

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

AGAINST: NIL

10 PL14/17 Picture Pennant Hills Survey - Summary of Responses

(F2015/00414)

Mrs Linda Booth, of Pennant Hills addressed Council regarding this item.

Mrs Amanda Rademaker, of Pennant Hills addressed Council regarding this item.

Mrs Elizabeth O'Brien, of Thornleigh addressed Council regarding this item.

Mr Brian Ash, of Pennant Hills addressed Council regarding this item.

Mr Martin Pluss, on behalf of Pennant Hills District Civic Trust addressed Council regarding this item.

Mr Paul Taylor, of Pennant Hills addressed Council regarding this item.

RESOLVED ON THE MOTION OF COUNCILLOR HUTCHENCE, seconded BY COUNCILLOR BROWNE,

THAT:

1. The Picture Pennant Hills Survey - Summary of Survey Responses Report attached to Group Manager's Report No. PL14/17 (Document No. D07194720) be received and noted.
2. The Summary of Responses Report be made available for viewing on Council's website to inform the community of the survey findings.
3. An economic feasibility study be undertaken as the next step in the master plan review process.
4. All persons who completed a community survey be advised of Council's resolution.

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

AGAINST: NIL

11 PL21/17 Planning Proposal - Hornsby Town Centre East Precinct

(F2015/00190)

Ms Catherine Gordon, of Asquith addressed Council regarding this item.

Mr Gary Schroder, of Asquith addressed Council regarding this item.

MOVED ON THE MOTION OF COUNCILLOR TILBURY, seconded BY COUNCILLOR GALLAGHER,

THAT:

1. Council undertake preliminary consultation with business owners and members of the community for the purpose of identifying the vision, principles and key outcomes that should inform the review of the planning strategy and controls for the Hornsby East Side.
2. A further report be presented to Council on the feedback received and key principles to be considered in a future Planning Proposal and supporting technical studies.

AN AMENDMENT WAS MOVED BY COUNCILLOR BROWNE, seconded by COUNCILLOR HUTCHENCE,

THAT:

1. Council forward a Planning Proposal to the Department of Planning and Environment for Gateway Determination that proposes to permit residential uses within the existing B3 Commercial Core zone, extension of the B4 Mixed Use zone over railway land to support airspace development above the George Street commuter car park and to review the floor space and building height controls for all land within the East Side Precinct.
2. Upon the issuing of a Gateway Determination, consultants be engaged to undertake a comprehensive review of the planning strategy for the Hornsby East Side determined in consultation with Councillors.

THE AMENDMENT MOVED BY COUNCILLOR BROWNE, seconded by COUNCILLOR HUTCHENCE WAS PUT AND CARRIED.

FOR: COUNCILLORS ANISSE, AZIZI, BROWNE, HUTCHENCE, RUSSELL AND SINGH

AGAINST: COUNCILLORS BERMAN, GALLAGHER AND TILBURY

THE AMENDMENT THEREBY BECAME THE MOTION WHICH WAS PUT AND CARRIED.

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

AGAINST: COUNCILLORS BERMAN AND TILBURY

INFRASTRUCTURE AND RECREATION DIVISION

12 IR2/17 Request to Remove Tree - 8 Attunga Avenue West Pennant Hills

(TA/133/2015)

Ms Dianne Goldman, of West Pennant Hills addressed Council regarding this item.

MOVED ON THE MOTION OF COUNCILLOR BROWNE, seconded by COUNCILLOR TILBURY,

THAT:

