

Planning Services

Gateway Determination Report

LGA	Hornsby
RPA	Hornsby Shire Council
NAME	Hornsby Town Centre East Precinct (potential dwellings and job numbers to be determined)
NUMBER	PP_2017_HORNS_002_00
LEP TO BE AMENDED	Hornsby LEP 2013
ADDRESS	Eastern portion of Hornsby Town Centre
DESCRIPTION	Eastern portion of Hornsby Town Centre
RECEIVED	7 August 2017
FILE NO.	17/07957
QA NUMBER	qA412677
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required.
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal.

INTRODUCTION

Description of Planning Proposal

The planning proposal will amend the planning controls for the Hornsby Town Centre East Precinct. The planning proposal seeks to permit residential development in the B3 Commercial Core zone; increase the building height and floor space ratio (FSR) controls; reduce the minimum non-residential floor space ratio; and rezone the George Street commuter carpark to B4 Mixed Use.

Site Description

The Hornsby Town Centre East Precinct (the precinct) is generally bounded by Linda Street and Burdett Street to the north; the Hornsby Railway Station and Jersey Street to the west; the railway line and Edgeworth David Avenue to the south; and Albert South Street, Muriel Street and Hunter Street to the east. Refer to Figure 1 (overleaf) for an aerial photo of the precinct.

The precinct contains the Westfield Shopping Centre, Hornsby Mall (along Florence Street), and Hornsby Central Library, which are all currently zoned B3 Commercial Core. In addition, a number of commercial developments within the northern portion of the precinct are zoned B3 Commercial Core and B4 Mixed Use.

The Hornsby Railway Station is currently zoned B4 Mixed Use whilst the Hornsby Station Commuter Carpark (along George Street) is zoned part B4 Mixed Use and part SP2 Railway.

The precinct also contains two single-storey dwellings at 17 & 19 Albert Street, and apartments in three mixed use buildings within the northern portion of the precinct.



Figure 1 – Aerial view of the east precinct (outlined in red)

Surrounding Area

The railway line (including Hornsby Railway Station) divides the Hornsby Town Centre into an eastern portion (i.e. the precinct) and a western portion (i.e. the west precinct). It is noted that a planning proposal to increase the density of the Hornsby Town Centre West Precinct was finalised in December 2014 (PP_2011_HORNS_001_00). Figure 2 (overleaf) illustrates the west precinct.

There is also an active planning proposal for the Hornsby RSL Club site (south-west of the precinct) to permit three residential flat buildings providing approximately 374 additional dwellings (PP_2017_HORNS_001_00).

The land to the east of the precinct is zoned R4 High Density Residential and is generally characterised by the location of three to four storey apartments. Whilst land to the north, south and west of the precinct is zoned B4 Mixed Use and contains a mix of commercial

and residential (i.e. shop top housing) developments. In addition, Hornsby Girls High School is also located to the south of the precinct.



Figure 2 – Aerial view of the west precinct (outlined in red)

Summary of Recommendation

It is recommended that the planning proposal (as amended) proceed with conditions given that it will revitalise the eastern portion of the Hornsby Town Centre and provide additional housing and employment opportunities in an appropriate location.

PROPOSAL

Objectives or Intended Outcomes

The objective of this planning proposal is to amend the planning controls within the eastern side of the Hornsby Town Centre to provide additional housing and jobs closer to home; stimulate economic activity and innovation; promote healthier lifestyles and community cohesion; and, enable the improvement of the public domain, community and cultural facilities.

To achieve this outcome, the current planning controls applying to the Hornsby Town Centre East Precinct will need to be amended. The planning proposal seeks to amend the zoning, building height and FSR controls for the precinct.

Department comment

The Department notes that the planning proposal will increase the number of dwellings and jobs within the precinct. However, an estimate is unable to be provided until the supporting studies are completed to determine the appropriate planning controls (i.e. maximum building height and FSR) for the precinct.

