

**ATTACHMENT/S**

**REPORT NO. PL22/19**

**ITEM 6**

- 1. LETTER - WITHDRAWAL OF PLANNING PROPOSAL**
- 2. MAP SHOWING PROPOSED EXTENSION TO HORNSBY TOWN CENTRE STUDY AREA**



**HORNSBY RSL CLUB**

**Mr Steven Head  
General Manager  
Hornsby Shire Council**

30<sup>th</sup> May 2019

**Re: Planning Proposal for Hornsby RSL Club – Reference: PP/1/2016**

RECEIVED

**CC: Mayor and Councillors**

- 4 JUN 2019

Dear Steven,

RECORDS

Thank you for the time afforded to the Club to present our development aspirations at yesterday's meeting. As discussed, the Board at last night's meeting made a decision in which way to proceed.

Following recent advice from Hornsby Shire Council that the best way forward for the Club's proposed developments would be to include our three (3) sites in the Hornsby Town Centre Review, the Club is withdrawing the current Planning Proposal (PP/1/2-16) and accepting Councils invitation to be included in this process.

Hornsby RSL Club will continue to work collaboratively with Hornsby Shire Council planners and consultants to address any concerns to achieve a mutually beneficial conclusion to our proposed developments and we look forward to receiving advice as to the commencement of our involvement with the Hornsby Town Centre Review.

At our meeting, you enquired about the opportunity to address our Board and as such we offer the following dates, hoping that there will be a mutually convenient date for you and James to come and address our Directors:

- Thursday, 27<sup>th</sup> June
- Tuesday, 25<sup>th</sup> June (our preferred date).
- Thursday, 20<sup>th</sup> June.
- Tuesday, 18<sup>th</sup> June.
- Thursday, 13<sup>th</sup> June.
- Tuesday, 11<sup>th</sup> June.

We were hoping to meet on any of the above dates at say either 4pm, or 5pm. Please advise which date and time will suit you best.