1. The matter be deferred for three months to allow the owner to obtain an Arborist Report

11 PLANNING PROPOSAL - HORNSBY TOWN CENTRE EAST PRECINCT**EXECUTIVE SUMMARY**

- The current land use strategy for the Hornsby East Side is based on the former *draft North Subregional Plan (2007)* and recommendations of the *Ku-ring-gai and Hornsby Subregional Employment Study (2008)* which promoted the re-positioning of the Hornsby Town Centre as a Strategic Centre to provide for long term employment of knowledge economy jobs.
- In 2015, Council commissioned a feasibility investigation of its existing controls for the Hornsby East Side which confirmed that the current limit on residential development within the commercial core is impacting on the economic viability of redevelopment. Therefore, it is unlikely that any meaningful redevelopment will occur unless Council's controls are reviewed.
- The Greater Sydney Commission recently exhibited the *Draft North District Plan* which proposes, in part, to reclassify the Hornsby Town Centre from a "Strategic" to a "District" Centre to reflect its role within the broader North District as a retail and service centre. The draft Plan identifies a number of priorities that relate to revitalising the commercial core of the East Side.
- The controls for the Town Centre should aim to stimulate economic activity and innovation, provide jobs closer to home, promote healthier lifestyles and community cohesion, and provide for the upgrading of both the public domain and community and cultural facilities.
- It is appropriate that Council progress a Planning Proposal as the first step toward undertaking a comprehensive review of the planning strategy for the Hornsby East Side addressing key issues including the permissibility of residential uses within the Commercial Core zone, zoning of railway land to support airspace development above the existing commuter car park, review of building height and floor space controls and an integrated public domain plan.

RECOMMENDATION**THAT**

1. Council forward a Planning Proposal to the Department of Planning and Environment for Gateway Determination that proposes to permit residential uses within the existing B3 Commercial Core zone, extension of the B4 Mixed Use zone over railway land to support airspace development above the George Street commuter car park and to review the floor space and building height controls for all land within the East Side Precinct.
2. Upon the issuing of a Gateway Determination, consultants be engaged to undertake a comprehensive review of the planning strategy for the Hornsby East Side.

PURPOSE

The purpose of this Report is to outline a strategy for a review of the planning controls for the Hornsby Town Centre East Side. The Report considers the existing planning framework and issues to be considered in a review and recommends that that Council seek a conditional Gateway Determination for a planning proposal as the first step in the process.

BACKGROUND

The Hornsby Town Centre is the major commercial centre within the Shire. The Centre encompasses a commercial core surrounded by light industrial, community, civic and residential development of varying density. Council recently undertook a review of the planning controls for the west side of the Centre to increase the range of housing, retail and commercial offices, food outlets and entertainment opportunities.

In 2015, Council commissioned a feasibility investigation of its existing controls for the east side of the Town Centre which confirmed that the current limit on residential development is impacting on the economic viability of any redevelopment and therefore, is it unlikely any meaningful redevelopment will occur unless Council's controls are reviewed.

At its meeting on 8 March 2017, Council considered Mayoral Minute MM5/17 in relation to the Hornsby Town Centre and resolved that Council consider the resource and budget implications of prioritising a strategic review of the planning controls for the east side of the Town Centre as part of its annual review of the Strategic Planning Program.

On 12 April 2017, Council considered and adopted the recommendations of Group Manager's Report PL11/17 in relation to the Strategic Planning Program and Deputy General Manager's Report CS8/17 in relation to the Operational Plan for 2017/18 which includes provision for a planning study for the Hornsby Eastside.

Based on an informal briefing of Councillors on 29 March 2017, it was agreed that a report would be presented to the next available meeting, recommending that Council progress a planning proposal for the Hornsby East Side to seek the Department of Planning and Environment's (DP&E) position regarding the issuing of a Gateway Determination.

EAST SIDE REVIEW

The review of Council's planning strategy for the East Side should aim to stimulate economic activity and innovation, provide jobs closer to home, deliver public domain and community and cultural facilities and promote healthier lifestyles and community cohesion. Consistent with the Draft North District Plan, and in light of a number of issues discussed in this report, it is appropriate that Council progress a Planning Proposal as the first step towards undertaking a comprehensive review of the planning strategy for the Hornsby East Side.

Key issues to be addressed by the Planning Proposal would include, but not be limited to, the permissibility of residential uses within the B3 Commercial Core, zoning of railway land to support airspace development above the existing commuter car park, review of building height and floor space controls for all land in the East Side Precinct and ensuring that provision is made for the upgrading and expansion of public domain and Council's community and cultural facilities in line with the Community and Cultural Facilities Strategic Plan.