The Department recommends that Council identifies the number of additional dwellings and jobs generated by the planning proposal once the supporting studies are completed.

Explanation of Provisions

The planning proposal seeks to amend the Hornsby Local Environmental Plan (LEP) 2013 by:

- permitting residential development in the B3 Commercial Core zone and inserting an additional objective for the B3 Commercial Core zone, as follows:
“To maintain existing commercial space and allow for residential development in mixed use buildings, with non-residential uses on the lower levels and residential uses above those levels.”
- increasing the maximum building height and floor space ratio (FSR) controls for the precinct;
- reducing the minimum non-residential floor space control to 2:1 in the B3 Commercial Core and B4 Mixed Use zones within the precinct; and,
- rezoning part of the railway land within the railway from SP2 Railway to B4 Mixed Use to enable airspace development above the George Street commuter carpark.

Department comment

Alteration to the B3 Commercial Core Zone

The planning proposal seeks to introduce residential development in the B3 Commercial Core zone as an additional permitted use, enabling the development of mixed-use buildings to occur within the B3 zone.

The intended outcome (i.e. mixed-use development) aligns with the objectives of the B4 Mixed Use zone instead of the B3 Commercial Core zone. The B4 zone aims to “integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling”.

A comparison of the B3 Commercial Core and B4 Mixed Use land use tables (**Attachment E**) highlights that the permissible uses within the two zones are generally similar, permitting a range of commercial and retail uses. However, the table below highlights differences in permissible land uses.

Land Use	B3 Commercial Core	B4 Mixed Use
Boarding houses	Prohibited	Permitted
Hostels	Prohibited	Permitted
Seniors housing	Prohibited	Permitted
Residential care facilities	Prohibited	Permitted
Shop top housing	Prohibited (<i>proposed to be permitted</i>)	Permitted
Bed and breakfast accommodation	Prohibited	Permitted
Farm stay accommodation	Prohibited	Permitted
Serviced apartments	Prohibited	Permitted
Industrial retail outlets	Prohibited	Permitted
Light industries	Prohibited	Permitted
High technology industry	Prohibited	Permitted
Home industry	Prohibited	Permitted
Vehicle repair station	Prohibited	Permitted
Depots	Prohibited	Permitted
Industrial training facilities	Prohibited	Permitted
Group homes	Permitted	Prohibited

Council has advised that rezoning the B3 Commercial Core zone to B4 Mixed Use is not preferred as it will introduce uses (as shown in the table above), other than the proposed shop top housing, that Council deem incompatible with the core of the Hornsby Town Centre (**Attachment F**).

While acknowledging Council's comments, it is contemplated that several permissible uses within the B4 zone, such as bed and breakfast accommodation; farm stay accommodation; light industries; vehicle repair stations; and depots, would be unlikely to eventuate in the future. Particularly, given the increasing land value of the precinct dictating a higher order use of the land and as proposed development applications, of this nature, would be required to be assessed against the zone's objectives.

In addition, it is noted that the Westfield complex occupies the majority of the B3 Commercial Core land (approximately two-thirds) and the precinct contains the only B3 zoned land in the LGA.

In these circumstances, the Department concludes that there is little risk associated with the introduction of incompatible uses under a B4 zone.

Further, the assignment of a B4 zone will ensure that there is a continued separation between the objectives of the two zones under the Standard Instrument and ensure consistency with the intent of that instrument. It is also noted that the majority of the permitted land uses in the B4 Mixed Use zone are compatible with Council's intention for the commercial centre.

The recommended B4 Mixed Use is also compatible with other current zones within the precinct and would not necessarily cause any conflicting land uses to occur with, for example, the adjacent R4 High Density Residential zone (see Figure 3 overleaf).

