



# **BUSINESS PAPER**

## **GENERAL MEETING**

**Wednesday 13 July 2022  
at 6:30PM**



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## **AGENDA AND SUMMARY OF RECOMMENDATIONS**

### **PRESENT**

### **NATIONAL ANTHEM**

### **OPENING PRAYER/S**

Pastor David Nathan of The Hive Church, Hornsby opened the meeting in prayer.

### **ACKNOWLEDGEMENT OF RELIGIOUS DIVERSITY**

Statement by the Chairperson:

*"We recognise our Shire's rich cultural and religious diversity and we acknowledge and pay respect to the beliefs of all members of our community, regardless of creed or faith."*

### **ACKNOWLEDGEMENT OF COUNTRY**

Statement by the Chairperson:

*"Council recognises the Traditional Owners of the lands of Hornsby Shire, the Darug and GuriNgai peoples, and pays respect to their Ancestors and Elders past and present and to their Heritage. We acknowledge and uphold their intrinsic connections and continuing relationships to Country."*

### **VIDEO AND AUDIO RECORDING OF COUNCIL MEETING**

Statement by the Chairperson:

*"I advise all present that tonight's meeting is being video streamed live via Council's website and also audio recorded for the purposes of providing a record of public comment at the meeting, supporting the democratic process, broadening knowledge and participation in community affairs, and demonstrating Council's commitment to openness and accountability. The audio and video recordings of the non-confidential parts of the meeting will be made available on Council's website once the Minutes have been finalised. All speakers are requested to ensure their comments are relevant to the issue at hand and to refrain from making personal comments or criticisms. No other persons are permitted to record the Meeting, unless specifically authorised by Council to do so."*

### **APOLOGIES / LEAVE OF ABSENCE**

### **POLITICAL DONATIONS DISCLOSURE**

Statement by the Chairperson:

*"In accordance with Section 10.4 of the Environmental Planning and Assessment Act 1979, any person or organisation who has made a relevant planning application or a submission in respect of a relevant planning application which is on tonight's agenda, and who has made a reportable political*

*donation or gift to a Councillor or employee of the Council, must make a Political Donations Disclosure Statement.*

*If a Councillor or employee has received a reportable political donation or gift from a person or organisation who has made a relevant planning application or a submission in respect of a relevant planning application which is on tonight's agenda, they must declare a non-pecuniary conflict of interests to the meeting, disclose the nature of the interest and manage the conflict of interests in accordance with Council's Code of Conduct."*

## **DECLARATIONS OF INTEREST**

Councillors are reminded of their Oath or Affirmation of Office made under section 233A of the Act and their obligations under the Council's Code of Conduct to disclose and appropriately manage conflicts of interest.

*Clause 4.16 and 4.17 of Council's Code of Conduct for Councillors requires that a councillor or a member of a Council committee who has a pecuniary interest in a matter which is before the Council or committee and who is present at a meeting of the Council or committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable. The disclosure is also to be submitted in writing (on the form titled "Declaration of Interest").*

- 4.16 *A councillor who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.*
- 4.17 *The councillor must not be present at, or in sight of, the meeting of the council or committee:*
- at any time during which the matter is being considered or discussed by the council or committee, or*
  - at any time during which the council or committee is voting on any question in relation to the matter.*

*Clause 5.10 and 5.11 of Council's Code of Conduct for Councillors requires that a councillor or a member of a Council committee who has a non pecuniary interest in a matter which is before the Council or committee and who is present at a meeting of the Council or committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable. The disclosure is also to be submitted in writing (on the form titled "Declaration of Interest").*

- 5.10 *Significant non-pecuniary conflict of interests must be managed in one of two ways:*
- by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or*
  - if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.16 and 4.17.*
- 5.11 *If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also*

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*explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.*

## **CONFIRMATION OF MINUTES**

THAT the Minutes of the General Meeting held on 8 June, 2022 be confirmed; a copy having been distributed to all Councillors.

