

PLANNING PROPOSAL

Housekeeping Amendment

November 2019

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Background

This planning proposal has been prepared as one of the key deliverables under the NSW Department of Planning, Industry and Environment's (DPIE) 'Accelerated LEP Review Program'. Council has entered into a funding agreement with the DPIE, which provides \$2.5m towards the following projects:

1. Environmental Sustainability Strategy
 - 1.1. Urban Forest Strategy
 - 1.2. Water Sensitive Hornsby
 - 1.3. Biodiversity Management Plan update
 - 1.4. Urban Heat mapping
 - 1.5. Climate Change Adaptation
2. Comprehensive Heritage Study
 - 2.1. Heritage Action Plan
3. Community and Cultural Facilities Strategic Plan update
4. Hornsby Town Centre Review
5. Local Housing Strategy
6. Active Living Strategy
 - 6.1. Play Plan
 - 6.2. Walking and Cycling Strategy
7. Rural Lands Study
8. Economic Development and Tourism Strategy
 - 8.1. Employment Land Use Study

The above projects are at various stages of completion with many expected to be completed by the end of 2019. The planning proposal therefore incorporates some of the key matters on which council has a resolved policy position.

This planning proposal is consistent with one of the highest strategic priorities for Council and gives direct effect to Liveable Priority 2 and Liveable Action 4 of the draft Hornsby LSPS, which state:

- *Liveable Priority 2. Promoting design excellence for new housing*
- *Liveable Action 4. Prepare and adopt the Design Excellence Planning Proposal and forward to Department of Planning, Industry and Environment for a Gateway Determination.*

Part 1 – Objectives or intended outcomes

The objective of the planning proposal is to:

1. deliver the highest standard of architectural and urban design for all residential flat buildings and townhouses;
2. improve the design outcomes for 5-storey residential flat buildings by removing the ability to include mezzanine levels;
3. correct zoning anomalies to reflect longstanding uses at two properties;
4. add an additional permitted use to reflect a longstanding use at one property;
5. amend land zoning to reflect the extension of Marramarra National Park; and
6. correct minor heritage anomalies.

Part 2 – Explanation of provisions

The proposed outcomes will be achieved by amending the *Hornsby Local Environmental Plan 2013* (HLEP 2013) as follows:

1. Expanding the application of Clause 6.8 'Design excellence' to apply to attached dwellings, multi dwelling housing and shop top housing, regardless of height.
2. Reducing the Height of Buildings development standard for all land currently at 17.5m down to 16.5m.
3. Amending the Land Zoning Map for the following properties:

Address	Map Reference Number	Action
1-5 Peter Close, Hornsby Heights (CP SP 64679)	LZN016	Rezone from B1 Neighbourhood Centre to R2 Low Density Residential
5 Arcadia Road, Galston (CP SP 83668)	LZN008	Rezone from B1 Neighbourhood Centre to R2 Low Density Residential
Lot 1 DP 727931 Coba Point, Berowra Creek	LZN021	Rezone from E4 Environmental Living to E1 National Parks and Nature Reserves

4. Amending Schedule 1 and the Additional Permitted Uses Map for the following property:

Address	Action
344 Galston Road, Galston (Lot 1 DP 656774)	Add an 'Additional Permitted Use' to allow restaurants or cafes' with development consent

5. Amend Schedule 5 of the HLEP 2013 to correct 40 minor anomalies / misdescriptions. Refer to Appendix D for detailed list of heritage anomalies.

Part 3 – Justification

Section A – Need for the planning proposal

Q1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

Design Excellence

Yes. The proposed amendments to the design excellence clause and height of building standard are included within the planning proposal as a result of a report entitled the 'Hornsby Shire Council Design Excellence and Residential Development Review' (Design Excellence Review) prepared by Architects Johannsen and Associates (AJA) dated May 2018. See Appendix A.

At its meeting on 8 November 2017, Council considered two Notices of Motion (NOM13/17 and NOM14/17) relating to concerns raised in the community regarding the built form outcomes of Council's previous housing strategies and other matters and resolved that Council:

- Conduct a design excellence review of relevant planning controls to inform amendments to the Hornsby Local Environmental Plan and Development Control Plan;
- Consider the expansion of the scope of the Design Excellence Review Panel; and
- Expand the application of the design excellence clause to include all residential flat buildings and townhouses, regardless of height.

In accordance with the above resolutions, expressions of interest were sought from consultants on Council's Design Excellence Panel. Architects Johannsen and Associates (AJA) were engaged to review the Design Excellence provisions and the planning controls for residential flat buildings and townhouses based on built form outcomes in Housing Strategy precincts.

AJA submitted a report entitled 'Design Excellence (Residential Development) Planning Controls Review' (attached) identifying a range of recommended amendments to the Hornsby Local Environmental Plan 2013 (HLEP 2013) and Hornsby Development Control Plan 2013 (HDCP 2013).

The Design Excellence Review focused on the following areas:

1. Public Domain
2. Residential Flat Buildings (3-6 storeys) and
3. Townhouses

The Review considered how five storey and townhouse typologies are impacting on existing suburban streetscapes and identifies where there is scope for improvement with respect to built form and character outcomes and the potential for more greening in the urban environment.

At its meeting on 10 October 2018, Council considered the findings of the Review and resolved that:

1. *The draft amendments to the HDCP 2013 attached to Group Manager's Report No. PL26/18 be placed on public exhibition for a period of 28 days.*
2. *Following exhibition, a report on submissions be presented to Council for its consideration.*

3. *A further report be presented to Council for progression of a Design Excellence Review Planning Proposal to implement proposed changes to the HLEP 2013 as outlined in Group Manager's Report No. PL26/18.*
4. *Council endorse in principle the establishment of a formal Design Excellence Advisory Panel, with a further report being presented to Council concerning the appointment, constitution, fee structure and yearly budget allocation for the Panel.*
5. *In the interim, Council endorse the restructure and utilisation of Council's current Design Excellence Panel as set out in Group Manager's Report No. PL26/18 until such time as the formal Panel is established.*
6. *Council write to the Minister for Planning requesting that a Design Guide apply to all medium density development to promote design excellence.*
7. *Council renew its subscription to the Cities Leadership Institute to June 2019.*

In response to the above resolution the following corresponding actions were taken:

1. The draft HDCP amendments sought to achieve the following:
 - a. Increased setbacks of balconies to facilitate tree canopy growth.
 - b. Improved relationship with the public domain.
 - c. Improved materials and finishes.
 - d. Improved landscape setting.
 - e. Discouraging mezzanine levels.
 - f. Discouraging front fences.
 - g. Screening services such as A/C units and fire hydrants.The Draft HDCP amendments were exhibited from 23 October 2018 to 23 November 2018. During this period, 11 submissions were received.
2. A report on the submissions was presented to Council for its consideration on 12 December 2018 where it resolved to adopt the amendment to HDCP 2013, subject to amendments in response to submissions received. The DCP amendment was adopted and came into force on 10 January 2019.
3. A report and this planning proposal will be presented to Council in accordance with the funding agreement milestones identified under the Accelerated LEP Review program.
4. Expressions of interest for the formal Design Excellence Advisory Panel were opened in August 2019. Council is in the process of reviewing applications and it is expected that the Panel will be formally appointed in October/November 2019.
5. Council's current Design Excellence Panel is now being utilised on a needs basis to conduct design excellence reviews of development applications.
6. On 2 January 2019, the Mayor wrote to the then Minister for Planning, Anthony Roberts MP, requesting that SEPP 65 and the Apartment Design Guide be expanded to apply to all medium density development (including town houses) to promote design excellence.
7. On 1 July 2018, Council renewed its subscription to the Cities Leaderships Institute.

The Design Excellence Review recommended the following in relation to the recommended LEP amendments:

Expanding the application of Clause 6.8 'Design Excellence'

The design excellence considerations of HLEP 2013 currently apply to development with a building height greater than 29.6m. One way to interpret Clause 6.8 is that any building of 29.6m or below is therefore not required to exhibit design excellence.

The principles and matters identified in the clause are general in nature and are relevant to numerous built forms and development proposals irrespective of height. Massing, scale, relationship to the street, impacts such as visual privacy and acoustics, are as relevant to dual occupancy development as to a tower in a town centre.

The Design Excellence Review recommended expanding the application of Clause 6.8 to “all development, regardless of height or type”. Accordingly, it is proposed that Clause 6.8 apply to attached dwellings, multi dwelling housing and shop top housing, regardless of height to address the design quality concerns related to those specific development types.

Reducing the Height of Buildings (17.5m to 16.5m)

There have been many developments within Council's Housing Strategy Precincts (2011) where the HLEP 2013 height limit of 17.5m in conjunction with upper level setbacks has resulted in the 'mezzanine' form which is disproportionate with the overall scale of 5-storey development.

Upper levels of developments based on the 'mezzanine' roof principle have often not achieved the best quality design outcome, and it appears that the extra floors have been trimmed to a bare minimum form with no overhangs. This has created very 'top heavy' buildings without the intended character.

Reducing the maximum height of buildings development standard for all land subject to the 17.5m standard to 16.5m will retain the density and 5-storey built form while removing the 'top heavy' appearance of these buildings. The change will also result in ADG compliance for floor to ceiling heights and improved internal amenity. Refer to Section 4 – 'Mapping' for affected properties.

Correcting zoning/ land use anomalies

Hornsby Employment Land Use Study 2019

Council has engaged consultants (Hill PDA) to prepare the Hornsby Employment Land Use Study 2019 (ELUS) under the Department's Accelerated LEP Review program. The ELUS is an update to Council's current employment study with the consultants conducting early investigations into the quantity and quality of existing employment lands. Preparation of the ELUS is ongoing.

The consultants have noted several zoning/ land use anomalies through early investigations as part of the preparation of the ELUS. Correcting the zoning/ land use anomalies provides Council with an accurate understanding of its actual commercial capacity moving forward and will reflect the land uses on each of the identified sites. Council records validate the assessment undertaken by the consultants.

Additional details regarding the proposed amendments are outlined in the following pages.

2. Property No. 5 Arcadia Road, Galston (CP SP 83668)

The property at No. 5 Arcadia Road, Galston is zoned B1 Neighbourhood Centre. Development consent was granted for the construction of 25 x townhouses (DA/314/1998) and strata subdivision (SC/19/2010). The property has been used exclusively for residential purposes since and is to be rezoned to R2 Low Density Residential, consistent with the surrounding residential zone for Galston Village. Refer to Figures 3 and 4.



Figure 3 Aerial image of Property No. 5 Arcadia Road, Galston



Figure 4 Extract of Land Zoning Map of HLEP 2013 - site outlined in red

3. Property No. 344 Galston Road, Galston (Lot 1 DP 656774)

The property at No. 344 Galston Road, Galston is zoned R2 Low Density Residential and is currently operating as a food and drink premises. Development consent was granted for a 'change of use of part of the existing building for office premises' (DA/2421/2001) and has since evolved to its current use of the entire property for commercial purposes. Amending Schedule 1 of the HLEP 2013 to allow for 'restaurant or café' as an additional permitted use on the site permits its ongoing commercial use without undue impact on the adjoining residential properties. In this case, the actual and potential impacts of the current café use are known and have a demonstrated compatibility with the adjoining properties. Refer to Figures 5 and 6.



Figure 5 Aerial image of Property No. 344 Galston Road, Galston

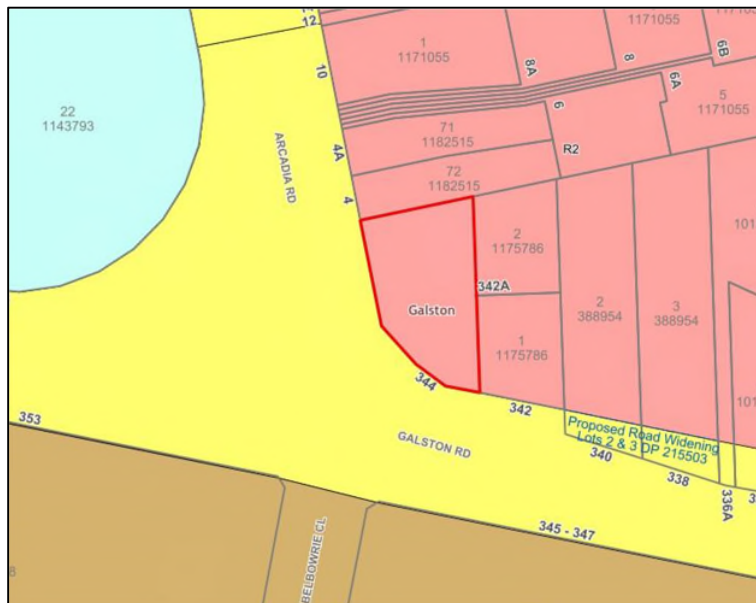


Figure 6 Extract of Land Zoning Map of HLEP 2013 - site outlined in red

Extension of Marramarra National Park

Lot 1 DP 727931 Coba Point Berowra Creek

Council recently received notice from the NSW National Parks & Wildlife Service that a Government Gazette was published on 6 September 2019 for the expansion of Marramarra National Park up to Coba Point, Berowra Creek (refer to Appendix E). This notice advised that the *HLEP 2013* should be amended to change the land zone to E1 National Parks and Nature Reserves to reflect the reservation of land under the *National Parks & Wildlife Act 1974*. Refer to Figures 7 and 8.



Figure 7 Aerial image of Lot 1 DP 727931 Coba Point, Berowra Creek

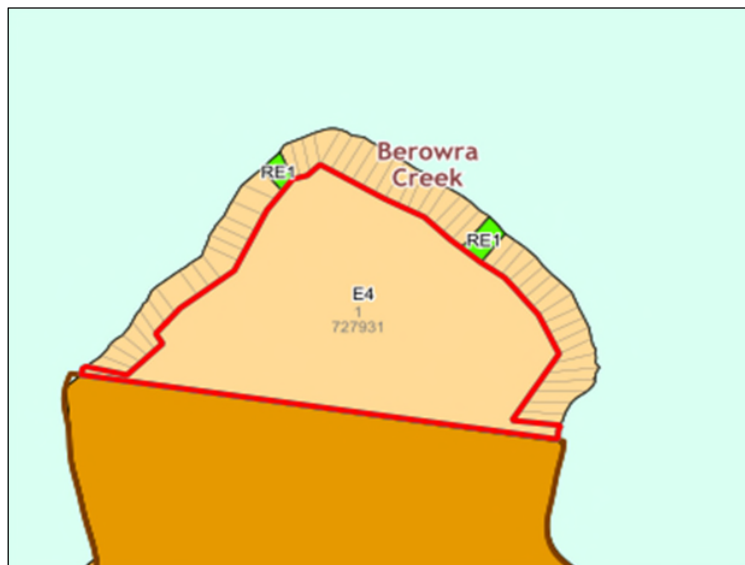


Figure 8 Extract of Land Zoning Map of HLEP 2013 - site outlined in red

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. The planning proposal relates to current provisions of the Hornsby Local Environmental Plan 2013 that can only be amended through this process.