The review would require a comprehensive investigation of issues to determine an appropriate planning response, and would include, but not be limited to, the following studies:

- Traffic and Parking Assessment;

- Economic Feasibility Assessment;
- Public Domain Strategy;
- Urban Design Analysis;
- Community Facility Requirements; and
- Implementation Plan.

The above investigations and outputs would require a staged consultation strategy, including consultation with relevant public authorities and key stakeholders. Prior to commencing this process, it is appropriate that a conditional Gateway Determination be obtained from the Department of Planning and Environment (DP&E) to formalise the process, studies and consultation to be undertaken. This would enable Council to obtain preliminary advice from the DP&E in relation to residential uses within the commercial core which are currently prohibited by the *Hornsby Local Environmental Plan 2013* (HLEP 2013).

DISCUSSION

This report discusses the existing controls and vision for the Hornsby Town Centre East Precinct, strategic context and issues relevant to a review of Council's planning controls.

1. Hornsby Town Centre Current Vision

The current vision for the Hornsby Town Centre is contained within Part 4 Business, Section 4.5 of the *Hornsby Development Control Plan 2013*. The HDCP divides the Town Centre into three precincts, namely the North, East and West Precincts. The East and North Precincts are the subject of this report as illustrated in Attachment 1. For the purpose of this report, these precincts are collectively referred to as the 'East Side'.

The current vision for the East Precinct is articulated in the Desired Future Character statement and masterplan for the Town Centre. The HDCP identifies that development in the East Precinct should be consistent with its role as the commercial core, being the major focus of retail and commercial activity within the Shire and sub-regional area. The North Precinct provides an extension of the existing commercial centre and accommodates a range of living, employment and recreation activities.

The existing planning strategy for the East Side is discussed below in terms of urban design, traffic, car parking and community facilities.

1.1. Urban design

The urban design strategy for the East Precinct is to promote building design that reflects the pedestrian scale of Florence and Hunter Streets by providing a podium level with upper levels setback to maximise solar access to the public domain and reduce the building bulk on the streetscape. Within the North Precinct, bulk and scale steps up from the adjoining residential area with ground floor uses incorporating non-residential uses that activate the street frontage.

1.2. Traffic and Car Parking

Key traffic improvements relate to construction of a pedestrian plaza from George Street to Hunter Lane, turning area and allowance for two way traffic from Burdett Street into Hunter Lane. In relation to the North Precinct, widening of Hunter Lane to provide a 10m road reserve and to permit two way traffic. Of the above improvements, widening of Hunter Lane north of Burdett Street to Linda Street is partly commenced and the subject of conditions of development consent for future works.

The parking and access elements of the HDCP require vehicular access from Hunter Lane. For Sites A, B, E and H identified in Figure 4.5(x) of the HDCP, where vehicular access or site constraints restrict the ability to provide on-site parking, all parking is to be provided in a public car park via the provision of a Section 94 Contribution. The location of public parking is identified to occur on either the Burdett Street car park (Site C) or as additional levels on the William Street RSL Car Park.

1.3. Community Facilities

The *Community and Cultural Facilities Strategic Plan 2015* recommends centrally locating facilities that are financially sustainable, multipurpose and flexible, accessible and near public space. The Plan proposes that the existing Hornsby Library continue its role as a sub-regional facility and be expanded to provide 3,000 sq.m of floorspace and provide a new multipurpose community and cultural space of 2,000 sq.m. These floorspace requirements have been determined based upon current population projections and would be revised in the event of an increased population forecast.

Future funding of these facilities is made within the *Hornsby Section 94 Development Contributions Plan 2014-2024*. Of the new library floorspace, 25% of the cost of work would be funded by developer levies and 100% of the multipurpose space would be funded by developer levies.