THAT the Minutes of the Workshop Meeting held on 29 June, 2022 be confirmed; a copy having been distributed to all Councillors.

## **PETITIONS**

## **PRESENTATIONS**

## **RESCISSION MOTIONS**

## **MAYORAL MINUTES**

## **ITEMS PASSED BY EXCEPTION / CALL FOR SPEAKERS ON AGENDA ITEMS**

### Note:

*Persons wishing to address Council on matters which are on the Agenda are permitted to speak, prior to the item being discussed, and their names will be recorded in the Minutes in respect of that particular item.*

*Persons wishing to address Council on **non agenda matters**, are permitted to speak after all items on the agenda in respect of which there is a speaker from the public have been finalised by Council. Their names will be recorded in the Minutes under the heading "Public Forum for Non Agenda Items".*

## **GENERAL BUSINESS**

- *Items for which there is a Public Forum Speaker*
- *Public Forum for non agenda items*
- *Balance of General Business items*

## **OFFICE OF THE GENERAL MANAGER**

### **Page Number 1**

**Item 1      GM24/22 CAR PARKING MANAGEMENT - BROOKLYN**

## **RECOMMENDATION**

THAT:

## 10 PLANNING PROPOSAL - HIGH STREET AND ASHLEY STREET, HORNSBY

### EXECUTIVE SUMMARY

- This Council initiated Planning Proposal seeks to amend the *Hornsby Local Environmental Plan 2013* to increase the maximum building height for Properties No. 2 and No. 4 High Street Hornsby to 12 storeys (38.5 metres), and to increase the maximum building height for Properties Nos. 7, 9, 11, 15, 17 and 19 Ashley Street Hornsby and Nos. 2 and 4 Webb Avenue, Hornsby to 20.5m (6 storeys) for seniors housing development only.
- The Planning Proposal is consistent with the urban density recommendations of the draft *Hornsby Town Centre Masterplan* (HTC Masterplan) and would facilitate the club, hotel and residential concepts of a previous Planning Proposal submitted by the RSL in 2016.
- The Planning Proposal is being progressed to meet a condition of the approval of the *Hornsby Local Housing Strategy 2020* (LHS) and to comply with Council's grant funding agreement under the *NSW Public Spaces Legacy Program* (PSLP).
- On 25 May 2022, the Local Planning Panel reviewed and provided advice on the Planning Proposal in accordance with the Local Planning Panels Direction. The Panel supported progression to Gateway subject to appropriate building height transition controls to surrounding residential development for the Ashley Street and Webb Avenue sites.
- The Planning Proposal is attached to this report and is supported draft building height transition and setback amendments to the *Hornsby Development Control Plan 2013*.
- The Planning Proposal would satisfy the Department's Housing Strategy condition and is consistent with all applicable objectives and priorities of NSW State Strategic plans, Section 9.1 Ministerial Directions and Council Strategic land use plans.

### RECOMMENDATION

#### THAT:

1. Council endorse the progression of the High Street and Ashley Street Planning Proposal attached to Director's Report No. PC17/22 for submission to the Department and Planning and Environment for a Gateway Determination.
2. Subject to receipt of a Gateway Determination, the Planning Proposal be publicly exhibited in accordance with the consultation strategy identified in this report.
3. Council endorse the amendments to the Hornsby Development Control Plan attached to Director's Report No. PC17/22 for exhibition concurrently with the Planning Proposal.
4. Following exhibition, a report on submissions be presented to Council for its consideration.

## PURPOSE

The purpose of this Report is to present a Council initiated Planning Proposal consistent with the draft Hornsby Town Centre Masterplan and conditions of the Department of Planning and Environment's approval of the Hornsby LHS and grant funding under the PSLP.

## BACKGROUND

### 2016 RSL Club Planning Proposal

In May 2016, a Planning Proposal was submitted on behalf of the Hornsby RSL Club to increase building heights and permit additional land uses on its landholdings in Hornsby, including the club premises at No. 4 High Street, and its land at Ashley Street and Webb Avenue. At that time, the Planning Proposal did not include Property No. 2 High Street (the Hornsby War Memorial Hall).