Section B – Relationship to the strategic planning framework

Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

Yes. A discussion of consistency with the strategic planning framework is included below:

Greater Sydney Region Plan ‘A Metropolis of Three Cities’

The Greater Sydney Region Plan is a 40-year vision promoting the 30-minute city where most residents live within 30 minutes of their jobs, education and health facilities, services and great places. The GSRP has divided Greater Sydney into a metropolis of three cities: Western Parkland City, Central River City and Eastern Harbour City. The planning proposal is consistent with the Greater Sydney Region Plan as detailed below:

- **Objective 5 – A city of great places**

The GSRP recognises that design excellence makes a significant contribution to the creation and renewal of great places. It is a key factor in the liveability and attractiveness of our neighbourhoods to residents and workers and develops a strong sense of civic pride.

The planning proposal gives effect to the plan by encouraging the incorporation of design excellence considerations (outlined in Clause 6.8) into the design of multi-unit housing. Furthermore, the planning proposal removes the unintended inclusion of mezzanine levels for 5-storey residential flat buildings which will significantly improve the building scale and streetscape outcomes for this development type.

The Planning Proposal is generally consistent with the above objective of the GSRP.

North District Plan

The North District Plan is a 20-year plan to manage growth and achieve the 40-year vision of the Greater Sydney Region Plan. It provides a District-level framework for enhancing the liveability, productivity and sustainability of the North District in the context of expected population growth. The North District Plan provides the strategic link between the GSRP and Council’s local strategies and plans.

The planning proposal gives effect to Planning Priority N6 ‘Creating and renewing great places and local centres and respecting the District’s heritage’. There remains significant capacity within the housing precincts that are yet to be developed and seeking to deliver the highest standard of architectural and urban design in these areas is a priority for council.

The objectives of the planning proposal directly respond to the following key ‘Principles for housing strategies’:

Good design: buildings that exhibit design excellence in neighbourhoods that are walkable, cycle friendly, connected to transport and services, and have a mix of land uses to support active healthy and socially-connected communities.

Local character: recognising the distinctive and valued combination of characteristics that contribute to local identity.

Importantly, these principles are not restricted to particular residential development types or land uses. In the context of housing provision and future capacity it is noted that the planning proposal will result in buildings that exhibit design excellence and recognise the distinctive characteristics that contribute to Hornsby's local identity without impacting upon dwelling capacity under HLEP 2013.

The Planning Proposal is generally consistent with the above planning priority.

Q4. Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

The Hornsby Community Strategic Plan – 'Your Vision Your Future 2028'

The Hornsby Community Strategic Plan 'Your Vision Your Future 2028' identifies the key community priorities and focus areas for Council over the next 10 years, including:

- *FA2 Identifying, protecting, creating and providing access to places and spaces for people*
- *FA3 Giving people housing choices*
- *FA4 Community wellbeing and neighbourhood amenity*

The Planning Proposal is generally consistent with the above Focus Areas by delivering the highest standard of architectural and urban design for all attached dwellings, multi dwelling housing and shop top housing.

Draft Hornsby Local Strategic Planning Statement

On 14 August 2019, Council adopted the draft Hornsby Local Strategic Planning Statement which identifies its 20-year land use vision for managing growth and change over that time. The following priorities and actions are key considerations for this planning proposal:

- *Liveable Priority 2. Promoting design excellence for new housing*
- *Liveable Action 4. Prepare and adopt the Design Excellence Planning Proposal and forward to Department of Planning, Industry and Environment for a Gateway Determination.*

Promoting design excellence for new housing is one of Council's key priorities within the draft Hornsby LSPS. Expanding the application of Clause 6.8 to cover attached dwellings, multi dwelling housing and shop top housing regardless of height as well as the proposed height reduction for 5-storey residential flat buildings will result in significantly improved design outcomes and higher quality streetscapes in Council's current housing precincts.

The Planning Proposal is consistent with one of the highest strategic priorities for Council and gives direct effect to Liveable Priority 2 and Liveable Action 4 of the draft Hornsby LSPS.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Yes. An assessment of the planning proposal's consistency with applicable SEPPs and deemed SEPPs. See Appendix B for details.

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

Yes. The planning proposal is consistent with applicable Ministerial Directions. See Appendix C. A discussion of the consistency with the relevant Ministerial Direction is included below:

Direction 1.1 Business and Industrial zones

The objectives of the direction are:

- (a) encourage employment growth in suitable locations,*
- (b) protect employment land in business and industrial zones, and*
- (c) support the viability of identified centres.*

The planning proposal includes separate zoning amendments that are generally consistent with the above direction. In this regard, the proposal seeks to rezone two properties (Nos. 1-5 Peter Close, Hornsby Heights and No. 5 Arcadia Road, Galston) from B1 Neighbourhood Centre to R2 Low Density Residential which is inconsistent with the Ministerial Direction. However, in this instance the land to be rezoned has development consent for the residential land uses and has also been strata subdivided. In both instances, the residential land uses are longstanding (over 20 years) and it is reasonable to amend HLEP 2013 to reflect this situation.

The planning proposal also seeks to add an additional permitted use for a restaurant or café to be permitted on the site with consent at No. 344 Galston Road, Galston to reflect the current commercial use that has been operating on the site for a long period of time. The site adjoins the Galston Shopping Village and has included a commercial function from 2001.

There will be no loss of potential floor space area for employment uses in business zones as a result of the planning proposal. The theoretical commercial capacity as reflected on the Land Zoning Maps of HLEP 2013 is unlikely to be realised due to the residential approval and subdivision of Nos. 1-5 Peter Close, Hornsby Heights and 5 Arcadia Road, Galston.

The planning proposal is consistent with (5)(d) of Direction 1.1 as the proposed zoning amendments are correcting identified anomalies and therefore of minor significance.

The proposed amendments are considered reasonable for the reasons outlined in the planning proposal.

Direction 2.1 Environmental Protection Zones

The objective of this direction is:

- (a) To protect and conserve environmental sensitive areas*

The planning proposal is consistent with this direction as it would facilitate the management and appropriate use of the land at Coba Point, Berowra Creek by amending the land zoning from E4 Environmental Living to E1 National Parks and Nature Reserves to align with the extension of the Marramarra National Park in accordance with a notice received from the NSW National Park Wildlife Service received on 9 September 2019.

By changing the land zoning to E1 National Parks and Nature Reserves, it would accurately identify land that is reserved under the *National Parks and Wildlife Act 1974* and protect the environmental significance of that land by enabling only land uses authorised under the *National Parks and Wildlife Act 1974*.

Direction 2.3 Heritage Conservation

The objective of this direction is:

- (a) To conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.*

The planning proposal is consistent with this Direction as it facilitates accurate identification of heritage items to conserve the natural and cultural values they withhold by ensuring they are protected, and their heritage significance is identified.

Direction 3.1 Residential zones

The objectives of the direction are:

- (a) to encourage a variety and choice of housing types to provide for existing and future housing needs,*
- (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and*
- (c) to minimise the impact of residential development on the environment and resource lands.*

The planning proposal is consistent with this direction as it encourages design excellence for a broader range of development types and addresses an unintended design outcome (mezzanine levels) for 5-storey residential flat buildings which will minimise the impact of residential development on the environment.

Importantly, the proposed design excellence provisions and reduction in height to 16.5m will not reduce the residential density of any land and undermine Council's capacity to continue to meet its housing targets under the North District Plan. As such, the planning proposal does not contain provisions which will reduce the permissible residential density of land to which the amendment applies and will promote good design as required under the Direction.

Direction 4.4 – Planning for Bushfire Protection

The objectives of the direction are:

- (a) To protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land use in bushfire prone area,*
- (b) To encourage sound management of bush fire prone areas.*

The planning proposal applies to three bushfire prone sites identified in Figures 9, 10 and 11, as follows:

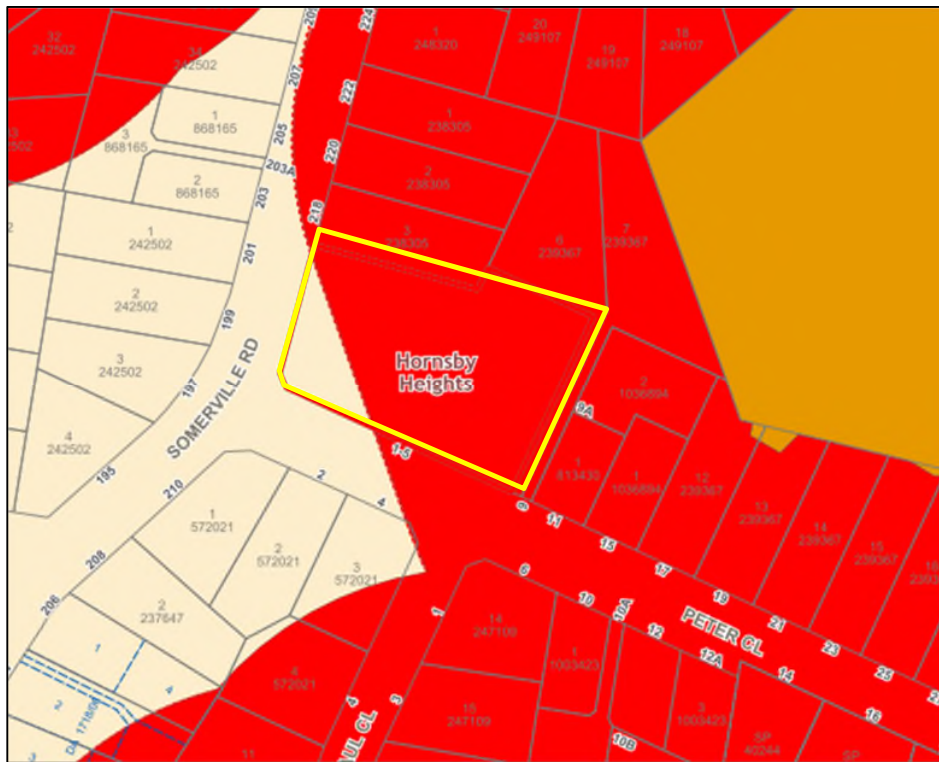


Figure 9 Property Nos. 1-5 Peter Close, Hornsby Heights (site outlined in yellow)

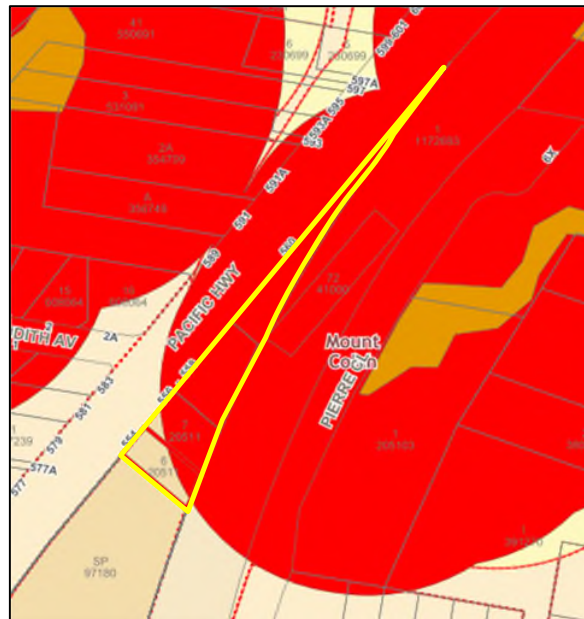


Figure 10 Property Nos. 554-558 Pacific Highway, Mount Colah (sites outlined in yellow)



Figure 11 Lot 1 DP 727931 Coba Point, Berowra Creek (site outlined in yellow)

The planning proposal will be forwarded to the Commissioner of the NSW Rural Fire Service for comment following receipt of a gateway determination and prior to undertaking community consultation in accordance with Section 3.34 of the *Environmental Planning and Assessment Act 1979*.

The Ministerial Direction also requires consideration of 'Planning for Bushfire Protection 2006' (NSWRFS) when rezoning land to residential within bushfire prone land. Part of the site at Nos. 1-5 Peter Close, Hornsby Heights is bushfire prone and will be rezoned from B1 Neighbourhood Centre to R2 Low Density Residential. A response to the bushfire planning principles for Property Nos. 1-5 Peter Close, Hornsby Heights is included below:

Planning principles	Response
a. Provision of a perimeter road with two-way access which delineates the extent of the intended development;	Property Nos. 1-5 Peter Close, Hornsby Heights is located within an established urban area that is primarily zoned for residential purposes. Development consent was granted in 1998 for 'Demolition of existing shopping centre' (DA/2109/1999) and 'Construction of 10 medium density residential units and strata subdivision' (DA/870/1998). The property has been used exclusively for residential purposes since. The proposed rezoning to residential will correct zoning anomalies to reflect the longstanding residential use on the site.
b. Provision, at the urban bushland interface, for the establishment of adequate asset protection zones for future housing;	
c. Specifying minimum residential lot depths to accommodate asset protection zones for lots on perimeter roads;	
d. Minimising the perimeter of the area of land, interfacing the hazard, which may be developed;	
e. Introduction of controls which avoid placing inappropriate developments in hazardous areas; and	
f. Introduction of controls on the placement of combustible materials in asset protection zones.	

Section C – Environmental, social and economic impact

Q7. 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. The planning proposal applies to development types and land that are already zoned for urban purposes and will not have an impact on critical habitat or threatened species, populations or ecological communities, or their habitats.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No. There are no other expected environmental effects as a result of the planning proposal.

Q9. Has the planning proposal adequately addressed any social and economic effects?

The planning proposal seeks to amend design excellence provisions and correct zoning anomalies which are unlikely to create any adverse social or economic effects. It is expected that the proposed design excellence amendments will result in higher standards of building design and contribute to the creation and renewal of great places which may provide an indirect social and economic benefit to the community.

Section D – State and Commonwealth interests

Q10. Is there adequate public infrastructure for the planning proposal?

The proposed amendments sought in this planning proposal will not require the provision of additional public infrastructure.

Q11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

Consultation will be conducted with relevant state and Commonwealth public authorities identified in the Gateway Determination. It is noted that the Commissioner of the NSW Rural Fire Service will be consulted in accordance with Ministerial Direction 4.4.

Part 4 – Mapping

The mapping amendments associated with the planning proposal are outlined below.

Height of Buildings

All land identified with a Height of Buildings (HOB) development standard of 17.5m will be amended to 16.5m. The legend for the HOB map will be amended to read 16.5m for land identified in the following maps.