2. Current Controls

The current controls applying to the East Side are outlined in the HLEP 2013 and HDCP as follows:

2.1. Hornsby Shire Local Environmental Plan 2013

The East Precinct is zoned B3 Commercial Core under the HLEP 2013. The objectives of the zone are to:

- *To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.*
- *To encourage appropriate employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*

Land uses permissible in the zone include backpackers' accommodation, child care centres, commercial premises, community facilities, educational establishments, entertainment facilities, function centres, group homes, hotel or motel accommodation, information and education facilities, medical centres, passenger transport facilities, recreation facilities (indoor), registered clubs, respite day care centres, restricted premises, roads and water reticulation systems. Residential development is currently prohibited within the zone.

The HLEP specifies a maximum floor space ratio for the B3 zone of 5:1. A building height of 48m (12 storeys) applies for land adjoining George Street and 32.5m (8 storeys) for land adjoining Florence Street and Hunter Street.

The North Precinct is zoned B4 Mixed Use under the HLEP 2013. The objectives of the zone are to:

- *To provide a mixture of compatible land uses.*
- *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.*

Land uses permissible in the zone include boarding houses, child care centres, commercial premises, community facilities, educational establishments, entertainment facilities, function centres, hostels, hotel or motel accommodation, information and education facilities, light industries, medical centres,

passenger transport facilities, recreation facilities (indoor), registered clubs, respite day care centres, restricted premises, roads, seniors housing, shop top housing and water reticulation systems.

The HLEP specifies a maximum floor space ratio of 5:1 and building height of 40m (10 storeys) for land addressing George Street and floor space ratio of 3:1 and building height of 16m (4 storeys) for land addressing Hunter Street.

Clause 4.4 (2A) applies in relation to controlling the floor space ratio for residential accommodation in the areas identified on the Floor Space Ration Map. Areas 1 and 2 must not exceed a floor space ratio of 2:1 and Area 7 must not exceed 3:1 for residential accommodation.

2.2. Hornsby Town Centre DCP

Part 4 Business, Section 4.5 of the HDCP contains general controls for the Hornsby Town Centre, along with specific controls for the East and North Precincts. The controls provide guidance on site requirements and amalgamation, permitted number of storeys, floorplate dimensions, requirements for podium levels, setbacks, open space, landscaping, vehicle access and parking, public domain and traffic management works and design details for future development.

3. Strategic Context

The following State and local planning policies are relevant to the Hornsby East Side which set a framework for change and growth into the future, as discussed below.

3.1. A Plan for Growing Sydney

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

Direction 1.7 of the Strategy relates to concentrating office development in Strategic Centres to provide more jobs closer to home. The Hornsby Town Centre is classified as "Strategic Centre" by the Strategy and identifies the following priorities:

- *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.*
- *Work with council to improve walking and cycling connections between Hornsby train station and Hornsby Ku-ring-gai Hospital.*

The priority to retain a commercial core is reflected by the *Hornsby Local Environmental Plan 2013* which zones the East Precinct B3 Commercial Core. This strategy prohibits residential development with the objective of providing a wide range of retail and knowledge based employment opportunities.

The Greater Sydney Commission is currently reviewing the Greater Sydney Regional Plan and is preparing *Towards our Greater Sydney 2056*. Whilst the principles of the current plan are likely to continue, the city structure and hierarchy of centres is proposed to adopt a metropolis of three centres, being the eastern, central and western cities. Within this hierarchy, the Hornsby Town Centre

is proposed to be classified as a District Centre rather than Strategic Centre to reflect its role within the wider district.

Should this strategy be adopted by the NSW Government, the future role for the Hornsby Town Centre would change from the current strategy of reserving land for knowledge economy jobs to providing jobs that service the local population. This change in strategy is relevant to the zoning of the commercial core 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 as discussed in Section 4.1 of this report.