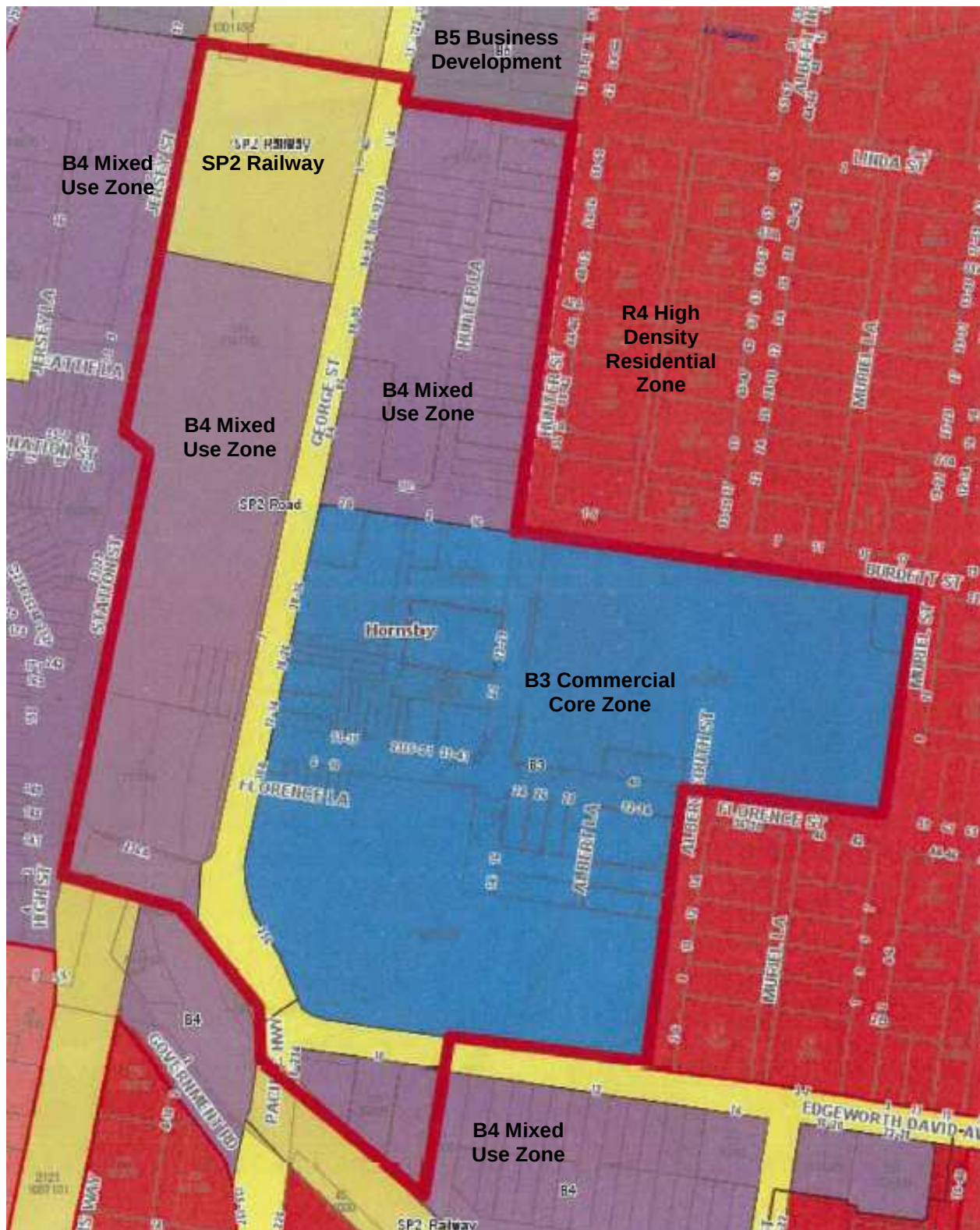


Figure 3 – Current Land Zoning Map (precinct outlined in red)

In addition, the Feasibility Investigation Report (**Attachment G**), provided as supporting documentation, recommends (amongst other things) rezoning the B3 land to B4 as a potential option for Council (page 70).