Figure 12 Properties at Asquith subject to HOB change (coloured brown)

Note: Land identified above will be subject to new symbology to reflect the amended maximum building height limit



Figure 13 Properties at Beecroft Town Centre subject to HOB change (coloured brown)

Note: Land identified above will be subject to new symbology to reflect the amended maximum building height limit



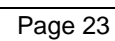
Figure 14 Properties at Bel Air Close, Hornsby subject to HOB change (coloured brown)

Note: Land identified above will be subject to new symbology to reflect the amended maximum building height limit



Figure 15 Properties at Mount Colah subject to HOB change (coloured brown)

Note: Land identified above will be subject to new symbology to reflect the amended maximum building height limit



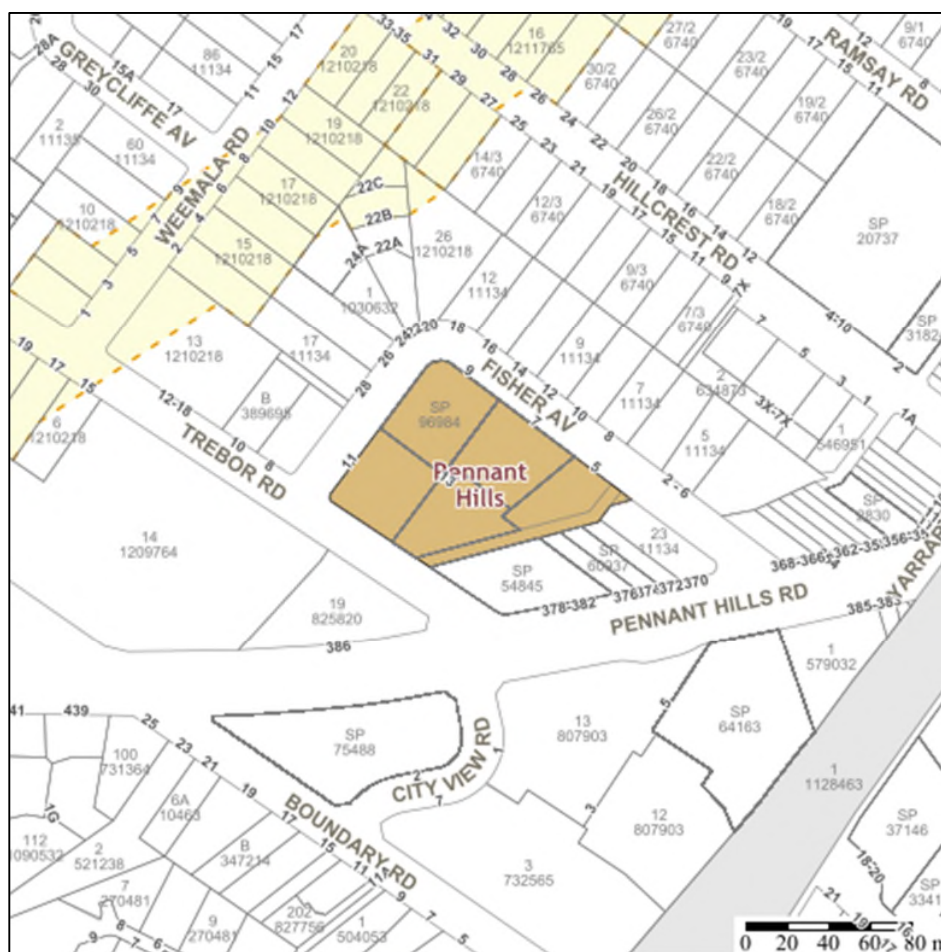


Figure 17 Properties at Fisher Avenue, Pennant Hills subject to HOB change (coloured brown)

Note: Land identified above will be subject to new symbology to reflect the amended maximum building height limit

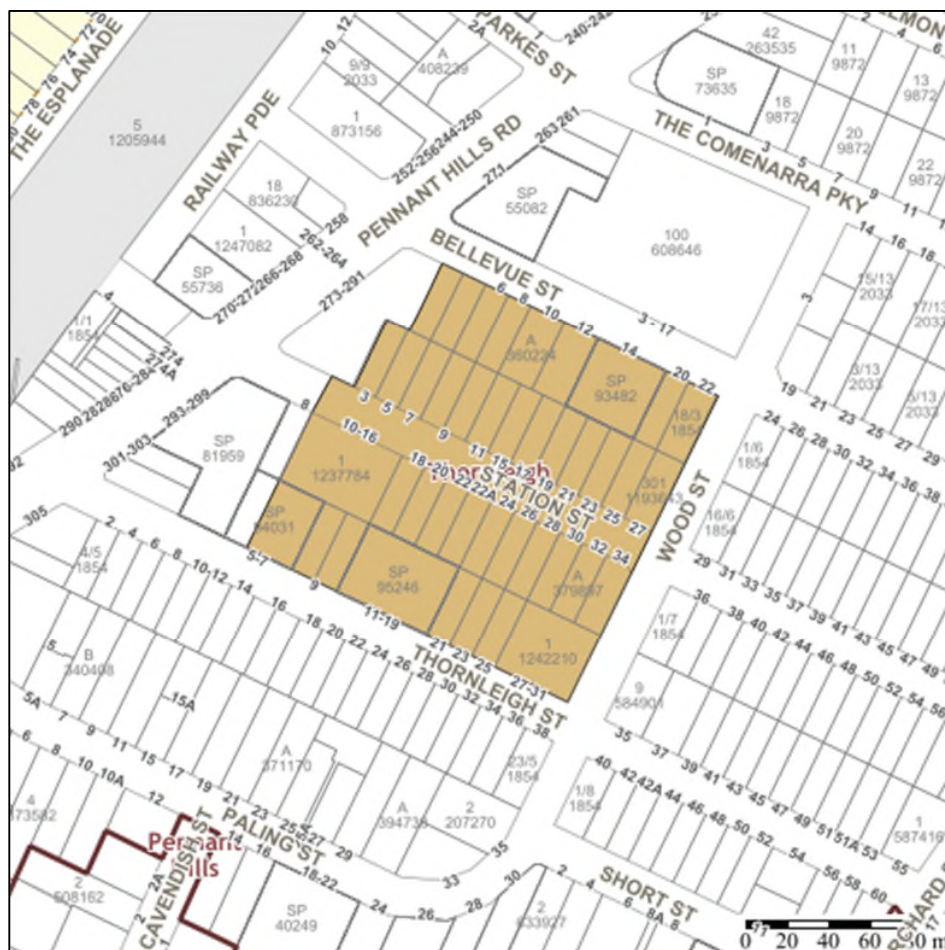


Figure 18 Properties at Thornleigh subject to HOB change (coloured brown)

Note: Land identified above will be subject to new symbology to reflect the amended maximum building height limit

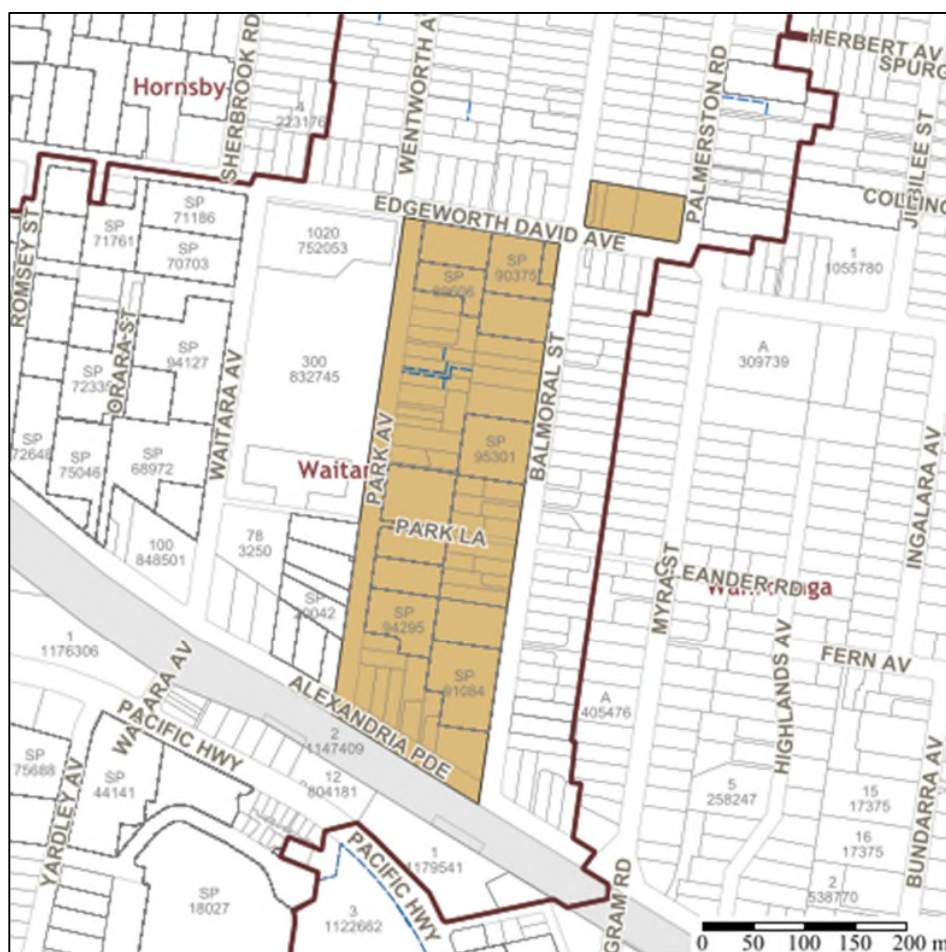


Figure 19 Properties at Waitara subject to HOB change (coloured brown)

Note: Land identified above will be subject to new symbology to reflect the amended maximum building height limit

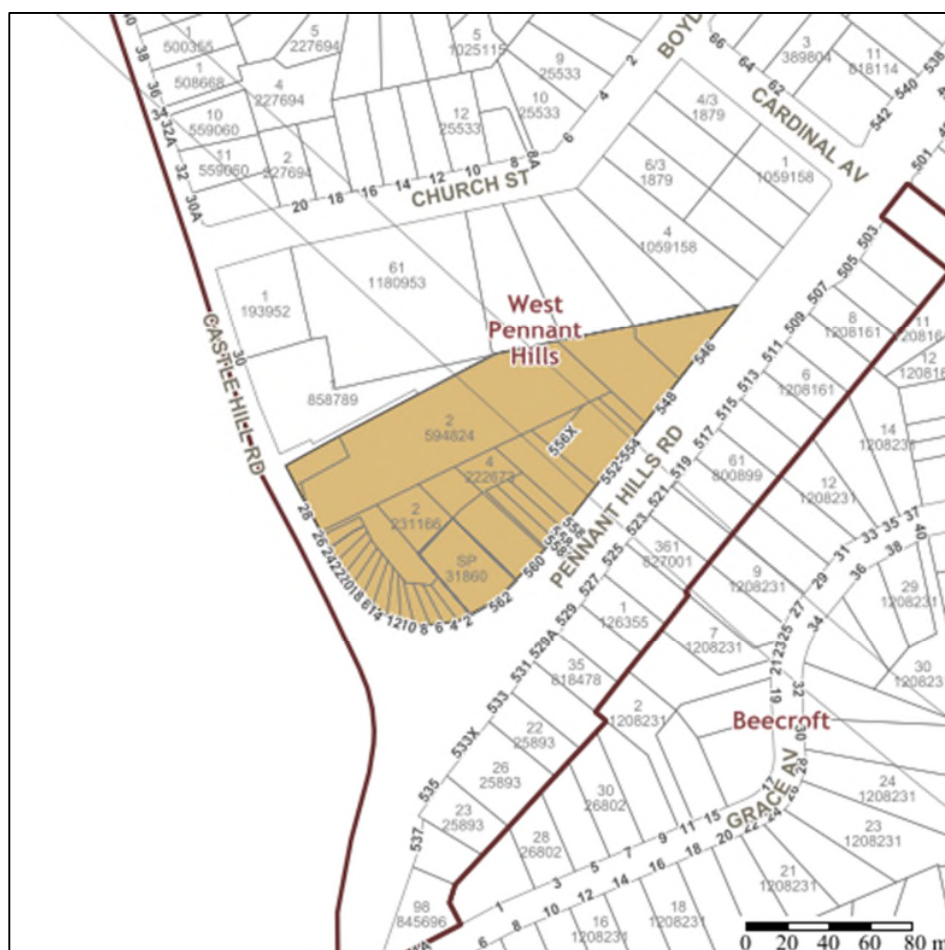


Figure 20 Properties at West Pennant Hills subject to HOB change (coloured brown)

Note: Land identified above will be subject to new symbology to reflect the amended maximum building height limit

Zoning Anomalies

Property Nos. 1-5 Peter Close, Hornsby Heights (CP SP 64679)

Action: Rezone from B1 Neighbourhood Centre to R2 Low Density Residential

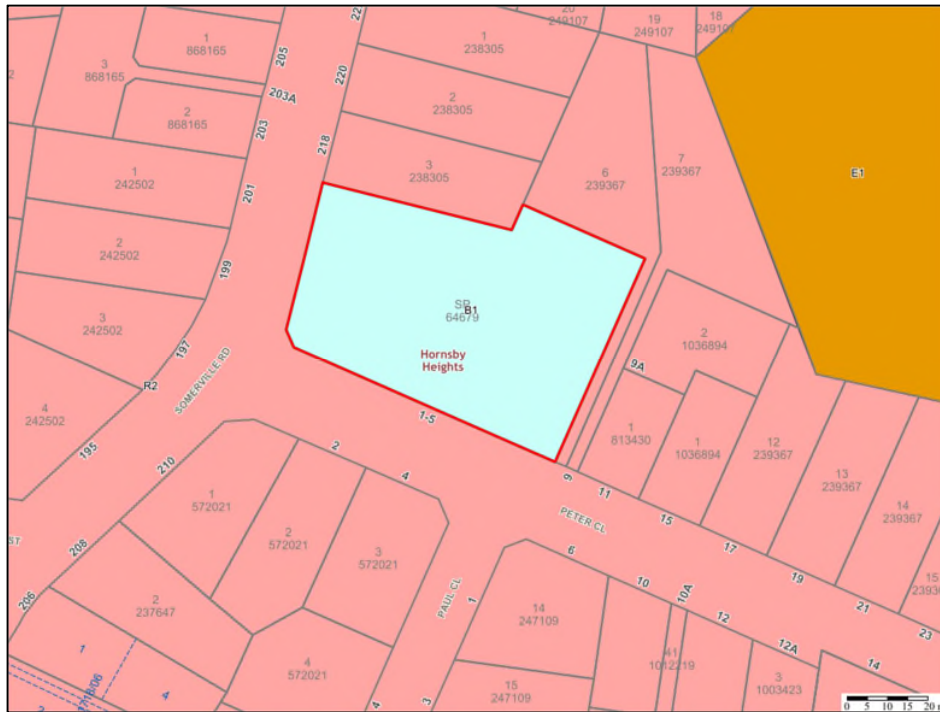


Figure 21 Property at 5-7 Peter Close, Hornsby Heights (outlined in red)

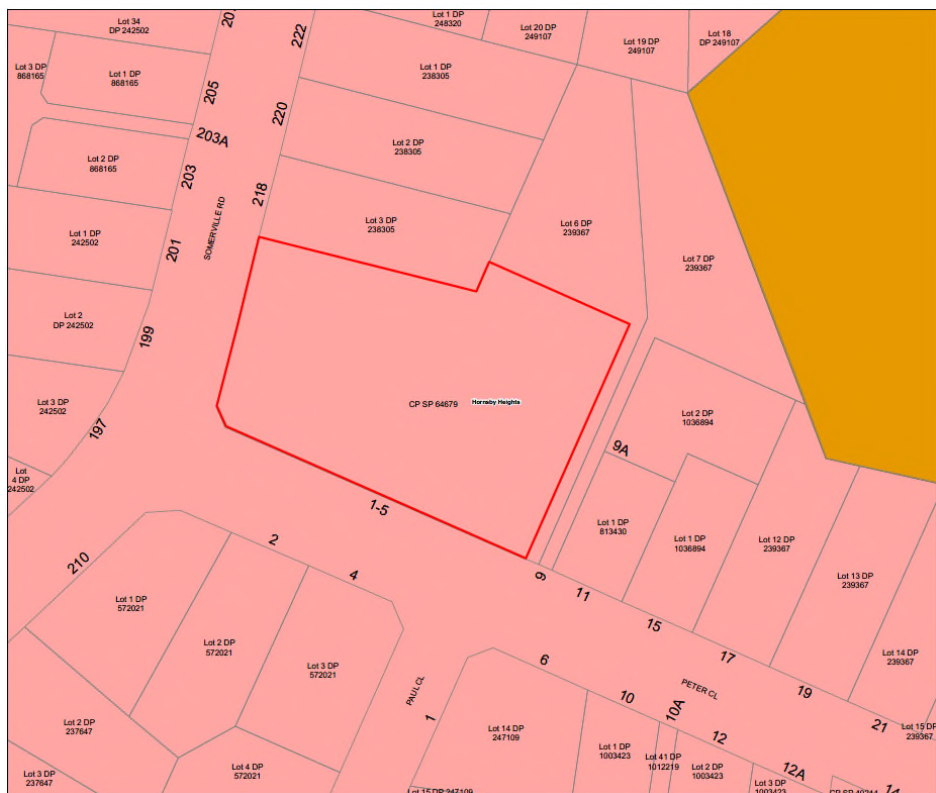


Figure 22 New Land Zoning Map at 5-7 Peter Close, Hornsby Heights (outlined in red)

Property No. 5 Arcadia Road, Galston (CP SP 83668)

Action: Rezone from B1 Neighbourhood Centre to R2 Low Density Residential.