Following preliminary exhibition and a Gateway Determination in June 2017, the proposal was amended and formally exhibited in early 2018. Council's assessment concluded the Proposal raised traffic related issues unresolvable through the Planning Proposal in isolation and the Club requested withdrawal of the proposal in May 2019. At its meeting on 14 August 2019, considered Director's Report No. PL22/19 and resolved (in part) that:

- *Council not proceed with the Hornsby RSL Club Planning Proposal and associated draft DCP amendments and write to the Minister to advise of this decision made under delegation.*
- *The Hornsby Town Centre Review Study Area be extended to include the Hornsby RSL Club land holdings at property Nos. 7-19 Ashley Street and 2-4 Webb Avenue, Hornsby.*

### Hornsby Town Centre Review

In 2018, Council initiated the *Hornsby Town Centre Review* (HTC Review) in response to the release of the draft *North District Plan* (NDP) and the initial outcomes of an earlier review of the planning controls and development feasibility of the Hornsby east side. In accordance with Council's resolution in August 2019, the HTC Review study area includes the sites subject to this planning proposal.

The aims of the *Hornsby Town Centre Review* are to develop a structure plan that would provide for projected growth, strengthen the economic, employment and housing capacities of the HTC, improve the public domain and activate the commercial core. The principal outcome of the HTC Review is the *draft Hornsby Town Centre Masterplan* (HTC Masterplan).

The HTC Masterplan identifies that the land subject to this Planning Proposal is part of the "Western heritage" mixed-use development precinct and establishes No. 4 High Street for 'Entertainment and dining' activities. The Masterplan recommends increasing the maximum building height for Site 13 (Nos. 2 and 4 High Street) to 38.5m (12 storeys) and Site 14 (Hornsby RSL owned land at Ashley Street and Webb Avenue) to 20.5m (6 storeys). The HTC Masterplan is the subject of a separate report for consideration by Council at its July meeting.

## DISCUSSION

This report presents the High Street and Ashley Street Planning Proposal for endorsement to seek a Gateway Determination to enable formal community consultation. It also presents associated amendments to the HDGP, to be exhibited concurrently with the Planning Proposal, after a Gateway Determination is received.

The objectives of the Planning Proposal are to:



- Initiate the activation and revitalisation of the HTC according to the mixed land uses and development densities identified in the draft HTC Masterplan.
- Facilitate development of RSL Club landholdings at High Street, Ashley Street, and Webb Avenue, Hornsby as identified in the 2016 RSL Planning Proposal.
- Meet the approval requirements of the Hornsby LHS and grant funding under the NSW PSLP.

## 1. THE SITES

### No. 2 and No. 4 High Street, Hornsby

Property No. 2 High Street, Hornsby contains the existing heritage listed Hornsby War Memorial Hall (Heritage Item No. 483) which is owned by the Hornsby War Memorial Hall Committee Incorporated. It has an area of 987.5sqm, a frontage of 18m and depth of 48m. Its northern boundary is along Ashley Lane and its southern and western boundaries adjoin the RSL club premises at No. 4 High Street.

Property No. 4 High Street, Hornsby is the existing Hornsby RSL Club premises and a rear at-grade car park. The Lot has an area of 6,698qm, a frontage of 40m and depth of 146m along Ashley Street. Its irregular northern boundary adjoins No. 2 High Street and Ashley Lane and its western boundary adjoins Nos. 14-18 Ashley Street. A secondary frontage to the Club premises and the main entrance to the rear carpark are along Ashley Street.

Both sites are Zoned B4 – Mixed Use and no change is proposed to the Zone or permissible land uses.