It is also noted that the Executive Director, City Planning, of the Greater Sydney Commission (GSC) has advised (**Attachment H**) that a B4 Mixed Use is acceptable subject to certain suggested FSR controls. Proposed controls will be subject to Council's further investigation, should a Gateway determination be issued.

Proposed Maximum FSR and Minimum Non-Residential FSR

The Feasibility Investigation Report (**Attachment G**) provided two FSR options (page 71) to Council as shown in the table below.

	Minimum Non-Residential FSR	Additional Residential FSR	Overall FSR
Option 1	2:1	4.5:1	6.5:1
Option 2	3:1	5.5:1	8.5:1

The planning proposal has identified a minimum non-residential FSR of 2:1, however, the FSR control will not be determined until the supporting studies are completed.

The GSC advised (**Attachment H**) that the FSR options in the Report were reasonable, however, the residential FSR controls should be increased to support the redevelopment of buildings within the precinct. The GSC, has informally recommended the following FSR controls, as shown in the table below.

	Minimum Non-Residential FSR	Residential FSR
Hunter Street	2:1	6:1
George Street	3:1	5:1

The Department recommends that Council tests the proposed FSR controls (as recommended by the supporting studies) with the proposed minimum non-residential FSR to ensure the proposed FSR combination is suitable. This should be determined prior to community consultation.

Proposed Maximum Building Height

As noted previously, Council will determine the proposed building heights for the precinct when the supporting studies are completed. The Department notes that the precinct currently is subject to a reduction in maximum heights towards the R4 High Density Residential zoned land to the east.

Mapping

The current maps are provided in Part 4 of the planning proposal and Council proposes to amend the following:

- Land Zoning Map (Sheet LZN_017);
- Height of Building Map (Sheet HOB_017); and
- Floor Space Ratio Map (Sheet FSR_017).

The current land zoning, building height and FSR maps are provided at **Attachment I**.

Department comment

The Department notes that the proposed maps associated with this planning proposal have not been provided. However, these maps will be provided once the supporting studies are completed.

Therefore, prior to community consultation it is recommended that Council includes the proposed maps and provides a legend for each map to provide clarity on the planning controls. In addition, the recommended B4 zone should be incorporated into the revised planning proposal in accordance with the Department's previous comment.

NEED FOR THE PLANNING PROPOSAL

The planning proposal is not a result of a strategic study or report. However, the planning proposal seeks to revitalize the eastern side of the Hornsby Town Centre to reflect its role as a 'District Centre' within the broader North District (Draft North District Plan 2016).

In addition, the planning proposal follows the recommendations of the Council commissioned 'Feasibility Investigation Report' which concluded that additional residential development is required to support the redevelopment of the Hornsby Town Centre East Precinct. A copy of the Feasibility Investigation Report is provided at **Attachment G**.

It is considered that the planning proposal is the best and most appropriate means of achieving the Council's intended outcome. A planning proposal is the only means available to achieve a rezoning of the precinct and amend the associated planning controls.

STRATEGIC ASSESSMENT

Regional / District

A Plan for Growing Sydney (2014)

A Plan for Growing Sydney identifies Hornsby Town Centre as a 'Strategic Centre' with additional housing to be delivered along the railway line within Urban Renewal Corridors.

The priorities for this Strategic Centre (page 127) are as follows:

- work with council to retain a commercial core in Hornsby, as required, for long-term employment growth;
- work with council to provide capacity for additional mixed-use development in Hornsby including offices, retail, services and housing;
- support health-related land uses and infrastructure around Hornsby Ku-ring-gai Hospital; and
- work with council to improve walking and cycling connections between Hornsby train station and Hornsby Ku-ring-gai Hospital.

Draft North District Plan (2016)

The Draft North District Plan reclassifies Hornsby Town Centre as a 'District Centre' with the potential to provide retail and local services for the community, and 22,000 jobs by 2036 (page 42).