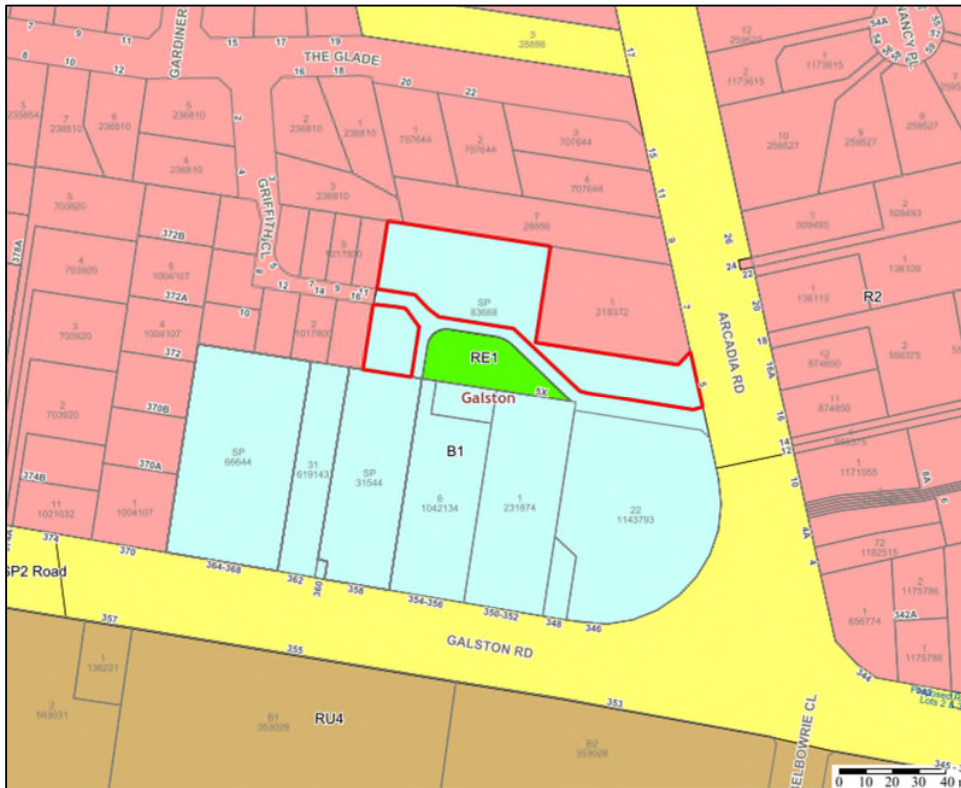


Figure 23 Property at 5 Arcadia Road, Galston (outlined in red)

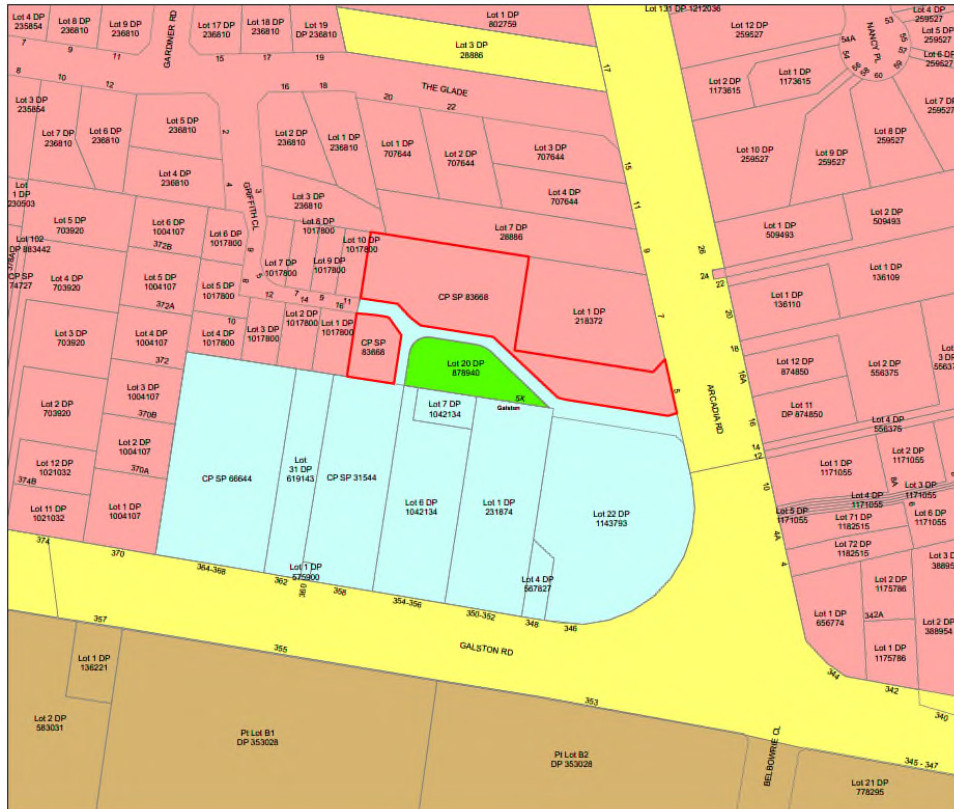


Figure 24 New Land Zoning Map at 5 Arcadia Road, Galston (outlined in red)

Coba Point, Berowra Creek (Lot 1 DP 727931)

Action: Rezone from E4 Environmental Living to E1 National Parks and Nature Reserves

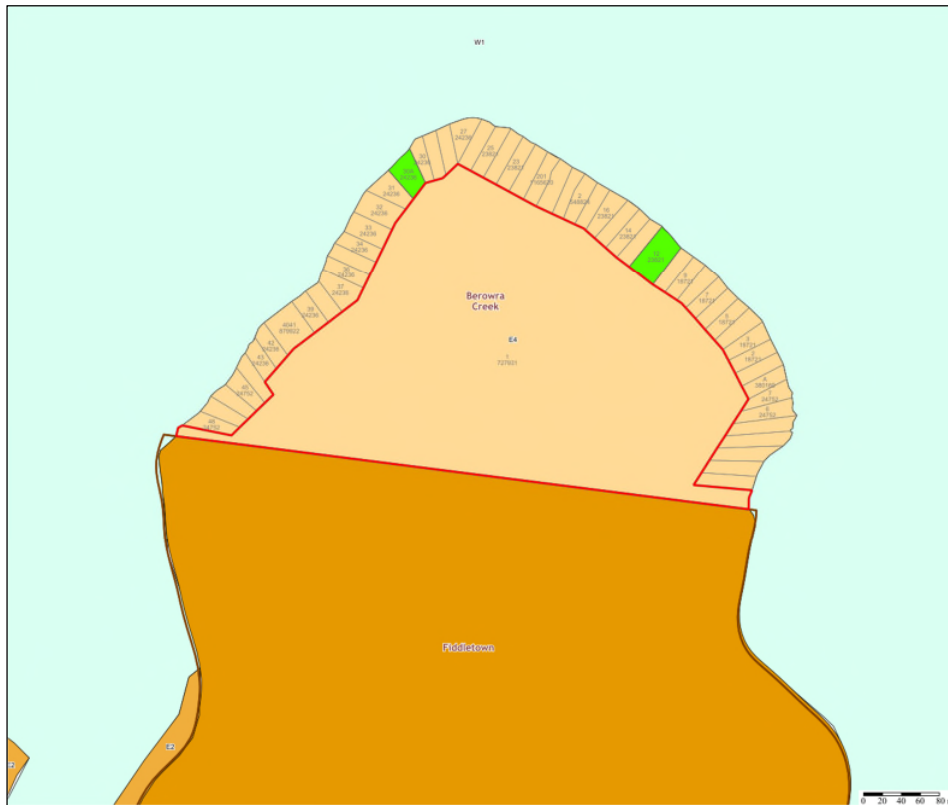


Figure 24 Property at Lot 1 727931 Coba Point Berowra Creek (outlined in red)

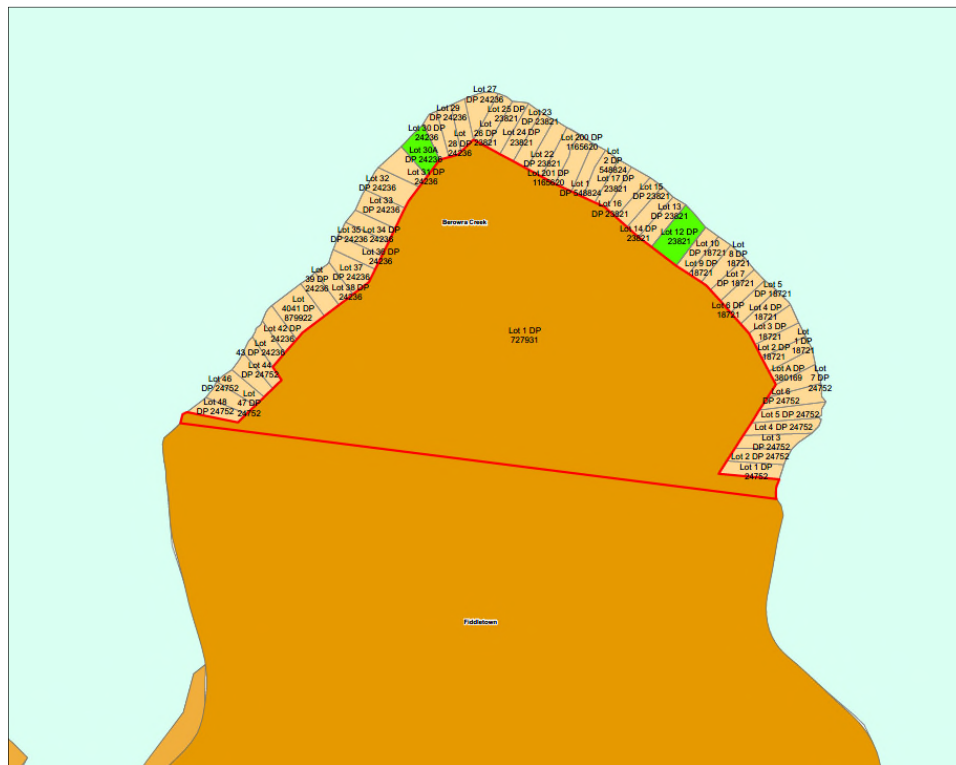


Figure 25 New Land Zoning Map at Lot 1 727931 Coba Point Berowra Creek (outlined in red)

Additional Permitted Uses

Property No. 344 Galston Road, Galston (Lot 1 DP 656774)

Action: Add an additional permitted use to allow 'restaurants or cafes' with development consent



Figure 26 Property at 344 Galston Road, Galston (outlined in red)



Figure 27 New Additional Permitted Uses Map at 344 Galston Road, Galston (outlined in red)

Heritage Map

Sutherland Road and Park Avenue – Byles Creek Valley, Beecroft

Action: Amend HLEP 2013 Heritage Maps to identify Item 140 which is not identified correctly



Figure 28 Properties at Sutherland Road and Park Avenue – Byles Creek Valley, Beecroft (outlined in red)



Figure 29 New Heritage Map at Sutherland Road and Park Avenue – Byles Creek Valley, Beecroft (outlined in red)

Part 5 – Community consultation

The planning proposal will be publicly exhibited in accordance with the requirements of the Gateway Determination. Public exhibition will include:

Public authorities

Notification letters and a copy of the planning proposal will be sent to public authorities identified in the Gateway Determination.

Letters to affected and adjoining property owners

Notification letters will be sent to affected and adjoining property owners advising of the exhibition of the planning proposal and

Advertisements in local papers

A public notice will be placed in the newspapers listed below. The public notice will identify the purpose of the planning proposal, exhibition dates and where the proposal can be viewed.

Future Hornsby website

The planning proposal will be promoted and exhibited on Council's 'Future Hornsby' website (future.hornsby.nsw.gov.au/)

Have Your Say website

The planning proposal will be exhibited on Council's 'Have Your Say' website (<https://www.hornsby.nsw.gov.au/council/noticeboard/your-say>)

Display copies at Administration Building and local libraries

The planning proposal will be displayed at Council's Administration Building (296 Peats Ferry Road, Hornsby) and the following libraries:

- Hornsby Library
- Pennant Hills Library
- Berowra Library
- Galston Library

Following community consultation, a report summarising the submissions will be prepared to Council for its consideration.

Part 6 – Project timeline

Stage	Date
Lodge planning proposal with DPIE	November – December 2019
Gateway Determination	December 2019
NSW RSF Consultation	December 2019
Public exhibition period	March – April 2020
Consideration of submissions	May 2020
Report to Council on exhibition outcome	June 2020
Forward planning proposal to DPIE for finalisation	June 2020



HORNSBY SHIRE COUNCIL

DESIGN EXCELLENCE AND RESIDENTIAL DEVELOPMENT REVIEW

MAY 2018



QUALITY ASSURANCE

PROJECT: Design Excellence and Residential Development Review

AUTHOR: AJA + Think Planners

Date	Purpose of Issue	Rev	Reviewed	Authorised
February 2018	Draft - Internal Review	Draft A	AB	
February 2018	Draft - internal	Draft B	JJ	
February 2018	Draft – Issue to Client	Draft	AB	
March 2018	Final Draft – for presentation to Council	Final 20-3-18	JJ/AB	JJ
May 2018	Final issue to Hornsby Council	Final 180524		JJ

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SAFETY	8
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EXECUTIVE SUMMARY

This report, prepared by AJA and Think Planners, is a response to Hornsby Shire Council's initiative to review the Hornsby Local Environmental Plan (HLEP) 2013 and Hornsby Development Control Plan (HDCP) 2013 to include townhouses and all residential flat buildings in the remit of the Design Excellence provision. Given the concerns also noted with respect to built form and character outcomes, loss of tree canopies and potential for more 'greening' in the urban environment, the study further considers how 5 storey and townhouse typologies are impacting on existing suburban streetscapes in the Hornsby Local Government Area (LGA), and where there is scope to raise the bar. Input from landscape architects Spackman Mossop Michaels has been sought for this area of investigation.