### RSL land at Ashley Street and Webb Avenue, Hornsby

Properties Nos. 7,9,11,15,17 and 19 Ashley Street Hornsby and Properties No. 2 and 4 Webb Avenue Hornsby are all owned by the Hornsby RSL Club and are vacant except for No.19 Ashley Street, which is occupied by a dwelling house.

The Ashley Street and Webb Avenue lots are contiguous (there is no Property No. 13 Ashley Street) and have combined area of approximately 5,492sqm. As a consolidated development site, they would have three street frontages - Ashley Street (northern) at 90m, Forbes Street (eastern) at 60m and Webb Avenue (southern) at 90m. The western boundary would adjoin No.21 Ashley Street which has a secondary rear frontage to Webb Avenue and is occupied by a dwelling house.

The lots are Zoned R3 - Medium Density Residential and no change is proposed to the Zone or permissible land uses.

## 2. THE PLANNING PROPOSAL

The Planning Proposal would facilitate an extension to the existing club, a hotel and residential apartments at No. 4 High Street and a 6 storey seniors housing development on the Ashley Street/Webb Avenue sites.

Seniors housing is already permitted on the site, as the land is zoned R3 Medium Density Residential which allows seniors housing under the *Hornsby Local Environmental Plan 2013* (HLEP). The Housing SEPP also allows seniors housing in the R3 zone.

Accordingly, there would be no change to the current zoning or permissible uses, but an increase in height limits under the HLEP would be required as follows:

### Clause 4.3 Height of Buildings

Amending the maximum height of buildings clause (4.3 Height of buildings) to allow a maximum building height of 20.5m (6 storeys) for seniors housing development only in 'Area 1' shown on the

Height of building Map (retaining the existing maximum 10.5m building height for all other R3 permitted land uses).

### Height of Building Map

Amending the maximum building height control for Property No. 2 High Street, Hornsby (Lot 1 DP 585721) and No. 4 High Street Hornsby (Lot 2 DP 817649) to increase the maximum building height from 26.5m (8 storeys) to 38.5 metres (12 storeys)

Amending the Height of building map to define and show Properties Nos. 7,9,11,15,17 and 19 Ashley Street Hornsby (Lots 1,2,3,4,5,6 DP222907) and Properties Nos. 2 and 4 Webb Avenue (Lots 7 and 8 DP 222907), Hornsby as 'Area 1'.

### 3. DEVELOPMENT CONTROL PLAN AMENDMENTS

Draft development control plan amendments have been prepared to support the planning proposal. The relevant Parts of the Hornsby Development Control Plan (HDCP) that would be applicable to the Planning Proposal are Part 3 – Residential for the land at Ashley Street and Webb Avenue and Part 4 – Business for the land in High Street, Hornsby.

Draft HDCP amendments to minimise the potential amenity impacts of a 12 storey development at No. 2 and 4 High Street and a 6-storey seniors housing development on the RSL sites in Ashley Street and Webb Avenue, would be exhibited with the Planning Proposal. They include building height transition controls, additional setbacks for upper levels and location restrictions for main entrances and parking away from residential land uses to minimise the potential impact of Club development and seniors housing on surrounding lower density residential land uses. The draft HDCP amendments are attached to this report.

Should the proposal receive a Gateway Determination, the proposed HDCP amendments to reflect the new height standards and building height transition and setback provisions would be exhibited concurrently with the Planning Proposal.

### 4. STRATEGIC AND STATUTORY CONTEXT

Relevant policies and legislation are discussed below.

#### Greater Sydney Region Plan - A Metropolis of Three Cities and North District Plan

The *Greater Sydney Region Plan - 'A Metropolis of Three Cities'* and the *North District Plan* establish the strategic planning framework for accommodating Sydney's future population growth and identify key State and local targets such as dwelling numbers, infrastructure planning, liveability, sustainability, and productivity.