The proposed priorities for the District Centre (page 58) include the following:

- encourage revitalisation of the commercial core;
- better integrate Westfield Hornsby into the Centre and make the area more attractive;
- attract mixed-use development west of the railway line, encourage stronger integration with the Centre, and encourage the development of a lively 'eat-street' or restaurant strip;
- review local planning instruments to unlock development potential of strata constrained areas east of the Centre;
- support health-related land uses and infrastructure around Hornsby Ku-ring-gai Hospital;
- improve walking and cycling connections between Hornsby Station and the Hospital
- reduce negative traffic impacts on pedestrians;
- promote walking, cycling and public transport to the Centre and within it; and
- prioritise public domain upgrades, placemaking initiatives and a new civic space.

In addition, Productivity Priority 2 notes that B3 Commercial Core zones in District Centres should be used to reinforce and support the operation and viability of non-residential uses, including local office markets (page 46).

The housing target for the Hornsby Local Government Area is 4,350 dwellings by 2021 (page 89), with Council to investigate opportunities along the rail corridors (page 94).

Council Comment

Council notes that should the classification of the Hornsby Town Centre change, the future role of the Centre would also change from reserving land for knowledge economy jobs to providing jobs that service the local population. This change would impact upon the commercial core zoning of the Centre, which is currently predicated on supporting the delivery of large floorplate office development. However, the provision of jobs to service the growing local population requires either ground floor shop fronts or first floor tenancies.

Council notes that while there is a concern with the potential loss of investment interest, should the Centre be reclassified as a District Centre, this presents an opportunity to revise Council's planning strategy to achieve its revitalisation priority.

Council's Feasibility Investigation Report (**Attachment G**) identifies that future provision of commercial floor space would only be feasible as part of a mixed-use development with residential uses on the upper floors.

Council also notes that the planning proposal is consistent with Council's 'Community Strategic Plan 2013-2023' which seeks a trusted, sustainable and innovative Council dedicated to improving the quality of life of the community.

Department Comment

It is noted that the Draft North District Plan and A Plan for Growing Sydney both encourage the retention and revitalisation of the commercial core in the Hornsby Town Centre.

The justification provided by Council for the inclusion of residential development within the B3 Commercial Core zoned land is considered to be of sufficient merit for a Gateway determination to be issued. However, it is recommended that the B3 zoned land be rezoned to a B4 Mixed Use zone to align the purpose of the area with the appropriate zone and that further justification in regard to the reduced commercial floor space is provided once the supporting studies are completed.

As the planning proposal seeks to revitalise the commercial core area and provide additional housing in the Centre, the planning proposal is generally consistent with A Plan for Growing Sydney and the Draft North District Plan in this regard. Furthermore, advice from the GSC (**Attachment H**) confirms that introducing a B4 zone is considered acceptable.

It is acknowledged that the planning proposal is inconsistent with an intent to maintain a commercial core, however on balance, it is considered the need to revitalise the centre outweighs the need to maintain the core.

Local

Community Strategic Plan 2013–2023

The Council's Community Strategic Plan 2013–2023 notes that over the next 10 years, it is forecast that there will be over 4,270 dwellings built and over 2,380 new jobs created. In addition, the Community Plan states that an outcome for the community is to increase employment rates in the Hornsby LGA (3.5.P) and increase the number of people living and working locally (3.6.P).

It is noted that the planning proposal is consistent with the local strategy in this regard.

Section 117(2) Ministerial Directions

The consistency of the planning proposal with the relevant Section 117 Directions is addressed below.

Direction 1.1 Business and Industrial Zones

This Direction aims to encourage employment growth in suitable locations; protect existing employment land; and support the viability of identified strategic centres. This Direction applies to this planning proposal as it intends to alter the business zones (i.e. B3 and B4) within the precinct.

The planning proposal is inconsistent with this Direction as it will reduce the potential floor space area for employment uses in the B3 Commercial Core zone with the introduction of residential development in the zone (i.e. rezoning to B4 Mixed Use). Council will further investigate the potential commercial floor space reduction through the preparation of an Economic Feasibility Study.