The information contained in this report represents background site research by the team, analysis of general and specific issues influencing both process and outcome, and recommendations for where improvements could be made through changes to the HDCP, HLEP and introduction of a more stringent design review process.

Overall, the Hornsby DCP defines 'desired outcomes' and 'prescriptive measures' that are consistent with best practice and intended to deliver guidance to applicants and provide a context for new development. There are some good examples of how considerate application of the controls can achieve quality results. However there can, and have been, inconsistencies in how the controls are articulated, interpreted, applied and in many cases amended to reach a completed building.

This report recommends that a number of improvements could be realised with the broader application of a more formal design review process, in conjunction with a number of HDCP and HLEP amendments that should be applied based on outcomes from the analysis.



Recent Hornsby residential developments achieve a level of quality design but there is room for improvement.
(Photos: AJA)

METHODOLOGY

This Design Excellence and Residential Development Planning Controls Review compares the relevant areas of the HDCP against State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development (SEPP 65) Apartment Design Guide (ADG), documented development application (DA) or Section 4.55 (formerly Section 96) modification submissions, and observed built outcomes in order to understand where there may be positive, negative or neutral recommendations for change. In some cases this may require modifications to current planning legislation at State level.

From the review of briefing documentation, a tour of relevant Housing Strategy (HS) precincts, and consideration of background project material from the HSC development portal, an outline overview of the completed outcomes and perceived problems has been prepared. Areas have been selected from the HS precincts that best demonstrate the specific issues observed, that are then subject to analysis of the approval history and framework against the HDCP and SEPP65 ADG planning legislation.

Key facts and details of planning investigation including maps, DA excerpts, photo surveys and further details were then collated that support the analysis provided in the main body of this report.

This provides the basis for commentary on where the current HLEP and HDCP are not providing the outcomes expected, and how to develop strategies to address shortcomings.

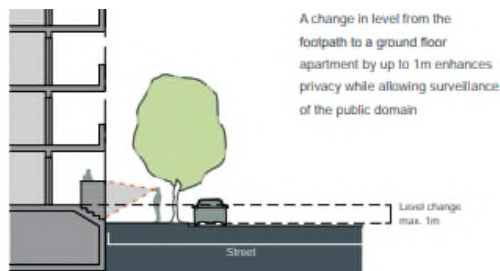
Potential for best practice outcomes is then detailed, with either photographic or outline sketch examples to demonstrate what might be achieved through renewal of the development controls, approval standards and processes. This is applied to both 5 storey and townhouse developments, looking at their context and ground plane, building envelopes, landscaping/open space, and environmental performance.

Recommendations have then been set out to provide the basis for amending the HLEP and HDCP planning controls to respond to both existing and emerging needs with strategies and typologies suitable to the fast-changing increased density environment throughout Hornsby LGA.

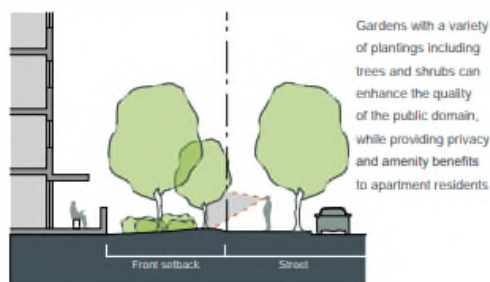
PUBLIC DOMAIN

Before considering the built form, the public domain interface must be examined as the critical transition zone between buildings and their private or communal space at the street edge and the public domain.

'The interface of the development contributes to the quality and character of the street. Subtle variations through planting and fencing can create an attractive and active public domain with a pedestrian scale. Long, high blank walls or fences can detract from the appearance of the public domain and impact on the safety of pedestrians and residents. Direct access from the street to ground floor apartments and windows overlooking the street can improve safety and social interaction.' (ADG)



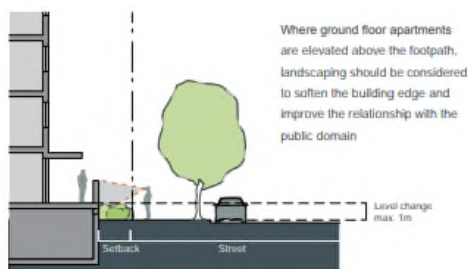
Limited tree space and fence becomes visual barrier
Pacific Highway - Asquith



Good wide verge for communal landscaping
Bouvardia St. - Asquith



Poor integration of communal to public landscaping
Lords Ave. - Asquith



Wide driveway and limited scope for planter box landscaping
Thornleigh St. - Thornleigh
(Photos: AJA)

Figure 3C.1 Diagrams illustrating various public domain interface scenarios
ADG excerpt

Within the Hornsby LGA there is a wide range of public domain conditions that are determined by the road hierarchy, topography and vegetation. Some of these are covered in the diagram above, which compares Figure 3C.1 from the ADG, development examples within Hornsby Shire and clearly shows how the interface between public, communal and private open space can vary with significant impacts on how landscape potential can be realised.

Along strips with significant development such as Peats Ferry Road and the Pacific Highway, long street wall impacts are evident (see photo below). While some may have the benefit of retention of existing trees (often under stress), new planting will need the right species and optimum growing conditions to reach healthy maturity and regain the green character of the surrounding neighbourhoods.



Peats Ferry Road, Asquith (Google Street View)

Jersey St North, Asquith (Photo: AJA)

Need to ensure effective integration of public domain and communal open space landscape for quality tree canopy.

To combat the increasing impacts of climate change on the urban environment, there must be strategies for maintenance of the existing tree canopy and additional street planting wherever possible.

The microclimate across the Hornsby LGA varies considerably depending on the aspect of the existing slope, heights and distances of buildings and solar exposure. As a result, plant species should be considered primarily based on site specific conditions in order for the plant species to survive and flourish. Key considerations include topography, solar exposure, hydrology, geology and moisture content in the soil. As the public domain is a highly modified 'natural' environment, the species that are most tolerant to the site may be native or exotic.

LANDSCAPE DESIGN

The species selection should aim to improve the public domain amenity. The form and functional purpose of the species should be taken into consideration - for example different species should be used for providing shade, windbreaks, screening, feature specimen, hedging, road hierarchy, and street character.

The surrounding public domain infrastructure including building facades, footpaths, site lines, existing views, power lines and other above and below ground services will have great impacts on the health and success of the plants. In order to achieve this, species selection should be based on the plants mature size and form (not the

seedling). Minimising these impacts will allow for the plant selection to grow into healthy and attractive specimens, and help support generous tree canopies.

MAINTENANCE

The whole life management of the species should be considered when planting in the public domain. This includes considering the species need for additional watering, mulching and pruning. Ideal species selection would include plants that are pest and drought tolerant to reduce maintenance costs.

SAFETY

Crime Prevention Through Environmental Design (CPTED) principles will impact on the choice of species selection and/or landscape design. It is important that the chosen species does not impact on the surveillance and visibility within the public domain. Additionally some plant species produce a larger leaf and fruit drop and/or are prone to drop branches. This may affect the ease of accessibility in the public domain, especially when these species are planted around footpaths and access ramps. Species with no-vigorous root systems should also be used around footpaths and access ramps.

A comprehensive public domain study should be undertaken to develop detailed precinct plans, with strategies to ensure more cohesive relationships between built form and surrounding landscape.

RECOMMENDATION:

- **Prepare a Public Domain Strategy which considers:**
 - Relationships between built form and public domain
 - Appropriate species selection to maximise growth potential
 - Maximising street vegetation through the implementation of landscaped swales, verge planting and blisters
 - Where applicable, create densely planted areas within the public domain with a variety of heights to improve visual amenity and maximise habitat for wildlife
 - Tree replacement scheme which could involve offsets
 - Building setbacks must minimise impact from driveways and services to benefit deep soil planting areas.

RESIDENTIAL FLAT BUILDINGS (3 – 6 STOREYS)

To achieve high quality residential precincts, it is critical to have clear guidelines that identify realistic expectations, and ensure there is a process of early development assessment, monitoring and certification of design at critical stages from DA through to completion.

Where difficulties occur with application or interpretation due to site specific conditions there should be scope to apply variable resolution through design quality assessment by expert professional panels. This is dealt with as a recommendation in the conclusion.

CONTEXT AND GROUND PLANE

‘Key components to consider when designing the ground plane interface include entries, private terraces or balconies, fences and walls, changes in level, services locations and planting. The design of these elements can influence the real or perceived safety and security of residents, opportunities for social interaction and the identity of the development when viewed from the public domain.’ (ADG)

Particular issues are identified as follows:

HDGP 3.4.1 Desired Future Character

‘Desired Outcome: Development that contributes to the desired future character of the area. Desired Future Character Statement: The locality is characterised by 5 storey residential flat buildings in landscaped settings with underground car parking. Development footprints maintain landscape corridors around and through development sites. The established tree canopy is complemented by new trees and shrubs throughout all gardens...’ (HDGP p3-57)

Many instances have been identified where street walls of development are too predominant, lacking the intended articulation, and with limited potential for quality landscaping to enhance both public and communal open space.

While tree planting evident in Bridge Road, Hornsby shows how there can be good vegetation outcomes fronting unit development, this takes time and requires the right open space provisions and tree selections at DA stage.



Impact of street wall (Google Street View)
Peats Ferry Rd, Asquith



Benefit of long term, mature landscape (Photo: AJA)
Bridge Rd, Hornsby

It is recommended that the requirement for retention of existing trees and the desired future character of development between landscaped corridors of established tree canopy and new trees and shrubs be strengthened by adding an additional control under Clause 3.4.7 Landscaping of the HDCP.

Furthermore, the fencing requirements under Clause 3.4.7 Landscaping should be amended to reduce separation between the boundary of private development sites and the public domain by requiring low walls and planter boxes instead of front fences.

RECOMMENDATION:

- **Amend HDCP Clause 3.4.7 Landscaping to include new point 'f' (retain and renumber existing points)**
f. Existing healthy trees must be retained and protected where possible (unless removal is supported by an arborist report). Any trees removed as part of the development should be replaced elsewhere on site.
- **Amend HDCP Clause 3.4.7 Landscaping to replace points 'g' and 'h' with the following**
g. Within street setbacks, front fences should be avoided, with low walls and planter boxes for landscaping at the interface between private land and public domain.
h. Enclosure of private courtyards within front setbacks must achieve at least 50% transparency, and to a maximum height of 1.5m above the level of adjacent communal space.

HDCP 3.4.3 Site Requirements

'Desired Outcome: Buildings located on consolidated development sites that provide soft landscaping surrounding the building and limit the number of driveway crossings.' (HDCP p3-59)

There are many instances of both isolated and consolidated development sites having limited scope for deep soil zones to support good vegetation potential in side as well as front setbacks. This has resulted from various issues such as:

- Double driveways reducing streetscape and public amenity
- Poor locations of sub-stations or other services
- Pedestrian connections above basement carparking
- Onsite Stormwater (S/W) detention at the front boundary
- Excessive fencing in the front setback



Examples of limited scope to achieve quality mature vegetation in side setbacks.

1,2 Chapman Ave, Beecroft; 3. Peats Ferry Rd. Asquith (Photos: AJA)

RECOMMENDATION:

Amend HDCP Clause 3.4.3 –

- **Coordinated basement and services planning is required to minimise loss of landscaped open space and reduction of deep soil zones. Where necessary services, such as on-site detention (OSD), are required in the side setbacks, provision must be made for minimum 2m x 2m pockets as deep soil to allow for planting of large trees.**
- **Where practicable locate driveway entries beneath building envelope to avoid loss of potential for deep soil zones.**

BUILDING ENVELOPES

'A built form that responds to the site, locality and landscape and includes appropriate innovation to respond to technical, social, aesthetic, economic and environmental challenges.' (HDCP p3-58)

The HDCP 2013 has a mix of height and setback controls intended to deliver built form, separation and articulation outcomes to meet the objectives of the ADG.

However there have been many developments where the HLEP 2013 height limit of 17.5m in conjunction with upper level setbacks has resulted in the 'mezzanine' form causing much concern due to poor visual outcomes and deficient amenity.

In some cases the setback form of 2 upper levels is an attempt to configure an additional floor within the 17.5m height limit. However, this usually requires non ADG compliant ceiling heights for many units, as the minimum floor to floor height is recommended to be 3.1m in order to achieve 2.7m ceiling heights.



Examples of varying uses of articulation and colour along Peats Ferry Road. These attempts to 'add features' diminish the visual quality of the public domain, and in some cases changes have occurred by Modification (formerly S96) amendments. (Photos: AJA; Google Street View)

Furthermore, the combination of prescriptive measures for height, setbacks and building form and separation have resulted in some frequently repeated formulaic approaches, and overly articulated facades that attempt to hide consequences of basically poor unit planning. Particular issues identified:

HLEP 2013, HDCP 3.4.4 Height

'Desired outcome: A built form not exceeding 5 storeys in height and comprising residential flat buildings. (..storey definition as set out in the Standard LEP template excludes mezzanine or attic). (HDCP p3-60)

HDCP 2013 has allowed a variety of roof forms above level 4 in many developments, where the interpretation of 'mezzanine' or 'attic' as allowable within a storey has resulted in some very unfortunate outcomes.

Upper levels of developments based on the 'mezzanine' roof principle have often not achieved a quality design result, and it appears that the extra floors have been trimmed to a bare minimum form with no overhangs. This has created very 'top heavy' buildings without the intended character.



Bouvardia St, Asquith (Photos; AJA)



Approved DA elevations DA/1381/2014C

Many of these developments have been noted as unintended consequences of the envelope 'creep' referred to above, and are difficult to change. However the introduction of a sleaving approach could provide one way of addressing the appearance of these completed buildings, and where approved DA's seek changes by new applications or under S4.55 (formerly S96) Modification of consent provisions there could be scope for inclusion of conditions to achieve better results as per sketch below.



Werombi Rd, Mt Colah



'Sleaving' potential concept



Peats Ferry Rd, Asquith

RECOMMENDATION:

- Amend HLEP Height of Buildings Map to reduce maximum height for 5 storey development from 17.5m to 16.5m. If the Department of Planning and Environment (DP&E) does not allow such an amendment, then insert controls that require any 5th level with mezzanine to be entirely setback 6m and upper level façade screening treatment be undertaken as proposed below.
- Amend HDCP Clause 3.4.4 Height to include a new point 'i' (retain and renumber existing points)
 - i. Top-most storeys with mezzanine levels must incorporate sleaving to minimise the visual impacts of the stepping transition, and provide potential for shading, perimeter planting and photovoltaic (p/v) solar panels.
- Amend HDCP Clause 3.4.4 Height to include a new Figure 3.4(ea)



Figure 3.4 (ea) – example of perimeter sleaving with pergola and planters for greenery at upper levels.

- Amend HDCP Table 3.4.4(a) Translation of Height to storeys to 16.5m once LEP amendment is finalised.