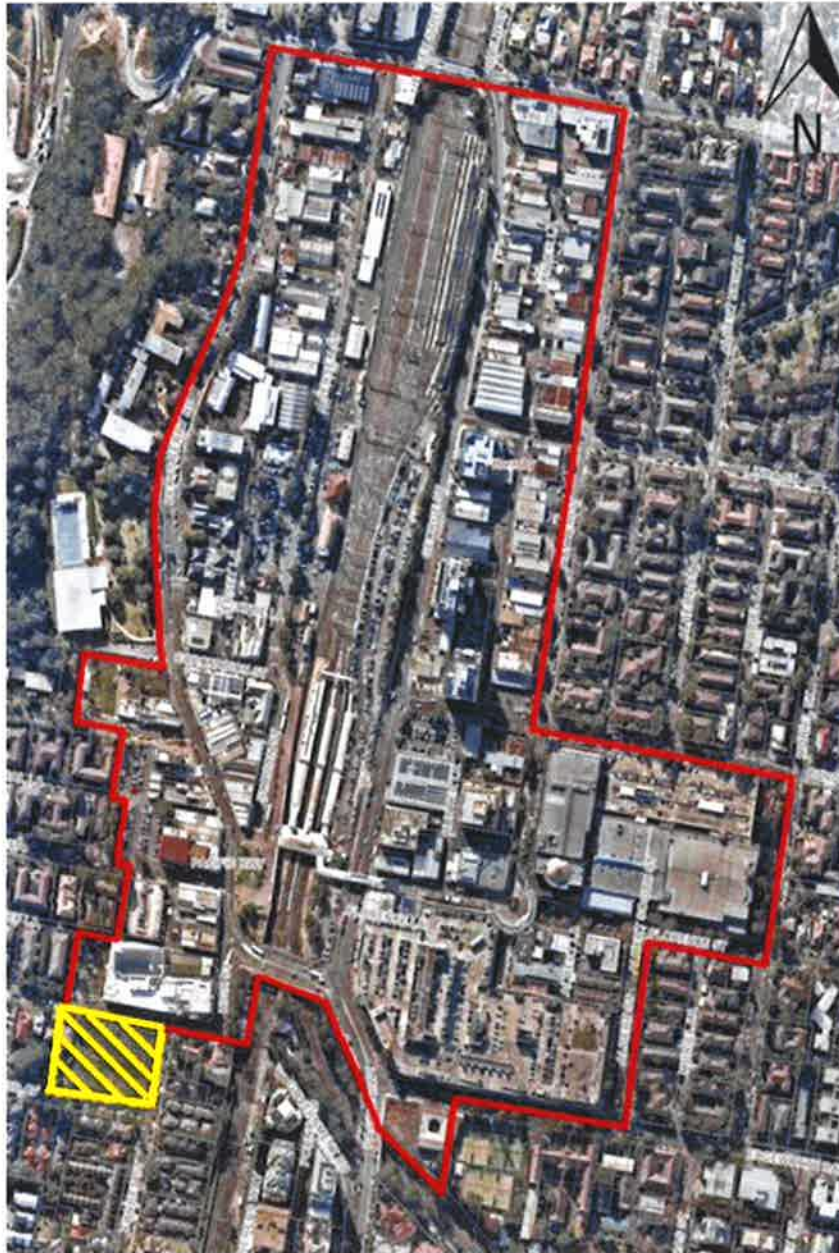
Kind Regards

*[Handwritten signature]*  
30/5/2019

Mario Machado  
Chief Executive Officer  
Hornsby RSL Club Ltd

**ATTACHMENT 1 - ITEM 6**

Map showing extent of Hornsby Town Centre Study Area and Proposed Extension



Red outline shows the Hornsby Town Centre Study Area  
Yellow hatched area shows the proposed extension to the Hornsby Town Centre Study Area  
to include the Hornsby RSL Club owned properties in Ashley Street and Webb Avenue



for submission to the Department of Planning, Industry and Environment for Gateway Determination to amend the Hornsby Local Environmental Plan 2013 as follows:

- a) Insert a listing for 22 trees at property No. 62 Manor Road, Hornsby in Schedule 5 Environmental Heritage.
  - b) Amend the Heritage Map (Sheet HER\_017B) to identify a heritage item on the site of No. 62 Manor Road, Hornsby.
2. Consider the progression of investigations of the Manor Road, Hornsby precinct for the possible creation of a Heritage Conservation Area as part of its ongoing Heritage Study.

FOR: COUNCILLORS BROWNE, DEL GALLEGO, HEYDE, HUTCHENCE, MARR, MCINTOSH, NICITA, RUDDOCK AND TILBURY

AGAINST: COUNCILLOR WADDELL

**6 PL22/19 Report on Submissions - Hornsby RSL Club Planning Proposal**

**(PP/1/2016)**

Ms Rosie Sutcliffe, on behalf of Hornsby RSL Club addressed Council regarding this item.

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

THAT:

1. Council receive and note correspondence from Hornsby RSL Club dated 30 May 2019 attached to Director's Report No. PL22/19 withdrawing its Planning Proposal.
2. Council not proceed with the Hornsby RSL Club Planning Proposal and associated draft DCP amendments and write to the Minister to advise of this decision made under delegation.
3. Council advise of its decision in a local newspaper within 28 days, including reasons as outlined in Director's Report No. PL22/19.
4. The Hornsby Town Centre Review Study Area be extended to include the Hornsby RSL Club land holdings at property Nos. 7-19 Ashley Street and 2-4 Webb Avenue, Hornsby identified on the map attached to Director's Report No. PL22/19.
5. The proponent and submitters be advised of Council's resolution.