The Feasibility Investigation Report (**Attachment G**) commissioned by Council concluded that the economic viability of any future redevelopment of the precinct is impacted by the limited residential potential within the precinct. Therefore, Council notes that additional residential development is required in the precinct to enable the revitalisation of the Hornsby Town Centre East Precinct.

Council advised that the inconsistency with this Direction will be justified once the supporting studies are completed.

Department Comment

It is accordingly recommended, prior to community consultation, that Council provides further justification for the inconsistency with Direction 1.1 Business and Industrial Zones and seeks the Secretary's approval for the inconsistency.

Direction 2.3 Heritage Conservation

The objective of this Direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

This Direction applies to the planning proposal as the precinct contains a number of heritage items, as follows:

- Local Heritage Item 485 – SRA electricity plant and signal box;
- Local Heritage Item 475 – Street trees along Edgeworth David Avenue;
- Archaeological Site A50 – SRA electricity plant and signal box;
- Archaeological Site A51 – Railway Station;
- Archaeological Site A52 – Railway cloak room buildings; and
- Heritage Conservation Area C5 – Peats Ferry Road Precinct, Hornsby West Side Heritage Conservation Area.

The planning proposal intends to rezone part of the railway land from SP2 Railway to B4 Mixed Use to enable development to occur over the Hornsby Station Commuter Carpark. However, the Hornsby Station Commuter Carpark is part of the local heritage item 485, the SRA electricity plant and signal box. An extract from the Heritage Map is provided as follows (Figure 4).



Figure 4 – Heritage Map (precinct outlined in red)

Council notes that the planning proposal is consistent with this Direction as there are provisions in the Hornsby LEP 2013 to facilitate the conservation of these heritage items and conservation areas. Council also intends to commission a Heritage Impact Study to support the planning proposal.

Therefore, the planning proposal is consistent with this Direction.

Direction 3.1 Residential Zones

This Direction aims to encourage a variety of housing types and choice, ensure that new housing has appropriate access to infrastructure and services, and minimise the impact of residential development on the environment and resource lands.

The planning proposal is consistent with this Direction as it will provide additional housing in a suitable location with access to employment; services and facilities; and public transport

options. It is also advised that the planning proposal will broaden the housing types and not consume land on the urban fringe for housing.

Direction 3.4 Integrating Land Use and Transport

The objective of this Direction is to utilise and support public transport services, and reduce the reliance on cars. The planning proposal is consistent with this Direction as it will integrate urban development with existing public transport facilities.

The planning proposal is consistent with this Direction as the precinct is located within walking distance of the Hornsby Railway Station and Bus Interchange.

Direction 6.2 Reserving Land for Public Purposes

The objective of this Direction is to facilitate the provision of public services and facilities by reserving land for public purposes, and removing these reservations when the land is no longer required for acquisition. This Direction applies to the planning proposal as the precinct contains land identified for acquisition along Hunter Lane and George Street.

The planning proposal is consistent with this Direction as it does not intend to alter the current Land Reservation Acquisition Map.

Direction 7.1 Implementation of A Plan for Growing Sydney

The objective of this Direction is to give legal effect to the planning principles, directions, and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney.

The planning proposal is consistent with this Direction as it achieves the overall intent of the Plan and does not undermine the achievement of its vision, directions, actions or priorities.

State Environmental Planning Policies

The consistency of the planning proposal with the relevant State Policies is addressed below.

State Environmental Planning Policy No 55—Remediation of Land

The objective of this SEPP is to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

Council notes that the planning proposal is consistent with this SEPP as dwelling houses and shop top housing were previously permitted on B3 Commercial Core zoned land under the repealed Hornsby LEP 1994. It is also noted that two dwelling houses currently exist within the B3 zone at 17 & 19 Albert Street.

Therefore, the planning proposal is consistent with this SEPP and further assessment of contamination will be undertaken at the development application stage.

Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997)

The aim of this SREP is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. This SREP applies to land in the Hornsby LGA therefore it applies to the planning proposal.