HDCP 3.4.5 Setbacks

'Desired outcome: Well articulated building forms that are set back to incorporate landscaping, open space and separation between buildings.' (HDCP p3-61)

The allowable side and rear setbacks set out in Table 3.4.5(a) of the HDCP can result in floors up to 4 storeys not conforming to ADG recommendations where other similar development sites adjoin side and rear boundaries. There are situations where this is cause for concern, particularly where bedroom or living space windows and balconies result in less than 12m separation between habitable rooms as identified in the ADG, or non-habitable to habitable distances less than 9m.



Examples of reduced side setbacks relying on non-habitable rooms that can reduce side setbacks to 4m, resulting in 8m space between habitable rooms of buildings at some points.

24 - 26 Lords Ave. Asquith

18 – 22 Lords Ave. Asquith

Considerations in setting building separation controls
Design and test building separation controls in plan and section
Test building separation controls for sunlight and daylight access to buildings and open spaces
Minimum separation distances for buildings are:
Up to four storeys (approximately 12m):
• 12m between habitable rooms/balconies
• 9m between habitable and non-habitable rooms
• 6m between non-habitable rooms
Five to eight storeys (approximately 25m):
• 18m between habitable rooms/balconies
• 12m between habitable and non-habitable rooms
• 9m between non-habitable rooms
Nine storeys and above (over 25m):
• 24m between habitable rooms/balconies
• 18m between habitable and non-habitable rooms
• 12m between non-habitable rooms

ADG extract

Table 3.4.5(a): Minimum Setbacks

Setback	Minimum Setback
Front boundary	10m, which can be reduced to 8m for a maximum of 1/3 of the building width
Side boundary (Includes balconies)	6m, which can be reduced to 4m for a maximum of 1/3 of the building width.
Rear boundary	10m, which can be reduced to 8m for a maximum of 1/3 of the building width
Fifth Storey Setback	3m additional setback for exterior walls of the fifth storey, measured from the walls of the lowest storey
Fifth storey setback where mezzanine proposed	6m additional setback for exterior walls of the fifth storey, measured from the walls of the lowest storey

HDCP extract

Above 4 storeys, due to unforeseen issues with mezzanines, Council has changed its setback controls to require fifth storeys (in addition to their 3m setback) to have mezzanine upper levels stepped back to 6m from the exterior walls of the envelope below. While there are some examples of acceptable mezzanine designs, this is still resulting in many unfortunate outcomes as outlined in the discussion above under Height.

There are also many cases of setback encroachments (minor structures) allowable under the HDCP that have resulted in substantial loss of both communal open space and visual amenity.



Bouvardia St. Asquith



Peats Ferry Rd. Asquith



Example of coordinated services enclosure and mailboxes in Lane Cove (Photos: AJA)

RECOMMENDATION:

Amend HDCP Cl. 3.4.5.a to include -

- **Ensure early consultant input for coordinated basement and services planning to minimise loss of landscaped open space and reduction of deep soil zones.**

Amend HDCP Table 3.4.5(a) Minimum setbacks as follows:

- **Front boundary – 10m, which can be reduced to 8m for a maximum of 1/3 of the building width and includes balconies.**
- **Side boundary and rear boundary setbacks are to comply with the ADG.**
- **Fifth storey setback – 3m additional setback for exterior walls of the fifth storey, measured from the walls of the lowest storey**
- **Fifth storey setback where mezzanine proposed – 3m additional setback for exterior walls of the fifth storey, (measured from the walls of the lowest storey) unless there is a sleaving proposal incorporating pergolas and planters to the building perimeter.**

HDCP 3.4.6 Building Form and Separation

‘Desired Outcome: Buildings that are limited in width and depth, incorporating articulated facades and separated by garden areas.’ (HDCP p3-62)

The HDCP describes a range of detailed measures that are intended to deal with both building separation and articulation. While there are some instances where the interpretations have resulted in quality design outcomes -



Chapman Ave, Beecroft



Bouvardia St, Asquith



Thornleigh St, Thornleigh (photos AJA)

- there are many that are less satisfactory due to design compromises or overly complicated facades.



Belair Close, Hornsby



Pacific Highway, Mt Colah



Thornleigh St, Thornleigh

(Photos: AJA)

Resolution of this issue is not simply provision of more design guidelines, and involves consideration of a range of character options that evolve from the modulation and façade elements that constitute quality architecture. Design assessment on this level goes beyond just planning assessment, and is best undertaken through simpler reference to the well formulated guidelines of the Apartment Design Guide, and inclusion of a design review panel system as proposed later.

RECOMMENDATION:

Amend HDCP Clause 3.4.6.a to remove or reduce prescriptive measures and include -

Refer to Apartment Design Guide Part 2 for design principles and recommended guidelines for managing development scale, relationship to context and elements that contribute to relevant character influences for a specific area.

LANDSCAPING AND OPEN SPACE

'Incorporating landscape design early in the design process provides optimal outcomes for residential apartments. It needs to be coordinated with other disciplines to ensure the building design and service locations complement the landscape and public domain.' (ADG)

Landscaping to the perimeter of sites is increasingly important in conjunction with deep soil zones to improve tree canopy that can help mitigate the impacts of climate change. While some areas of the Hornsby LGA have well established native vegetation that should be preserved, the transition from more natural to urban conditions can have a major impact on how certain species survive.

It is critical to have well informed arborists and landscape architects retained for project duration to ensure full appreciation and maintenance of the best species and appropriate growing conditions to optimise future vegetation cover. Furthermore the landscape concepts are part of the critical interface between private, communal and public open space, and therefore must be part of early pre-DA consideration and continually updated to reflect any changes to the architectural and/or engineering design.

Particular issues identified:

HDCP 3.4.7 Landscaping

'Desired Outcome: Landscaping that integrates the built form with the locality and enhances the tree canopy.' (HDCP p3-65)

As noted above under Public Domain, along many street frontages there are frequent variations to the resolution of private, communal and public open spaces. Streetscapes should not have to rely on landscape screening when architectural design is poor, but the public and communal open space interface does have the potential to mediate when needed (see Bridge Rd. Hornsby pic).



Chapman St. Beecroft



Bouvardia St. Asquith (Photos: AJA)

Examples of good landscape interface between communal open space and public domain.

Appropriate landscape design concepts and details are critical to getting the optimum results for the outdoor spaces of developments and the adjacent public domain.

To help reduce the impacts of long street walls, the side setbacks between developments can provide green visual breaks and modulation. However, there are

frequently obstacles within the corridors between buildings such as extended basements, carpark vents, substations and booster valves, driveways etc. so there must be more allowance for constrained planting when full deep soil zones are not achieved. Even where there is adequate deep soil, varying substrate or drainage conditions may still leave inadequate space for root growth.



Amor St. Asquith

Lords Ave, Asquith (Photos: AJA)

Examples of where scope for landscaping is compromised in front and side setbacks.

The upper level space between buildings is also critical for canopies to grow, and with added impact of thermal mass generating difficult micro-climatic effects species selection again becomes critical.

Where large blank walls occur, scope for green walls should be considered, particularly when viewed from public spaces.

RECOMMENDATION:

- **Amend Clause 3.4.7 Landscaping to include a new 'desired outcome':**
 - c. Development that incorporates green roofs and walls to improve air quality, amenity, ambient air temperature, building insulation, bird habitat and aesthetic quality of the urban environment**
- **Amend Clause 3.4.7 Landscaping to include a new point 'a' (retain and renumber existing points)**
 - a. Vertical gardens, green roofs and walls should be incorporated into the design of development where appropriate.**
- **Amend Clause 3.4.7 Landscaping to include a new point 'd', 'e' and 'f' (retain and renumber existing points)**
 - d. Where there is minimal opportunity for deep soil zones, soft planted areas of minimum 2m x 2m pockets are required along basement walls for trees.**
 - e. Maximise soil quality by incorporating organic matter in top 300mm.**
 - f. Any paving around deep soil areas should be permeable.**

HDCP 3.4.8 Open Spaces

'Desired Outcome: a. Development that incorporates passive and active recreation areas with privacy and access to sunlight. b. Communal open space comprising landscaped serbacks, landscaping between deellings, and a principal communal open space area.' (HDCP p3-66)

As crucial elements for residential amenity and recreation, along with places for communal gatherings and social interaction, open space provisions are fundamental to the well being, health and cohesion of residential communities in completed developments. It is a frequent shortcoming of many sites that, in spite of sometimes attractive landscape plans, there is limited room allocated to communal open space at ground level, and these are often difficult to access on the south side of buildings.

There is more potential for ground level soft landscape and deep soil planting without access and paving if communal spaces are considered acceptable at roof level where there are views and sun access for any south facing units in winter.



Examples from DA's where limited communal open space is available, but compromised by location.

Communal roof terraces with accessible amenities, good shade and landscaping should be permitted where suitable ground level open space is not available or not of reasonable quality. Infractions to height limit for lift overruns should be permitted provided this is not visible from the street to assist provision of well-designed communal roof terraces.



Example of screened communal open space that can be suitably provided at roof level.

RECOMMENDATION:

- Amend HDCP Clause 3.4.8 Open Spaces to delete point 'c' (retain and renumber existing points)
- Amend HDCP Clause 3.4.8 Open Spaces to delete first dot point under point 'g'
- Amend HDCP Clause 3.4.8 Open Spaces to reword point 'f' as follows -

f. Communal open space should be provided either at ground level, on a roof terrace, or a combination of both equivalent to a minimum of 25 percent of the site area.
- Amend HDCP Clause 3.4.9 Privacy and Security to delete point 'd' (retain and renumber existing points)
- Broaden HLEP clause 5.6 Architectural Roof Feature to permit non-compliance to height limit for a lift overrun provided this is not visible from the street.



Wharf Terrace Woolloomooloo
(Photograph: Courtesy City of Sydney)



Solar panels have improved efficiency when used in combination with green roofs (Source: OEH publication – Urban Green Cover in NSW)

MATERIALS, FINISHES AND SERVICES

Although not specifically covered in the HDCP, the materials details and services can have a significant impact on both the visual environment, and the way in which buildings can help minimise heat island impacts and lower energy needs.



Various visual impacts from poorly considered materials, services and details. (Photos: AJA)

To avoid unfortunate occurrences of visually obtrusive elements that can result from lack of coordination or control, there should be generic guidelines to ensure better design outcomes.

It is also important to note that the architectural character in Hornsby LGA does vary. There are principles and colour palettes that do not have to be prescriptive, but can give reference to both the natural habitat and environmental influences of the area.

The requirement for detailed material and colour schedules must form part of the DA submission packages, and be consistently updated through to Construction Certificate (CC) and completion to ensure the original design intent is followed through.



DA/390/2014 – corner Amor and Bouvardia Sts, Asquith

DA/81/2014 – Chapman Ave, Beecroft

Examples of material and finishes submissions based on well-conceived architectural character.

RECOMMENDATION:

- Amend HDCP to include a new Materials and Finishes Clause requiring:
 - * Submission of materials and finishes boards at DA stage, with samples and large wall sections indicating how the details and colour schedules are to be applied.
- Amend the DA Submission Guideline to ensure the following is included:
 - a) Heating, Ventilation and Air Conditioning (HVAC) equipment should preferably be grouped within designated screened plant areas either on typical floors or on roof-tops.
 - b) Wall mounted equipment (e.g. instantaneous gas HW heaters) and associated pipework is concealed into wall cabinets and ducts
 - c) If service equipment is located on private balconies, additional area above ADG minimums should be provided.
 - d) Rainwater downpipes are thoughtfully designed and integrated into the building fabric.
 - e) The above items should be positioned so that they are not visible from common areas or the public domain adjacent to the development.
 - f) Balustrade design must address visual screening of large items typically stored on balconies, for example BBQ's, clothes drying devices and bicycles.
- Amend standard conditions of consent requiring applicants to provide authentication of approved materials and colours at practical completion and Occupation Certificate (OC).

TOWNHOUSES

As recently identified in residential density studies undertaken by the Grattan Institute, the townhouse development model is regarded as a significant part of the 'missing middle' of new development across major urban areas.

To build more homes, State governments should fix planning rules to allow more homes to be built in inner and middle-ring suburbs of our largest cities. More small-scale urban infill projects should be allowed without council planning approval. (Grattan Institute – 4 March 18)

As much of this medium density development is not affected by SEPP65 and ADG guidelines, there should still be greater scrutiny of design quality that is not easily monitored through DCP policies without much stricter and complicated controls. The alternative is again utilising the services of design review panels to provide oversight of development standards.

CONTEXT AND GROUND PLANE

'Contemporary buildings utilise façade elements such as pergolas, verandahs and the like. Well-articulated building forms with carefully designed facades to achieve and appropriate bulk and scale, and contribute to architectural character.' (HDCP p3-2)

Within the precincts identified for townhouse development, appropriate amalgamation of sites to achieve viable developments is critical in order to avoid remnant sites. It is a reasonable expectation that some single dwelling sites will remain within these areas, so the scale and character of new development must consider the hybrid nature of these streetscapes, and incorporate articulation and materials that do not become too repetitive.

HDCP 3.2.2 Site Requirements

'Desired Outcome: Buildings located on consolidated development sites that provide soft landscaping surrounding the building and limit the number of driveway crossings.' (HCDP p3-16)

The configuration and size of sites determine the extent of site coverage, and HDCP setbacks influence both private and communal open space implications for the local environment. It is critical that consideration of constraints on a site and impact on neighbouring sites form part of thorough context analysis that can enable optimum potential for soft landscaping and deep soil planting.

Not having had as much design quality scrutiny as apartments, townhouses have been to some degree slipped through the planning approval process with less.



Context is a critical factor in site planning and pre-DA consultation can enable better development outcomes.

DA approved on Baldwin Ave, Asquith

Completed townhouses Galston Rd. Hornsby

RECOMMENDATION:

Amend Clause 3.2.2 to have additional 'prescriptive measures that -

- **Require pre-DA consultation for design quality review in managing development scale, relationship to context and elements that contribute to relevant character influences for specific areas.**
- **Stipulate coordinated services planning to minimise loss of landscaped open space and reduction of deep soil zones, particularly where car parking basements occur. Where necessary services, such as OSD, are required in the side setbacks, provision must be made for minimum 2m x 2m pockets as deep soil to allow for planning of large trees.**

BUILDING ENVELOPES

HDCEP 3.2.3 Height

Based on the review of sites and DA analysis, applications for townhouses are often subject to S4.55 (formerly S96) Modification variations, and changes are often unsympathetic to the intended visual character due to changes in height and built form. Consistent review and cross reference to original material should be done to avoid unfortunate outcomes that can have a significant impact on visual character.



281-283 Peats Ferry Rd. Hornsby

Variation from DA photomontage to completed project showing substantial height change and loss of initial design potential.

RECOMMENDATION:

Amend Clause 3.2.3 Height to have additional 'prescriptive measure' to -

- **Require street elevations to include adjacent existing and potential future height envelopes so that potential environmental and visual impacts can be fully considered, both at pre-DA and DA submission.**

HDCP 3.2.4 Setbacks

'Desired Outcome: Well articulated building forms that are setback to incorporate landscaping, open space and separation between buildings. (HDCP p3-19)

It is a frequent occurrence that developers maximise the potential yield on sites. This puts setback controls under pressure both on the site perimeter and internally where there is often basement parking that limits the extent of deep soil planting. There is also an impact on space available for communal open space, particularly where minimal internal setbacks result in potential amenity issues.