FOR: COUNCILLORS BROWNE, DEL GALLEGO, HEYDE, HUTCHENCE, MARR, MCINTOSH, NICITA, RUDDOCK AND TILBURY

AGAINST: COUNCILLOR WADDELL



## **6 REPORT ON SUBMISSIONS - HORNSBY RSL CLUB PLANNING PROPOSAL**

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### **EXECUTIVE SUMMARY**

- On 13 May 2016, a Planning Proposal and Development Control Plan (DCP) amendments were submitted by Hornsby RSL Club seeking to facilitate a hotel development, residential apartments and a seniors housing development on land in the Club's ownership.
- At its meeting on 8 February 2017, Council resolved to forward the Planning Proposal to the (then) Department of Planning & Environment for a Gateway Determination, which was subsequently issued on 14 June 2017 subject to conditions.
- Following finalisation of material required by the Gateway Determination, the Planning Proposal and draft DCP amendments were exhibited between 15 February and 16 March 2018. A total of 88 community submissions and 6 public agency submissions were received.
- Post-exhibition assessment identified concerns with the proposal based principally on traffic related issues unresolvable through this Planning Proposal in isolation.
- On 30 May 2019, the RSL Club formally withdrew its Planning Proposal, instead requesting consideration of options for its landholdings under the Hornsby Town Centre Review.
- Accordingly, it is recommended that Council no longer proceed with the Planning Proposal and that consideration of options for the Hornsby RSL Club landholdings be included as part of the Hornsby Town Centre Review.

### **RECOMMENDATION**

#### **THAT:**

1. Council receive and note correspondence from Hornsby RSL Club dated 30 May 2019 attached to Director's Report No. PL22/19 withdrawing its Planning Proposal.
2. Council not proceed with the Hornsby RSL Club Planning Proposal and associated draft DCP amendments and write to the Minister to advise of this decision made under delegation.
3. Council advise of its decision in a local newspaper within 28 days, including reasons as outlined in Director's Report No. PL22/19.
4. The Hornsby Town Centre Review Study Area be extended to include the Hornsby RSL Club land holdings at property Nos. 7-19 Ashley Street and 2-4 Webb Avenue, Hornsby identified on the map attached to Director's Report No. PL22/19.
5. The proponent and submitters be advised of Council's resolution.

**PURPOSE**

The purpose of this report is to present the results of the public exhibition of the Hornsby RSL Club Planning Proposal, post-exhibition assessment and the decision by the RSL Club to withdraw its Planning Proposal in preference of consideration of redevelopment options for its landholdings as part of the Hornsby Town Centre Review.

**BACKGROUND**

On 13 May 2016, a Planning Proposal and amendments to Hornsby DCP 2013 (HDCP) were submitted on behalf of the Hornsby RSL Club to facilitate a hotel development, residential apartments and a seniors housing development on its landholdings in Hornsby.

Under the proposal, the Club sought amendments to the *Hornsby Local Environmental Plan 2013* (HLEP) and the HDCP to facilitate development of the Club's three key sites as follows:

- Site 1 (Hornsby RSL Club and Community Car Park at 3-7 William Street, 2 Ashley Lane): 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 (Hornsby RSL Club premises at 4 High Street): 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 (7-19 Ashley Street and 2-4 Webb Avenue, Hornsby): Permit development up to 5 storeys for the purpose of seniors housing.

At its meeting on 8 February 2017, Council considered Group Manager's Report No. PL7/17 and resolved to forward the Hornsby RSL Planning Proposal to the (then) Department of Planning and Environment for a Gateway Determination. Council also endorsed draft amendments to the HDCP to be exhibited concurrently with the Planning Proposal.

On 14 June 2017, a Gateway Determination was issued requiring (in part):

- Heritage Assessment in relation to the Hornsby War Memorial Hall (Heritage Item No. 483 located on adjoining land).
- Maximum car spaces needed to support the seniors housing site to be identified under the Planning Proposal.
- Other changes to the Planning Proposal regarding clarity of heights, mapping and terminology.

Written Authorisation for Council to exercise delegation with respect to its plan making functions to amend the *Hornsby Local Environmental Plan 2013* was issued with the Gateway Determination.

On 21 June 2017, the proponent was advised by letter of the Gateway Determination and the additional information was requested.