3.2. Draft North District Plan

The Greater Sydney Commission has been established as a dedicated new body to drive the implementation of Regional Plans across Sydney's six districts. On 21 November 2016, the Commission released the draft North District Plan for comment. The draft Plan provides guidance in relation to job creation, housing supply and sustainability. The draft North District Plan identifies (in part), the following priorities for the Hornsby Town Centre:

- *encourage revitalisation of the commercial core;*
- *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 within the centre, and encourage the development of a lively 'eat-street' or restaurant strip;*
- *improve walking and cycling connections between Hornsby Station and the Hospital;*
- *reduce negative traffic impacts on pedestrians;*
- *promote walking, cycling and public transport to the centre and within it; and*
- *prioritise public domain upgrades, place making initiatives and a new civic space.*

In addition to the above priorities, the draft Plan identifies a challenging job target for the Hornsby Town Centre of 22,000 jobs by 2036, which is an increase of 8,300 jobs. Whilst concern has been raised regarding the potential for 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 the priority of revitalisation. As detailed in Section 4.1 of this report, Council's supply and demand analysis identifies that future provision of commercial floorspace would only be feasible as part of mixed use developments with residential uses on upper levels.

3.3. Section 117 Local Planning Directions

Section 117 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) allows the Minister for Planning to provide direction to Council in relation to the preparation of draft local environmental plans. The Directions that are most relevant to this Proposal are listed below.

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

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

The proposal to include residential uses within the commercial core would not be consistent with this direction. However, as detailed in Section 4.1 of this report, the existing strategy of preserving land for large format offices is not likely to promote the feasible redevelopment of land or be consistent with

the centres retail and service centre role for the broader region. On the grounds that the *draft North District Plan* proposes to reclassify the Hornsby Town Centre as a District Centre, the proposal would be consistent upon finalisation of the Plan by the Greater Sydney Commission.

3.4. Ku-ring-gai and Hornsby Subregional Employment Study

The *Ku-ring-gai and Hornsby Subregional Employment Study* (2008) reviewed employment lands within the former North Subregion and provided strategic direction for the role and function of the lands. The Study confirmed the hierarchy of centres outlined in the 2006 Metropolitan Strategy and the former *draft North Subregional Strategy*, provided recommendations on the future function of employment lands and the application of zones from the State Government's Standard Instrument Template for Council's HLEP.

The Study identified there is adequate floorspace within the Hornsby Town Centre to meet future demand without the need to rezone additional business land. However, to increase the profile of the Town Centre within the context of the former North Subregion, the Study proposed that intervention was required to re-position Hornsby as a commercial centre. The Study applied conventional theory that commercial centres do not really work where residential development is a permissible use. The adopted planning controls arising from the Study envisaged establishing Hornsby as a commercial centre akin to Macquarie Park, St Leonards and Chatswood, with a focus on diversifying uses within the Town Centre to promote knowledge economy jobs.

However, as detailed in Section 4.1 of this report, the opportunities for the East Side are less in accommodating large, multi-national or corporations in office floorspace and are more aligned with leveraging the centres already important role as a retail and service centre for the broader region.

4. Issues Analysis

The following issues are relevant to the consideration of future planning controls for the Hornsby East Side.

4.1. Economic Assessment

In accordance with the adopted 2014-2015 Strategic Planning Program, AEC Group was engaged to undertake a supply and demand analysis of the Hornsby East Side. The Study also investigated the viability of commercial development in the B4 Mixed Use and B3 Commercial Core zone and recommend strategies to support the centre's ability to renew and accommodate employment growth.

The Hornsby East Side currently has approximately 100,000sq.m of retail floor space and 40,000sq.m of commercial floorspace and supports a workforce of approximately 7,600 persons. Based on the employment structure of the East Side, the Study concludes that the Centre's role is primarily a retail and services hub for local residents and those living in the broader catchment. Future growth to the year 2036 would be population driven with future additional demand for approximately 25,000sq.m of retail floorspace and 10,000sq.m of shop front commercial floorspace.

The Study concludes that demand for commercial floorspace is likely to come from non-retail uses such as banks, travel agents, real estate agents and the like, together with small scale businesses such as legal, medical and education uses. These types of tenants would typically occupy either ground floor shopfronts or first floor tenancies rather than in multi-level commercial buildings. Demand for traditional commercial buildings would be unlikely and greater demand would come from the traditional shopfront uses.