DA imagery for Baldwin Ave. Asquith

DA photomontage for Galston Road, Hornsby

Examples of varying front setbacks with different outcomes for public domain interface.

Front setbacks for townhouse development have the potential to support significant amounts of vegetation, and where possible this should be a balance of private open space, privacy screens and allowance for street activation with gate access for each residence. These components can vary subject to context, and no changes of DCP controls are proposed. However, there should be consideration for the ADG controls where scale of a project dictates.

RECOMMENDATION:

Amend Clause 3.2.4 Setbacks to have additional 'prescriptive measure' to –

- **Require ADG setbacks to prevail when size of development justifies additional provisions for privacy, landscaped open space and environmental impacts.**

HDCP 3.2.5 Building Form and Separation

‘Desired Outcome: Articulated buildings that are limited in width and depth and separated by garden areas.’ (HDCP p3-21)

The nature of townhouse design can result in repetitive design that diminish the quality of streetscapes and lessen the sense of individual identity possible with some degree of modulation.



2 - 6 Galston Road, Hornsby

DA proposal for Baldwin Ave, Asquith

Façade modulation can be achieved by minor variations to the building envelope or roof, and where possible should avoid repetitive forms that give limited contribution to streetscape.

DA submissions should provide contextual streetscape analysis to show how both the subdivision pattern and variable character of the built environment have been considered, both in short and longer term horizons to accommodate transition.

RECOMMENDATION:

Amend Clause 3.2.5 Building Form and Separation to have additional ‘prescriptive measure’ that –

- **Refers to Apartment Design Guide Part 2 for design principles and recommended guidelines for managing development scale, relationship to context and elements that contribute to relevant character influences for a specific area.**

LANDSCAPING AND OPEN SPACE

HDCP 3.2.6 Landscaping

‘Desired Outcome: Landscaping that integrates the built form with the locality and enhances the tree canopy.’ (HDCP p3-23)

The potential for landscape quality to enhance both the perimeter and internal spaces can be greatly improved where early pre-DA consultation ensures that the right principles are being taken from the HDCP, and subsequent changes are monitored to deliver quality final results.



DA landscape proposal for Galston Road, Hornsby and positive impact of internal vegetation in completed project.

RECOMMENDATION:

Amend Clause 3.2.6 Landscaping to have additional 'prescriptive measure' to require that -

- **All medium density DA submissions must include fully detailed landscape plans with provision for vegetation that maximises potential for shading to communal spaces, reducing heat load and improving visual qualities.**

HDCCP 3.2.7 Open Spaces

'Desired Outcome: a. Development that incorporates passive and active recreation areas with privacy and access to sunlight. b. Communal open space comprising landscaped setbacks, landscaping between dwellings and a principal communal open space area.' (HDCCP p3-24)

Narrow sites are a particular concern where due to the restrictions of setbacks there is limited space for both private and communal open space, and although the latter is only required for greater than 10 dwellings, scope to provide for social interaction is an issue. There is a major loss of potential open space where 'gun-barrel' driveways or single side access for vehicles is allowed.



Example of limited scope for landscaped areas in DA for townhouses on narrow site in Old Berowra Road, Hornsby

RECOMMENDATION:

Amend Clause 3.2.7 Open Spaces to have additional 'prescriptive measure' to introduce

- **Incentives to maximise communal green open space with deep soil planting to support advanced tree canopies and minimise hard paved areas.**

LOCAL ENVIRONMENTAL PLAN AMENDMENTS

Consideration has been given to the way in which Design Excellence is referenced in the Hornsby Local Environmental Plan 2013, and it is recommended that the principles of design review panels under SEPP 65 form the basis of an extension to the scope of development that is subject to quality appraisal under Hornsby Development Control Plan 2013.

We suggest that HLEP 2013 Clause 6.8 Design Excellence is problematic in application for the following reasons:

- The clause is limited to buildings of a height greater than 29.6m. Such buildings are to provide “design excellence”. One way of reading Clause 6.8 of the LEP is that any building of 29.6m or below is therefore not required to exhibit design excellence. This implication is best avoided if it is considered necessary to improve design quality for a more general range of development.
- The principles and matters identified in the clause are general in nature and are relevant to numerous built forms and development proposals irrespective of height. Massing, scale, relationship to the street, impacts such as visual privacy and acoustics, are as relevant to a dual occupancy development as to a tower in a town centre. The clause does not therefore create a “higher bar” of assessment, for the specific class of development that it is referring to.
- HLEP 2013 Clause 6.8 Design Excellence should therefore apply to all development, regardless of height or type.

It is recommended that Council enhance the Design Excellence clause in the HLEP so that it does more work in delivering design excellence. A further issue to be considered is the possible introduction of a Design Excellence Competition process for particular land and particular development types over a certain value.

RECOMMENDATION:

Amend HLEP Clause 6.8 Design Excellence to establish the basis for –

- **Design Review Panel appraisal for all commercial and multi-unit, mixed use or residential projects, with emphasis on the need for pre-DA submissions in the first instance.**

DEVELOPMENT CONTROL PLAN AMENDMENTS

When a proponent reads in the HLEP and HDCP that design excellence is required, what does Hornsby Shire Council (HSC) mean by that?

Given the breadth of the term design excellence, and given that design excellence is relative to its context and circumstance, it is necessary that Council's pursuit of design excellence is well articulated. The place for this is in the HDCP.

Design Excellence is a concept and not a development standard. It is not possible to deal with the concept of Design Excellence in the same way as a setback or a landscape area via a quantum or number.

There are Hornsby LGA specific design excellence criteria that should be discussed and reinforced within the HDCP. This will inform applicants about the elements that Council perceive to be the minimum requirement and considerations for built form.

This report identifies various opportunities for existing HDCP amendments and updates. However, it is recommended that the HDCP be further enhanced through the introduction of relevant sections of the HDCP, with specific commentary in relation to meeting Design Excellence principles in Hornsby Shire.

RECOMMENDATION:

It is recommended that Hornsby Shire Council (HSC) amend the Design Excellence Panel structure to a formal SEPP 65 structured Design Review Panel to improve the quality of design in the Hornsby LGA. Furthermore, to ensure the original design intent of approved development is followed through, applicants must:

- i. Ensure Registered architects are the design authors as per SEPP65, and that they have clearer understanding of HSC expectations,**
- ii. Maintain a design quality process from DA to Construction Certificate (CC) to OC through insistence that the original architects must sign off each stage of the project, whether they are retained or not when properties and development rights change hands.**
- iii. Lodge a bond of ...% of the project cost which will be held until final OC has been achieved.**

DESIGN EXCELLENCE PANEL

DESIGN EXCELLENCE IS MORE THAN PLANNING CONTROLS

Planning controls often are incapable of informing design excellence that can improve the visual quality of a building, its presentation to the street, quantum of landscaping or apartment amenity. It is evident from the precinct site review and analysis that the rectification of many design problems sit outside the scope of an LEP or DCP prescriptive controls, but can significantly contribute towards design excellence. This is the value and remit of a Design Excellence Panel.

DESIGN PANELS

State Environmental Planning Policy No.65 gave Councils the opportunity to appoint design review panels. The intent under SEPP 65 was that the Panels advise on whether an apartment development meets the design principles, and to make recommendations on ways to achieve compliance, and in turn improve the design outcomes.

The membership of the Panels are independent, recognised design experts in the fields of architecture, planning, urban design and landscape architecture. Some Councils have now constituted design panels for “Design Excellence appraisal on a wider range of development”, whether that be for apartments, townhouses, commercial tower, boarding house, private hospital or any other form of significant development.

DESIGN EXCELLENCE PANEL IN OPERATION

The Administrative and Constitutional establishment and functioning of the Design Excellence Panels is well established in NSW, and Councils establishing of such Panel will be a simple matter. However, it is recommended that the following elements of the Panel, and its operation, is implemented:

- The Panel’s commentary and advice becomes input into the consideration of the assessment of an application, and the Panel does not take on a determination role. This ensures that the development assessment is for Council to undertake, and the determination remains with the Council or the Independent Hearing and Assessment Panels (IHAP), depending on the particular circumstances of the application.

It is clear from experience with other Panels that, over time, when a consistent design excellence message is delivered by the Panel, and when there is a consistency in advice and requests for amendments in relation to elements of design that are often beyond the ability of planning controls to resolve, that:

- The key concerns and desires of the Council in relation to issues such as tree planting, quality materials, considered design are soon understood and embraced by architects and developers; and
- The design quality of development improves exponentially.

SUMMARY OF RECOMMENDATIONS

The following summary is a hierarchy of actions that are required to implement the recommendations of this report, subject to endorsement by Hornsby Shire Council.

IMMEDIATE (HDCP CHANGES)

- *Recommendations for HDCP amendments articulated in this report*
- *Revise HDCP graphics/diagrams to reflect changes as above*
- *Amend the HDCP by incorporation of sections that articulate what encapsulates the desirable character for specific areas of Hornsby Shire against which design quality can be assessed, and clarify application to relevant forms of development – residential flat buildings, townhouses, town centre development.*
- *Undertake a public domain analysis of specific areas of Hornsby Shire to establish principles for urban design character to be included under Part 1 – General; specifically 1C.2 – Built Environment; 1C.2.8 – Building Sustainability and 1C.2.9 - Landscape Quality*

MEDIUM – LONG TERM (HLEP CHANGES)

- *Subject to DP&E agreement, revise height controls to limit height of 5 storey residential development to 16.5m.*
- *Expand scope and operation of Hornsby Shire Council Design Excellence Advisory Panel to include all development regardless of height.*
- *Amend LEP Design Excellence Clause to require Design Excellence Competitions for certain scale or forms of development, inclusive of a bonus provision (eg. City of Parramatta model - an additional 10% floor space and/or building height).*

LONG TERM (RECOMMENDATIONS FOR SEPP 65)

- *Amend SEPP 65 and ADG to include provisions for assessment of all townhouse developments of 2 storeys and above, and in excess of 2 units.*

Appendix B

Consistency with State Environmental Planning Policies

State Environmental Planning Policy / Deemed SEPPs	Consistency
SEPP No 1 – Development Standards	Not applicable
SEPP No 19 – Bushland in Urban Areas	The planning proposal will not affect the application of the SEPP.
SEPP No 21 – Caravan Parks	Not applicable
SEPP No 30 – Intensive Agriculture	The planning proposal will not affect the application of the SEPP.
SEPP No 33 – Hazardous and Offensive Development	Not applicable
SEPP No 44 – Koala Habitat Protection	Not applicable
SEPP No 47 – Moore Park Showground	Not applicable
SEPP No 50 – Canal Estate Development	Not applicable
SEPP No 52 – Farm Dams and Other Works in Land and Water Management Plan Areas	Not applicable
SEPP No 55 – Remediation of Land	The planning proposal will not affect the application of the SEPP.
SEPP No 62 – Sustainable Aquaculture	The planning proposal will not affect the application of the SEPP.
SEPP No 64 – Advertising and Signage	The planning proposal will not affect the application of the SEPP.
SEPP No 65 – Design Quality of Residential Apartment Development	The planning proposal will not affect the application of the SEPP.
SEPP No 70 – Affordable Housing (Revised Schemes)	The planning proposal will not affect the application of the SEPP.
SEPP (Affordable Rental Housing) 2009	The planning proposal will not affect the application of the SEPP.
SEPP (Building Sustainability Index: BASIX) 2004	The planning proposal will not affect the application of the SEPP.
SEPP (Coastal Management) 2018	The planning proposal will not affect the application of the SEPP.
SEPP (Exempt and Complying Development Codes) 2008	The planning proposal will not affect the application of the SEPP.
SEPP (Housing for Seniors or People with a Disability) 2004	The planning proposal will not affect the application of the SEPP.
SEPP (Infrastructure) 2007	The planning proposal will not affect the application of the SEPP.
SEPP (Kosciuszko National Park - Alpine Resorts) 2007	Not applicable
SEPP (Kurnell Peninsula) 1989	Not applicable
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	The planning proposal will not affect the application of the SEPP.
SEPP (Miscellaneous Consent Provisions) 2007	The planning proposal will not affect the application of the SEPP.
SEPP (Penrith Lakes Scheme) 1989	Not applicable
SEPP (Rural Lands) 2008	Not applicable
SEPP (State and Regional Development) 2011	The planning proposal will not affect the application of the SEPP.
SEPP (State Significant Precincts) 2005	Not applicable
SEPP (Sydney Drinking Water Catchment) 2011	Not applicable
SEPP (Sydney Region Growth Centres) 2006	Not applicable
SEPP (Three Ports) 2013	Not applicable
SEPP (Urban Renewal) 2010	Not applicable
SEPP (Vegetation in Non-Rural Areas) 2017	The planning proposal will not affect the application of the SEPP.
SEPP (Western Sydney Employment Area) 2009	Not applicable

State Environmental Planning Policy / Deemed SEPPs	Consistency
SEPP (Western Sydney Parklands) 2009	Not applicable
SREP No 8 (Central Coast Plateau Areas)	Not applicable
SREP No 9 - Extractive Industry (No 2 - 1995)	Not applicable
SREP No 16 – Walsh Bay	Not applicable
SREP No 20 - Hawkesbury- Nepean River (No 2 - 1997)	Not applicable
SREP No 24 - Homebush Bay Area	Not applicable
SREP No 26 – City West	Not applicable
SREP No 30 - St Marys	Not applicable
SREP No 33 - Cooks Cove	Not applicable
SREP (Sydney Harbour Catchment) 2005	Not applicable

Appendix C

Consistency with Section 9.1 Ministerial Directions

Section 9.1 Direction		Consistency	Comment
1. Employment and resources			
1.1	Business and Industrial Zones	Yes	The planning proposal is consistent with the Direction as the zoning amendments are correcting identified anomalies and are of minor significance. Refer to Question 6 (page 13) of the planning proposal for additional information.
1.2	Rural Zones	N/A	
1.3	Mining, Petroleum and Extractive Industries	N/A	
1.4	Oyster Aquaculture	N/A	
1.5	Rural Land	N/A	
2. Environment and heritage			
2.1	Environment Protection Zones	N/A	
2.2	Coastal Management	N/A	
2.3	Heritage Conservation	N/A	
2.4	Recreation Vehicle Areas	N/A	
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	N/A	
3. Housing, Infrastructure and Urban Development			
3.1	Residential Development	YES	The planning proposal seeks to amend the Height of Buildings standard for 5-storey residential flat buildings from 17.5m to 16.5m. The proposed amendment seeks to promote good design by improving removing the ability to include mezzanine levels. The planning proposal is consistent with the Direction as it will not reduce the permissible residential density of the land to which the amendment applies. Refer to Question 6 (pages 13-14) of the planning proposal for additional information.
3.2	Caravan Parks and Manufactured Home Estates	N/A	
3.3	Home Occupations	N/A	
3.4	Integrating Land Use and Transport	N/A	
3.5	Development Near Regulated Airports and Defence Airfields	N/A	
3.6	Shooting Ranges	N/A	
4. Hazard and Risk			
4.1	Acid Sulfate Soils	N/A	

Section 9.1 Direction		Consistency	Comment
4.2	Mine Subsidence and Unstable Land	N/A	
4.3	Flood Prone Land	N/A	
4.4	Planning for Bushfire Protection	N/A	<p>The Planning Proposal applies to land which is mapped as bushfire prone land. However, the changes do not introduce development in hazardous areas. In accordance with this Direction, Council will consult with the Commissioner of the NSW RFS following receipt of the Gateway Determination and prior to undertaking community consultation.</p> <p>Refer to Question 6 (page 14) of the planning proposal for additional information.</p>
5. Regional Planning			
5.1	Implementation of Regional Strategies	N/A	
5.2	Sydney Drinking Water Catchment	N/A	
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	N/A	
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	N/A	
5.5-5.8	Revoked		
5.9	North West Rail Link Corridor Strategy	N/A	
5.10	Implementation of Regional Plans	YES	Applicable. The planning proposal is consistent with the objectives of the <i>Greater Sydney Region Plan: A Metropolis of Three Cities</i> . Refer to Part 3 of the planning proposal.
6. Local Plan Making			
6.1	Approval and Referral Requirements	YES	The planning proposal does not contain provisions requiring concurrence, consultation or referral of development applications to a Minister or public authority.
6.2	Reserving Land for Public Purposes	N/A	
6.3	Site Specific Provisions	N/A	
7. Metropolitan Planning			
7.1	Implementation of A <i>Metropolis of Three Cities</i> (March 2018)	YES	Applicable. The planning proposal is consistent with the objectives of the <i>Greater Sydney Region Plan: A Metropolis of Three Cities</i> . Refer to Part 3 of the planning proposal.
7.2 – 7.10		N/A	

Housekeeping LEP Amendment of Heritage Listing anomalies - 2019

1. Correction of Anomalies of Heritage Items

The following items are minor anomalies to item names, property address and or title details which have been identified within the existing heritage schedule.