On 29 August 2017, a heritage assessment in the form of a Statement of Heritage Impact (SoHI) was provided by the RSL Club. Upon review, the heritage assessment was found to provide a comprehensive historical background and heritage assessment of the site. However, the potential impact of additional height of buildings on the heritage significance of the War Memorial Hall was not adequately addressed. A meeting was subsequently held with the proponent and the heritage consultant and to discuss the concerns and a revised heritage assessment was requested.



A revised Heritage Assessment was submitted on 8 December 2017 which informed an amendment that the Planning Proposal only apply a height increase to the rear two-thirds of property No. 4 High Street, Hornsby, with the High Street elevation to remain unchanged adjacent to the War Memorial Hall.

A review of the revised heritage assessment identified that it was satisfactory for exhibition purposes and preparations were subsequently made for the statutory exhibition of the Planning Proposal and draft DCP amendments in accordance with the *Environmental Planning and Assessment Act 1979*.

## DISCUSSION

This report presents the results of the public exhibition of the Hornsby RSL Club Planning Proposal and discusses the post-exhibition assessment of the proposal and the decision by the RSL Club to withdraw its Planning Proposal.

### 1. Exhibition

In accordance with the Gateway Determination and Council's endorsed Consultation Strategy, the Planning Proposal and draft DCP amendments were exhibited between 15 February 2018 and 16 March 2018.

The exhibition included letters to affected property owners and a public notice in the local paper and on Council's website. Copies of the Planning Proposal, draft DCP and supporting documentation were displayed in hard copy at Council's Administration Building, Hornsby Library and electronically on Council's website.

#### **Community Submissions**

A total of 88 submissions were received from the community comprising:

- 80 form letters in support.
- 3 submissions in support.
- 3 submissions raising concerns.
- 2 individual letters objecting to the Planning Proposal and draft DCP amendments.

Form letters and submissions in support identified the following key elements of the proposal:

- Sympathetic well-planned expansion.
- Caters for housing for a mix of age groups.
- Seniors living provides for increasing need.
- Hotel caters for accommodation for visitors to the Shire.
- Access to transport by sustainable means.
- Proximity to Hornsby West Side.
- Support for growing tourist trade attracted by Hornsby's proximity to bushland.
- Provision for community-oriented facilities (other than gaming) is a positive step.

Submissions raising concern/objecting to the proposal identified the following key issues:

- Traffic congestion and safety concerns from increasing population.
- Lack of parking.

- Lack of pedestrian facilities.
- Proposal not providing real benefit for the community.
- Potential construction impacts.
- Height, setback and density concerns.
- Impacts on the Hornsby War Memorial.
- Infrastructure capacity.

### **Agency Submissions**

Consultation with public authorities also occurred between 15 February to 16 March 2018. However, Transport for NSW and Roads and Maritime Services requested additional time for consideration of the Planning Proposal.

- Comments were received from the Office of Environment and Heritage, Ausgrid, Sydney Water and Sydney Trains. No major concerns were raised by these agencies.
- Comments received on 29 June 2018 from Transport for NSW identified issues associated with traffic congestion, traffic modelling and the impact of future development arising from the Planning Proposal on the local and regional road network.
- Comments received on 8 August 2018 from Roads and Maritime Services (RMS) identified that the Planning Proposal would contribute to the cumulative traffic impacts on the surrounding local and regional network. The RMS commented that the Planning Proposal should be included in a precinct wide study and that a reduction in car parking provision is encouraged as a travel demand management measure given the proximity of public transport facilities.

## **2. Post-Exhibition Technical Assessment**

Post-exhibition consideration of submissions, comments by public authorities and evaluation of the Planning Proposal highlighted key concerns with respect to traffic modelling assumptions, pedestrian safety, car parking and concept design outcomes.

### **Traffic**

The traffic modelling submitted and exhibited with the RSL Planning Proposal was based on measures recommended as part of Council's 2014 Hornsby West Side Planning Proposal. One of these measures included a 4-way signalised intersection at High Street/Peats Ferry Road. However, since that time the RMS has informed Council that it will not support the proposed signalisation due to queuing lengths and proximity of other signalised intersections.