The planning proposal is consistent with this SREP as the precinct does not contain any tributaries of the Hawkesbury-Nepean River.

SITE SPECIFIC ASSESSMENT

Social

The planning proposal will provide additional dwellings within walking distance of the employment opportunities within the Hornsby Town Centre and existing public transport services. The precinct is also within walking distance to public facilities (i.e. library, aquatic centre, and local parks), schools and a TAFE campus, and a shopping centre.

Council notes that the planning proposal will enable the strategic vision of the Council adopted 'Community and Cultural Facilities Strategic Plan 2015' for community and cultural facilities in the area and provide opportunity for their integrated delivery.

In addition, Council also advises that the social impacts will be further addressed when the Urban Design Analysis, Public Domain Strategy and Community Facility Requirements Plan are prepared.

Environmental

The planning proposal is unlikely to have any adverse environmental impacts as the precinct is already developed and minimal vegetation communities are evident.

In addition, the precinct is not identified as bushfire or flood prone land.

Economic

The Feasibility Investigation Report (**Attachment G**) notes that the redevelopment of the Hornsby Town Centre East Precinct would only be feasible with the provision of additional dwellings within the precinct. With the move from a 'Strategic Centre' to a 'District Centre', Council notes that the focus of commercial development will shift from large floorplate office space to local services.

Therefore, there will be a change in the economic activities within the precinct and the economic impacts will be further addressed with the preparation of an Economic Feasibility Study.

Council also notes that the planning proposal will improve the amenity of Hornsby Mall and promote greater utilization, activation and connectivity.

Heritage

As noted previously, there are a number of local heritage items and a heritage conservation area within the precinct. The planning proposal intends to rezone part of the railway land to B4 Mixed Use which is also a local heritage item (i.e. item 485 – the SRA electricity plant and signal box). The rezoning will enable Council to build above the Hornsby Station Commuter Carpark along George Street (i.e. airspace development).

Council notes that there are existing heritage conservation provisions within the Hornsby LEP 2013 to protect identified heritage items within the precinct. Council will also commission a Heritage Impact Study to support the planning proposal.

Department comment

It is recommended that Council consults the Office of Environment and Heritage in relation to heritage impacts associated with the planning proposal.

Traffic and Transport

The planning proposal does not address the traffic impacts associated with the additional dwellings and jobs created by this planning proposal. However, Council notes that a Traffic and Parking Assessment will be prepared to address the traffic impacts and the measures to address traffic congestion.

Department comment

It is recommended that Council liaise with Transport for NSW, Road and Maritime Services, and Sydney Trains in relation to traffic and public transport impacts. The planning proposal should be amended to reflect the recommendations of the public agencies and the supporting traffic study.

Overshadowing

The planning proposal will increase the maximum building heights within the precinct therefore additional overshadowing will be generated.

Department comment

Prior to community consultation it is recommended that the planning proposal is amended to include a shadow diagram to illustrate potential overshadowing particularly over the existing dwellings to the east of the precinct.

Infrastructure

The planning proposal will increase the pressure on existing utility services with the introduction of residential development in the B3 Commercial Core zone, and the densification of the precinct associated with the increased height and FSR.

Department comment

It is recommended that Council consults with the relevant utility providers in relation to the expected demand for additional services, including Telstra, Sydney Water and Ausgrid.

CONSULTATION

Community

Council proposes a community consultation period of 8 weeks.

Department comment

A community consultation period of 28 days is considered an appropriate period to engage the community and is recommended as a condition.

Agencies

Consultation is required with the following public agencies under section 56(2)(d) of the Act:

- Transport for NSW;
- Transport for NSW – Sydney Trains;
- Transport for NSW – Roads and Maritime Services;
- Office of Environment and Heritage;
- Telstra;
- Sydney Water; and
- Ausgrid.

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

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

Representations from Transport for NSW

Transport for NSW (TfNSW) made representations to the Department on 19 July 2017 in relation to land owned by TfNSW (i.e. railway corridor) immediately north of the precinct **(Attachment J)**.