A total of 40 anomalies have been identified to date for correction

	Suburb	Street Address	Item	Item No.	Comment
1.	Beecroft	29B Albert Road	House and garden	35	Amend property description to Lot 2 DP 1161695,
2.	Beecroft	83 Beecroft Road	House	46	Amend property description to Lot 1 DP 1203540
3.	Beecroft	12 Malton Road	Lynwood	118	Amend property description to Lot 1 DP 1154960
4.	Beecroft	14-18 Malton Road	Mindaribba	119	Amend property description to Lot 2 DP 1154960
5.	Beecroft	7-9 Mangiri Road	Linthorpe	126	Amend address and property description to 9 Mangiri Road, Lot 19 DP 715454
6.	Beecroft	589 Pennant Hills Road	Pennant Hills Golf Club - grounds	138	Amend property description to Lot 200 DP 1222487, Lease DP 1019577
7.	Beecroft	Sutherland Road – Byles Creek Valley Beecroft Reserve	Byles Creek	140	Item 140 not correct on LEP map. Amend HLEP 2013 Heritage Maps. Amend property description.

Housekeeping LEP Amendment of Heritage Listing anomalies - 2019

	Suburb	Street Address	Item	Item No.	Comment
8.	Berowra	14X Berowra Waters Road	Berowra Park	158	Add to property description Lot 7308 DP 1165922
9.	Berowra	41 Berowra Road	Community hall and grounds	161	Amend property address to 41X Berowra Waters Road and add to property description Lot 476 DP 822294
10.	Brooklyn	53 Brooklyn Road	Boatshed	207	Amend address and property description to Crown Land Licence #LI551065, lease to No. 53 Brooklyn Road
11.	Brooklyn	5 George Street	House	230	Amend property description to Lot 1 DP 972865, Lot 4 Sec C DP 2746, Lot 6 Sec C DP 2746, Lot 5 Sec C DP 2746
12.	Brooklyn	10-16 James Road	Brown's Boatshed	A 17	Amend property description to Lots L, H, J and K DP19744
13.	Castle Hill	3 Glenowen Way	"Glenowen" and garden	258	Amend Item name to Glenowen Farm. The 2010 Comprehensive LEP Review of Heritage Items assessed the garden to be substantially changed. A number of the plantings have been removed as a result of the subdivision and there is little remaining evidence of the farm garden. Two remnant trees are now located on adjoining properties.
14.	Cherrybrook	54X Shepherds Drive	The Lakes of Cherrybrook Reserve	311	Check and Amend Property Description to Lot 4205 DP 706256 only. Remove reference to McKinley Place Bushland.

Housekeeping LEP Amendment of Heritage Listing anomalies - 2019

	Suburb	Street Address	Item	Item No.	Comment
15.	Dural	260-266 New Line Road	Terranova	346	Amend Property Description to Lot 2 DP 1231574
16.	Hornsby	33 Dural Street	House	473	Amend Item name to House and Fence. Garden identified under Item No. 742 no longer intact.
17.	Hornsby	12 Edgeworth David Avenue	Hornsby Girls' High School	476	Amend Property Description to include Lot 1 DP 122994.
18.	Hornsby	1-3 Jersey Street	Shops	486	Amend Property Description to Lot 4 DP 2947
19.	Hornsby	23, 27X and 35X Lisgar Road	Lisgar Gardens	492	Check and amend Property Address and Description to 23 Lisgar Road and Lot 2 DP 421280. Remove reference to adjacent bushland.
20.	Hornsby	2A Manor Road	Mount Wilga and grounds	495	Amend Property Description to Lot 1 DP 1181742
21.	Hornsby	91 Pacific Highway	Barker College	501	Amend Property Description to delete Part Lot 1 DP 135493
22.	Hornsby	38-76 Palmerston Road	Hornsby Hospital	529	Amend Property Description to Lot 8118 DP 1237240
23.	Hornsby	203X Peats Ferry Road	Hornsby Park— Lone Pine and sandstone steps	513	Lone Pine was removed in 2012 to permit construction of the Hornsby Pool and Leisure Centre. A new Gallipoli Pine was planted near the cenotaph at Hornsby Station at the request of the Hornsby RSL branch.

Housekeeping LEP Amendment of Heritage Listing anomalies - 2019

	Suburb	Street Address	Item	Item No.	Comment
24.	Mount Colah	31X Amaroo Avenue	Peat Park	574	Amend Property Description to add Lot 103 DP 776683
25.	Mount Colah	2-46 Lord Street	Asquith Golf Course	579	Amend suburb to Asquith
26.	Normanhurst	91-93 Pennant Hills Road and 16-22 Mount Pleasant Avenue	Loretto Convent Group	607	Amend Property Description to Lot 3 DP 1217496, Lot 5 DP 1218765, Lot 16 DP 6612
27.	Pennant Hills	2X Beecroft Road	Blackwood Sanctuary	A 61	Amend Property Description to Lot 70 DP 1208019
28.	Pennant Hills	18-26 Boundary Road	St Agatha's Primary School - grounds	619	Amend Property Description to Lot 14 DP 1209764
29.	Pennant Hills	27 Boundary Road	Cheddington	619	Amend Property Description to Lot 17 DP 1210302, Lot 4 DP 622198
30.	Pennant Hills	418 Pennant Hills Road	Camira	652	Amend Property Description to Lot 48 DP 1208102

Housekeeping LEP Amendment of Heritage Listing anomalies - 2019

	Suburb	Street Address	Item	Item No.	Comment
31.	Pennant Hills	449D Pennant Hills Road	Mount St. Benedict's Convent and grounds	653	Amend Property Description to Lot 10 DP 1209584
32.	Pennant Hills	449X Pennant Hills Road	Observatory Park	654	Amend Property Description to Lot 71 DP 1208019
33.	Pennant Hills	25-27 Stevens Street	Bushloe	666	Amend Property Description to Lot 33 DP 1213607
34.	Pennant Hills	20 Warne Street	House	680	Amend Property Description to Lot 38 DP 1213819
35.	Pennant Hills	24 Warne Street	House	681	Amend Property Description to Lot 34 DP 1213819
36.	Pennant Hills	14 Werona Street	Karoola	684	Amend Property Description to Lot 30 DP 1213607
37.	Thornleigh	80 The Esplanade	House	723	Amend Property Description to Lot 25 DP 1211837
38.	Wahroonga	45 Bundarra Avenue	Garden	731	Amend Property Description to Lot 1-3 DP 1201935
39.	Wahroonga	42 Woonona Avenue	Cherrygarth and garden	770	Amend Property Description to Lot 23 DP 1213773
40.	West Pennant Hills	587 Pennant Hills Road	House	791	Amend Property Description and address. Recently amalgamated and now part of senior's development at No.3-5 Copeland Road.

Housekeeping LEP Amendment of Heritage Listing anomalies - 2019

Note: Heritage map may require amendment for addition/removal of properties if the above changes are progressed

End of document



**Office of
Environment & Heritage**
NSW National Parks & Wildlife Service



General Manager
Hornsby Shire Council
PO Box 37
Hornsby NSW 1630

Email: hsc@hornsby.nsw.gov.au

Dear Sir/Madam

Notice of Reservation under the National Parks & Wildlife Act 1974

Addition to Marramarra National Park

Please find attached Government Gazette notice published 6 September 2019 in regard to the above for your information and records.

Land reserved under the National Parks and Wildlife Act 1974 is zoned E1 National Parks and Nature Reserves and this can be amended in your Local Environmental Plan.

Please contact me if you have any questions.

CATHY JOHNSON
Project Officer – Land Information
Reserve Establishment
T (02) 9585 6377
cathy.johnson@environment.nsw.gov.au

9 September 2019

County of St Vincent, Parish of Bherwerre, 11.19 hectares, being Lot 1 DP866983.

Papers NPWS/EF14/7272

(n2019-2655)

NATIONAL PARKS AND WILDLIFE ACT 1974

NOTICE OF RESERVATION OF A NATIONAL PARK

I, the Honourable Margaret Beazley AO QC, Governor of the State of New South Wales, with the advice of the Executive Council, reserve the lands described in the Schedule below as part of **Marramarra National Park**, under the provisions of Section 30A(1)(a) of the *National Parks and Wildlife Act 1974*.

SIGNED and SEALED at Sydney this 4th day of September 2019.

MARGARET BEAZLEY

Governor,

By Her Excellency's Command,

MATTHEW KEAN

Minister for Energy and Environment.

GOD SAVE THE QUEEN

Schedule

Land District - Hornsby LGA - Hornsby

County of Cumberland, Parish of Berowra, 11.94 hectares, being Lot 1 DP 727931.

Papers NPWS/EF14/7199

(n2019-2656)

NATIONAL PARKS AND WILDLIFE ACT 1974

NOTICE OF RESERVATION OF A NATIONAL PARK

I, the Honourable Margaret Beazley AO QC, Governor of the State of New South Wales, with the advice of the Executive Council, reserve the lands described in Schedules 1 and 2 below as part of **New England National Park**, under the provisions of Section 30A(1)(a) of the *National Parks and Wildlife Act 1974*.

SIGNED and SEALED at Sydney this 4th day of September 2019.

MARGARET BEAZLEY

Governor,

By Her Excellency's Command,

MATTHEW KEAN

Minister for Energy and Environment.

GOD SAVE THE QUEEN

An area totalling about 463.56 hectares

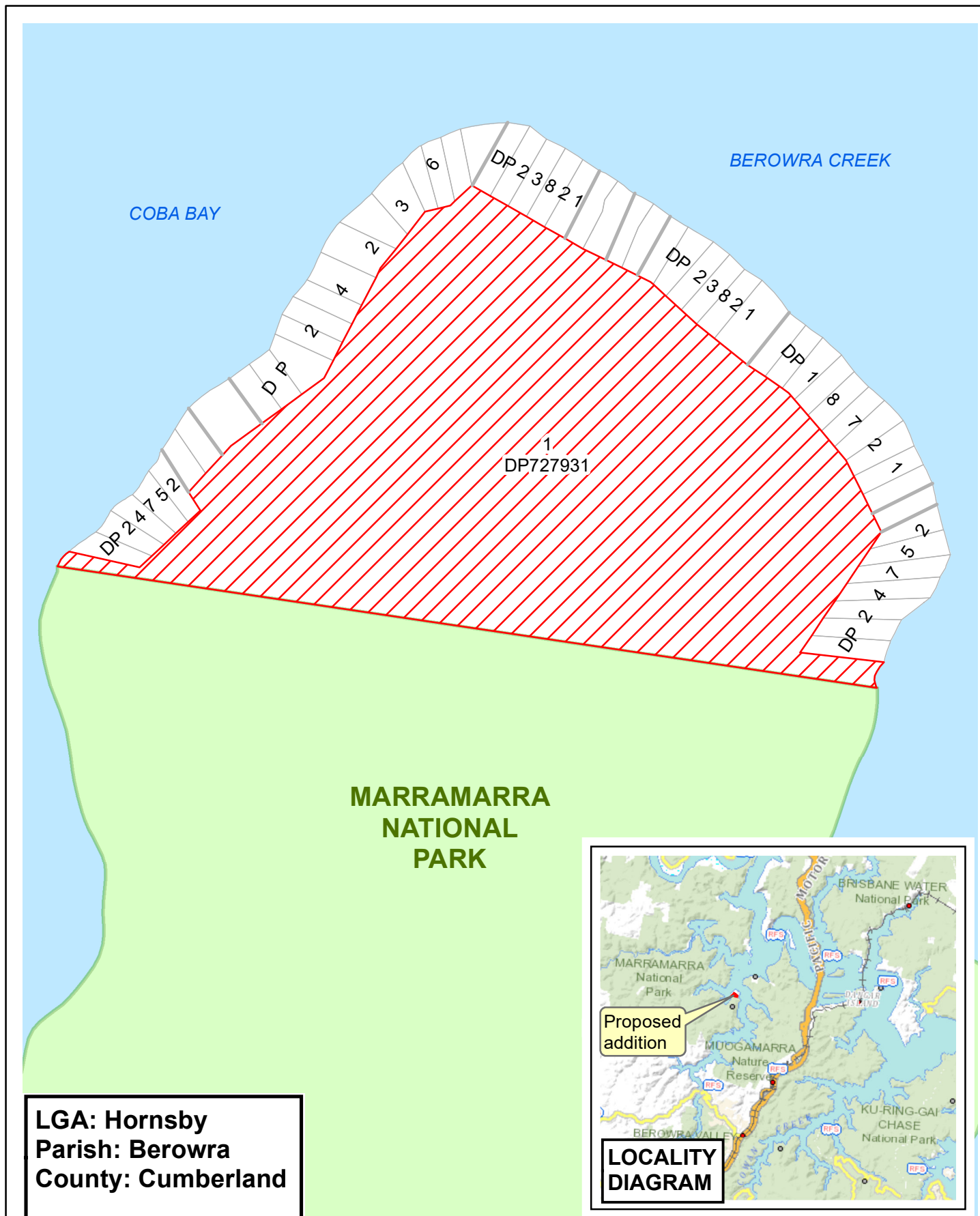
Land District - Armidale LGA - Armidale Regional

Schedule 1




County of Clarke, Parish of Cunnawarra, 458.88 hectares, being Lot 1, 2, 3, 4, 22, 27, 28, 29, 30 & 32 DP751447.

Schedule 2

County of Clarke, Parish of Cunnawarra, about 4.68 hectares being the Crown road within Lots 1, 4 & 32 DP751447 and the Crown road shown hatched below



Legend

-  Addition
-  NPWS Estate
-  Cadastre Parcels

Addition of Land to Marramarra National Park



**Planning,
Industry &
Environment**



AOI 2445
EF14/7199
DOC19/597800



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