDCCP 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 400m² 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 (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
1. Community Car Park			
No change	0	0	No change.
2. Hornsby RSL Site			
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.
3. Seniors Housing Site			
Ashley Street	7.6m	4m	<p>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.</p> <p>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.</p> <p>Secondary setbacks above the street wall should also be provided as follows:</p> <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>
Forbes Street	7.6m	4m	
Webb Avenue	7.6m	6m	
Western Boundary	6m	6m	

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
1. Hornsby RSL and Community Car Park			
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.
2. Hornsby RSL Site			
Ashley Street	NA	3 storeys	<p>The HDCP does not indicate the desired wall height for the section of Ashley Street related to the proposal.</p> <p>The proponent advises that the car park structure would match the height of the existing RSL Club which is considered appropriate.</p>
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 (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 (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.

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Attachments:

There are no attachments for this report.

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

Appendix D – Gateway Determination



Gateway Determination

Planning Proposal (Department Ref: PP_2017_HORNS_001_00): to permit residential flat buildings and increase the height of buildings for the Hornsby RSL Club, car park, and seniors housing site at William Street and Ashley Lane, High Street, Ashley Street and Webb Avenue, Hornsby.

I, the Executive Director, Regions at the Department of Planning and Environment as delegate of the Greater Sydney Commission, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to Hornsby Local Environmental Plan 2013 to permit residential flat buildings and increase the height of buildings for the Hornsby RSL Club, car park, and seniors housing site at William Street and Ashley Lane, High Street, Ashley Street and Webb Avenue, Hornsby should proceed subject to the following conditions:

1. Prior to undertaking community consultation, the Planning Proposal is to be updated to.
 - (a) include 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.
 - (b) ensure that the building height standard specified as 38m in the Explanation of Provisions is correct and amend the proposal if necessary.
 - (c) include a heritage assessment prepared by a suitably qualified heritage consultant, which assesses the heritage significance of the War Memorial Hall heritage item, identifies development constraints and opportunities and to what extent the proposed development would affect the heritage item.
 - (d) 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) include amended supporting maps that:
 - 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'.

A copy of the amended Planning Proposal is to be forwarded to the Department for information prior to the commencement of community consultation.



2. 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).

3. Consultation is required with the following public authorities under section 56(2)(d) of the Act and to comply with the requirements of any relevant S117 Directions:
 - 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.

4. 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).

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

Dated 14th day of JUNE 2017


Stephen Murray
Executive Director, Regions
Planning Services
Department of Planning and
Environment

Delegate of the Greater Sydney
Commission



Written Authorisation to Exercise Delegation

Hornsby Shire Council is authorised to exercise the functions of the Greater Sydney Commission under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following Planning Proposal:

Number	Name
PP_2017_HORNS_001_00	Planning Proposal to permit residential flat buildings and increase the height of buildings for the Hornsby RSL Club and car park, and other land at William Street and Ashley Lane, High Street, Ashley Street and Webb Avenue, Hornsby.

In exercising the Commission's functions under section 59, the Council must comply with the Department of Planning and Environment's '*A Guide to Preparing Local Environmental Plans*' and '*A Guide to Preparing Planning Proposals*'.

Dated 14th day of JUNE 2017


Stephen Murray
Executive Director, Regions
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission

Appendix E – Heritage Assessment