TfNSW advised it had discussed with Council potentially developing over the Hornsby Railway Station (and part of the rail corridor) and the necessary amendments to the planning controls to enable the development. Council has not incorporated this matter in the current planning proposal.

The Department consulted Council on the matter and Council advised that the proposed provisions sought by TfNSW are not based on the feasibility study and not within Council's investigation budget **(Attachment K)**. TfNSW has noted that the planning proposal resolved to be supported by Council did not include the requested TfNSW land.

The Department concludes that the current planning proposal should remain unchanged as the requested changes by TfNSW were not endorsed by Council. In addition, Council is the proponent for this planning proposal, therefore it is considered TfNSW may care to either further engage with Council over the possible inclusion of the land within an amended planning proposal or it may care to submit a separate proposal for Council's consideration.

TIMEFRAME

The council proposed timeframe to finalise this planning proposal is 18 months. Given the need for Council to undertake studies, this timeframe is supported.

DELEGATION

Council has not requested delegation of the plan making function in relation to this planning proposal. Given the policy implications involved with the proposal, it is recommended that delegation of the Greater Sydney Commission not be issued in this instance.

CONCLUSION

It is recommended that the planning proposal (as proposed to be amended) proceed with conditions, given that it will revitalise the eastern portion of the Hornsby Town Centre, and provide additional housing and employment opportunities.

RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. Note that the consistency with Section 117 Direction 1.1 Business and Industrial Zones is unresolved and will require further justification.

Further, it is recommended that the delegate of the Greater Sydney Commission, determine that the planning proposal should proceed subject to the following conditions:

1. Prior to community consultation, Council is to:
 - (a) undertake studies addressing heritage, economic, social, traffic and parking, public domain and urban design issues, to inform the appropriate proposed planning controls for the Hornsby Town Centre East Precinct;
 - (b) amend the planning proposal in accordance with the outcomes of the additional studies and submit a copy of the revised proposal to the Department of Planning and Environment for endorsement and to determine if an altered Gateway determination is required;
 - (c) include appropriate shadow diagrams in the planning proposal to illustrate potential overshadowing, particularly over the existing dwellings to the east of the precinct;
 - (d) amend the planning proposal to rezone the subject B3 Commercial Core zoned land to B4 Mixed Use and amend the planning proposal accordingly;
 - (e) amend the planning proposal to identify the number of additional dwellings and jobs facilitated by the planning proposal;
 - (f) amend the planning proposal to identify the maximum building height and floor space ratio planning controls proposed by the planning proposal;
 - (g) amend the planning proposal to address the inconsistency with section 117 Direction 1.1 Business and Industrial Zones once the supporting economic study is completed;
 - (h) amend the planning proposal to identify a community consultation period of 28 days; and
 - (i) amend the planning proposal to include the proposed maps associated with the planning proposal and provide a legend for each map to provide clarity on the planning controls.
2. Community consultation is required under Sections 56(2)(c) and 57 of the *Environmental Planning and Assessment Act 1979* (the Act) as follows:
 - (a) the planning proposal must be made publicly available for a minimum of 28 days; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in Section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
3. Consultation is required with the following public authorities and / organisations under Section 56(2)(d) of the Act and/or to comply with the requirements of relevant Section 117 Directions:
 - Transport for NSW;
 - Transport for NSW – Sydney Trains;
 - Transport for NSW – Roads and Maritime Services;
 - Office of Environment and Heritage;
 - Telstra;
 - Sydney Water; and
 - Endeavour Energy.

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

4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission).
5. The timeframe for completing the LEP is to be 18 months from the date of the Gateway determination.



Terry Doran
Team Leader, Sydney Region West



15/09/17

Catherine Van Laeren
Director Regions, Sydney Region West
Planning Services

Contact Officer: Chantelle Chow
Planning Officer, Sydney Region West
Phone: (02) 9860 1548