Accordingly, a revised model and Traffic Impact Assessment was requested by Council to demonstrate how the RSL Club Planning Proposal would impact the local road network. The amended traffic assessment indicates increased delays and congestion which are not supportable. Road network improvements required to overcome the issues would be difficult to achieve in the absence of wider traffic modelling and mitigation measures for the entire Hornsby Town Centre.

### **Pedestrian Safety**

Development in accordance with the Planning Proposal would generate additional pedestrian movements to and from the station across High Street and Peats Ferry Road where there are

currently no formalised pedestrian crossings. Again, improvements would be difficult to achieve in the absence of wider active transport and pedestrian mobility measures within the Town Centre.

### **Car Parking**

One of the 3 sites that form the Planning Proposal includes the Hornsby RSL Club and Community Car Park in William Street. Currently, Council benefits from a licence agreement for public use of 119 car parking spaces within the car park. The implications for continued community use of the 119 spaces as a result of building over the existing car park and converting the ground floor to retail/commercial space are unresolved through the Planning Proposal. In regard to car parking generally, concerns are raised regarding the absence of an accurate, current, independent assessment of car parking demand by an appropriately qualified consultant.

### **Concept Designs**

Whilst general amenity impacts that may arise as a consequence of the Planning Proposal could be addressed as part of future development applications, unresolved issues remain with the concept designs submitted, particularly in relation to building over the Hornsby RSL Club and Community Car Park.

### **3. Independent Assessment**

Although the Planning Proposal was withdrawn by the RSL Club prior to the finalisation of a report by the consultant, draft advice was provided to Council officers as follows:

- The Planning Proposal would facilitate development that would cause the road network to exceed capacity and it is unsustainable to continue to increase latent potential for traffic by increasing the development potential of land in the area.
- Whilst the future residential development arising from the Planning Proposal would make a minor contribution to housing supply in the Hornsby LGA, it is not required to achieve Council's short-term housing target. Accordingly, there is no urgent requirement to provide for more housing supply through site specific planning proposals.
- Council should consider the Hornsby RSL Club redevelopment proposals as part of the Hornsby Town Centre Review to ensure a coordinated and equitable approach to the identification and delivery of transport infrastructure.

### **4. Discussions with Proponent**

Council staff met with representatives of the Hornsby RSL Club and its consultants in June 2018 to provide feedback after public exhibition and evaluation.

Another meeting with RSL Club representatives and Council's General Manager and Director, Planning and Compliance Division was held in July 2018 to discuss required amendments and additional information to address concerns with the Planning Proposal. Further advice from RMS was provided when received in August 2018.

In December 2018 and January 2019, additional information was submitted by the proponent comprising a revised traffic impact assessment, analysis of parking, streetscape photomontages and design principles.

Following consideration of the additional information, a meeting was held with the RSL Club in April 2019 to confirm that traffic and parking issues remain unresolved and to advise that the external planning consultant had been requested to provide a recommendation to Council at its meeting in May 2019.

The RSL Club requested that the matter be deferred from the May meeting agenda and that an alternative proposal be considered involving less intensive uses by eliminating the residential development components and only providing additional club facilities, a hotel and the seniors living proposal.

Preliminary consideration was given to the alternative proposal. However, the extent to which traffic impacts would be alleviated was unclear. The RSL Club was advised that amended concept plans, traffic reports and submission of a revised Planning Proposal and Gateway Determination would be required should it wish to proceed with the amended proposal.

As an alternative, given the timing of the Hornsby Town Centre Review, the RSL Club was offered the potential for consideration of redevelopment options in the broader context of the Hornsby Town Centre Review. One benefit of this approach is that traffic modelling and investigations to be undertaken for the broader area may assist the identification of mitigation measures that otherwise cannot be addressed by the RSL Club in isolation. Other objectives of the Hornsby Town Centre Review relevant to the RSL Club include increasing connectivity and pedestrian mobility, improving Hornsby Interchange, improving commuter parking and location, and considering innovative solutions to provision of community facilities.