In terms of development feasibility, the Study concludes that commercial development based on Council's current controls in the B3 Commercial Core Zone is not feasible. This is due to the cost of

land acquisition and site assembly which necessitate higher commercial rents than the market is willing to pay due to more competitive and well located employment precincts such as Macquarie Park, Norwest and Chatswood. In contrast, the Study identifies that mixed use residential developments would be more feasible, and could tolerate a non-residential FSR of up to 2:1.

In conclusion, the Study recommends that future opportunity for the commercial core is less about accommodating large, multi-national or corporations in office floorspace and is more aligned with its existing role as a retail and service centre for the broader region. Therefore, the Study recommends that Council consider:

- Expanding and permitting residential development in the B3 Commercial Core Zone; or
- Rezoning the B3 Commercial Core to B4 Mixed Use; and
- Require a minimum non-residential floorspace control of 2:1 in both the existing B3 and B4 zones to meet projected commercial floorspace demand.

The Study identifies that an urban design review would be critical in understanding if increased floor space would be achievable given existing development, lot patterns and other constraints such as solar amenity of adjoining public space. The urban design study should be supplemented with further feasibility testing to ensure the proposed controls strike the right ratio of non-residential to residential development.

4.2. Hornsby Junction Re-modelling and Commuter Car Park

In 2016, the NSW Government announced its plans to progress works for construction of a multi-level commuter car park adjacent to Hornsby Station. Council's submission suggested the proposal does not take advantage of the strategic importance and development potential of the site, nor the opportunity to reconsider the structure of the town centre and location or important services such as the bus interchange.

The current location of the bus interchange creates a barrier between the east and west sides of the Town Centre. Accordingly, Council's submission on the proposal recognised that the expansion of the commuter car park provides the unique opportunity to create a new covered bus interchange on George Street, significant housing and employment opportunities and public domain improvements on the western side of the Town Centre.

Transport for NSW has confirmed that it has considered the comments by Hornsby Council on the commuter car park project and is willing to work with Council to explore its vision for the Town Centre and the role of the Government's land in contributing to the realisation of that vision.

To facilitate this outcome, it is appropriate that the Planning Proposal apply to the railway land and extend the current boundary of the B4 Mixed Use zone to facilitate the opportunity for airspace development above the existing George Street Commuter Car Park. At present, only part of the car park is subject to the B4 zone, with remaining lands zoned SP2 Railway.

4.3. Public Domain and Community and Cultural Facilities

Hornsby Mall attracts over 15,000 visitors daily however, twenty five years on from its creation; the Mall is still largely based on its original 1991 design. In mid-2016, Council commenced work on developing a public domain plan to guide the future of Hornsby Mall and opportunities to revitalise this important public space to ensure that it meets the needs of the current and future community of Hornsby.

The future re-development of the commercial core has the potential to impact on the amenity of the Hornsby Mall. Any revision of planning controls should have regard to existing public spaces and also consider the opportunity to re-imagine the organisation of this space to promote greater utilisation, activation and connectivity.

Likewise, Council's Community and Cultural Facilities Strategic Plan has identified the need to develop a co-located central library and new multipurpose community and civic centre in a highly prominent and accessible location in the Hornsby CBD. Such a facility would need to provide approximately 5,000sq.m of floorspace based on the current population forecast.

Any revision of planning controls would need to consider the strategic vision for the community and cultural facilities in the area and provide opportunity for their integrated delivery.

Therefore, the review of planning controls should be supported by a fully integrated public domain plan with the opportunity to fund and deliver the works to come from redevelopment of adjoining sites. This would require a detailed understanding of design, materials and cost for inclusion within a detailed public domain plan.

STATUTORY CONSIDERATIONS

As per the discussion of issues above, it is appropriate that Council progress a planning proposal as the first step towards undertaking a comprehensive review of the planning strategy for the East Side. This would enable Council to obtain preliminary advice from the DP&E by means of a Gateway Determination prior to undertaking the necessary supporting studies. The planning proposal should outline the community consultation and scope of studies to be undertaken to justify the proposal including at a minimum, the following:

- Strategic Justification in the District and Metropolitan Context: Identification of the net community benefit arising from the review.
- Transport Capacity Analysis and Scope: Traffic modelling and car parking analysis.
- Opportunities and Constraints Analysis: Including land ownership, heritage, urban design, building type and condition, economic feasibility, services and utilities, visual impact, public domain and open space.
- Urban Structure Plan: Identification of appropriate building footprints, envelopes and zonings.
- Public Domain Plan: Developing an integrated vision for the public realm within the East Side and ensuring that provision is made for upgrading and expansion.
- Community Consultation: Implementation of a community consultation process, including consultation with relevant public authorities and key stakeholders.
- Implementation Plan: Preparation of draft planning controls and contributions plan.

The Minister for Planning (or delegate) determines whether a planning proposal is to proceed. The 'gateway' acts as a checkpoint to ensure the proposal is justified before studies are done and resources allocated. The Minister determines requirements for further technical studies and investigations, consultation required to be undertaken, and whether a public hearing is required and the timeframes for the various stages in the plan making process. If necessary, the planning proposal is amended to meet the requirements of the Gateway Determination.

As part of the Gateway Authorisation process, Section 23 of the *Environmental Planning and Assessment Act 1979* allows the Minister and the Secretary to delegate functions to a council and/or

an officer or employee of a council. When submitting a planning proposal, Council is required to identify whether it wishes to Exercise Delegation (the Authorisation). Authorisation delegates the following plan making powers to Council:

- to make and determine not to make an LEP;
- to defer inclusion of certain matters; and
- to identify which matters must be considered and which stages of the plan making process must be carried out again.

At its meeting on 12 December 2012, Council resolved to formally accept the plan making delegations and delegate the plan making functions to the General Manager. Acknowledgement of Council's resolution was received from (then) Department of Planning and Infrastructure (now the Department of Planning & Environment), on 3 March 2013.

On the grounds that the planning proposal applies to Council owed land, it is recommended that Council does not resolve to exercise the Authorisation in this instance.

BUDGET

Financial provision for the Hornsby East Side Review is included within the Operational Plan and Budget for 2017/18. Upon the issuing of a Gateway Determination, consultants would be engaged to undertake a comprehensive review of the planning strategy for the Hornsby East Side. Due to the diversity of investigations and likely staging of work, it is proposed that a Council project officer undertake the role of project managing the work. Therefore, it is not proposed that a lead consultant would be engaged for this project.

POLICY

There are no policy implications associated with this Report.

CONCLUSION

The Hornsby Town Centre is the major commercial centre within the Shire. The Centre encompasses a commercial core surrounded by light industrial, community, civic and residential development of varying density. Council recently undertook a review of the planning controls for the west side of the Centre to increase the range of housing, retail and commercial offices, food outlets and entertainment opportunities. A number of factors have now arisen which make it timely for Council to consider a review of its vision for the east side of the Centre to ensure it complements Council's planning for the west side and creates a vibrant and attractive place to live, work and visit.

The controls for the Town Centre should aim to stimulate economic activity and innovation, provide jobs closer to home and promote healthier lifestyles and community cohesion. With this in mind and in light of the above factors, it is appropriate that Council progress a Planning Proposal that addresses the permissibility of residential uses within the commercial core, zoning of railway land to support airspace development above the existing George Street commuter car park and the review of building height and floor space controls for all land in the East Side Precinct and ensuring that provision is made for the upgrading and expansion of public domain and Council's community and cultural facilities in line with the Community and Cultural Facilities Strategic Plan. Upon receiving Gateway advice from the DP&E in support of the proposal, studies to address the issues outlined in this report would be progressed.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Mr Fletcher Rayner, Manager Strategic Planning - who can be contacted on 9847 6744.

JAMES FARRINGTON
Group Manager
Planning Division

Attachments:

1. Attachment 1 - Hornsby East Side Study Area

[V](#)
[ie](#)
[w](#)

File Reference: F2015/00190
Document Number: D07187715