The RSL Club formally requested withdrawal of its Planning Proposal by letter dated 30 May 2019 (attached) and requested consideration of concepts for redevelopment of its landholdings as part of the Hornsby Town Centre Review.

#### **5. Next Steps**

At its meeting on 8 May 2019, Council resolved to engage Cox Architecture to undertake the Hornsby Town Centre Review. Currently the study area for the Hornsby Town Centre Review includes the RSL Club premises at property No. 4 High Street, Hornsby and the Hornsby RSL Club and Community Car Park at property Nos. 3-7 William Street and 2 Ashley Lane, Hornsby. However, the RSL Club landholdings in Ashley Street/Webb Avenue, on which the Club proposes a seniors housing development, are located outside the study area (property Nos. 7 - 19 Ashley Street and Nos. 2-4 Webb Avenue, Hornsby).

Council, at its meeting on 8 February 2017, determined there was strategic merit in consideration of amendments to planning controls to facilitate a hotel, club expansion, and residential apartments including a seniors housing development on RSL club landholdings. However, as outlined in this report there are unresolved issues, particularly in relation to traffic, that would be difficult to overcome in the absence of wider traffic modelling and mitigation measures for the entire Hornsby Town Centre.

It is recommended that the RSL Club redevelopment proposals be considered as part of the Hornsby Town Centre Review to ensure a coordinated and equitable approach to the identification and delivery of transport infrastructure. This would require an amendment to the Hornsby Town Centre study area to include the Ashley Street properties. There is strategic merit in the inclusion of the additional properties within the study area to ensure a coordinated approach to future development, transport infrastructure, increased connectivity and pedestrian mobility associated with all the Club's landholdings. A map identifying the additional land recommended to be included within the Hornsby Town Centre Review study area is attached to this report.

#### **BUDGET**

There are no budgetary implications associated with this Report. The evaluation and advertising of the Planning Proposal was covered by the fee paid to Council for lodgement of the Proposal in accordance with Council's adopted fees and charges.

**POLICY**

Council has authorisation to exercise its delegation of plan-making powers for this Planning Proposal, including the power to finalise or not proceed with the proposal. Council may also resolve not to proceed with draft DCP amendments. Council must give public notice of its decision in a local newspaper within 28 days after the decision is made and must include the reasons for Council's decision. The reasons for non-progression of the proposal are that:

- The RSL Club has withdrawn the Planning Proposal.
- Options for redevelopment of the Hornsby RSL Club landholdings are to be considered more holistically under the Hornsby Town Centre Review.

**CONCLUSION**

Post-exhibition consideration of submissions, comments by public authorities and evaluation of the RSL Club Planning Proposal highlighted key concerns with respect to traffic modelling assumptions, pedestrian safety, car parking and concept design outcomes. The issues are unable to be resolved without major amendments which would require a new Planning Proposal, or consideration of the proposal in the wider context of the Hornsby Town Centre.

Given the above, the RSL Club formally requested withdrawal of its Planning Proposal by letter dated 30 May 2019 (attached) and requested consideration of concepts for redevelopment of its landholdings as part of the Hornsby Town Centre Review.

Accordingly, it is recommended that Council no longer proceed with the Planning Proposal and that consideration of options for the Hornsby RSL Club landholdings be included as part of the Hornsby Town Centre Review, with the study area being amended to include the RSL Club's landholdings in Ashley Street/Webb Avenue.

**RESPONSIBLE OFFICER**

The officer responsible for the preparation of this Report is the Manager, Strategic Land Use Planning – Katherine Vickery - who can be contacted on 9847 6744.

JAMES FARRINGTON  
Director - Planning and Compliance  
Planning and Compliance Division

KATHERINE VICKERY  
Manager - Strategic Landuse Planning  
Planning and Compliance Division

**Attachments:**

- 1.⇒ Letter - withdrawal of Planning Proposal
- 2.⇒ Map showing proposed extension to Hornsby Town Centre Study Area

File Reference: PP/1/2016

Document Number: D07720146