The sites subject to this planning proposal are located within the Hornsby Town Centre which is identified as a Strategic Centre in the *North District Plan* (NDP). The Planning Proposal gives effect to the objectives and actions of the State and local strategic planning framework by enabling sustainable transport focused development opportunities that would contribute to State and local housing and jobs targets. The key State Government planning priorities Council is required to consider with regards the Planning Proposal are:

- *NDP: Planning Priority N5: Providing housing supply, choice and affordability, with access to jobs, services and public transport.*
- *Action 19 c. - providing fine grain urban form, diverse land use mix, high amenity and walkability, in and within a 10-minute walk of centre.*

The proposal aims to deliver dwelling supply and choice by encouraging shop-top housing and seniors housing in an established and growing town centre that has existing services, shops and recreation facilities and provides a range of job opportunities.

The sites are located in close proximity to existing bus and train services (approximately 150m) and other services and infrastructure, such as Hornsby Hospital and Council's library and cultural centre as well as primary and secondary schools.

The Planning Proposal includes a building height incentive for seniors housing on land at Ashley Street and Webb Avenue in the HTC to encourage and facilitate seniors housing supply overall and to provide seniors housing location and dwelling type choice in the Shire.

- *NDP: Planning Priority N6: Creating and renewing great places and local centres, and respecting the District's heritage.*
- *Action 21c.- managing and monitoring the cumulative impact of development on the heritage values and character of places.*

The proposal aims to provide for development that reflects an appropriate balance of commercial, residential and community uses that will contribute to the rejuvenation of the Hornsby Town Centre and reinforce and strengthen its viability as a commercial core. The proposed building heights are consistent with the urban structure and concepts identified in the draft HTC Masterplan.

The War Memorial Hall at No. 2 High Street, Hornsby, is a prominent building within the Hornsby Town Centre and is of historical, aesthetic, and social heritage significance. Its heritage value is in its history and function, association with the Cenotaph on Peat's Ferry Road and the adjacent to the RSL Club, its International Style architecture and glass façade, its ongoing use, internal memorial fixtures and layout of its rooms.

The sites subject to the Planning Proposal are also in proximity to the Peats Ferry Road and Mount Errington Precincts of the *Hornsby West Side Heritage Conservation Area (HCA)*.

Potential heritage impacts related to the proposed building height of 12 storeys at No. 2 High Street and at the adjacent No. 4 High Street, would be managed through the existing heritage provisions of the Hornsby LEP and the Desired Outcomes and Prescriptive Measures of *Part 9.2 – Heritage Items* of the *Hornsby Development Control Plan 2013 (HDCP)*. The HDCP provisions adopt a 'whole of building' approach, apply to building exteriors and interiors, and require that the setting of an item is considered in any development nearby.

- *NDP: Planning Priority N10: Growing investment, business opportunities and jobs in strategic centres.*

The additional building heights to allow expanded Club facilities, a hotel development and housing would assist with meeting the short term (construction) and long term (operation) job targets outlined in the *North District Plan* and in the Hornsby LSPS.

The proposal may also have an attractor and multiplier benefit to the local economy as the HTC is not currently serviced with high quality accommodation, function centre or conferencing facilities and an additional residential population would stimulate local goods and services demand.

### **Section 9.1 Local Planning Directions**

Section 9.1 of the EP&A Act allows the Minister for Planning and Public Spaces (the Minister) to provide direction to Council in relation to the preparation of draft local environmental plans.

The Local Planning Directions relevant to this Planning Proposal that Council must follow include:

*Direction 1.1 – Implementation of Regional Plans*

The objective of the direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans (e.g. the Greater Sydney Region Plan). The direction requires a planning proposal to be consistent with a Regional Plan released by the Minister for Planning.

The Planning Proposal would result in increased commercial and residential density in proximity to the Hornsby Town Centre, which is a major transport node. The consistency of the Planning Proposal with the Regional Plan and North District Plan is discussed above.

*Direction 3.2 – Heritage Conservation*

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

The War Memorial Hall at No. 2 High Street is listed as Heritage Item No. 483 in Schedule 5 – Environmental Heritage of the *Hornsby Local Environmental Plan 2013*.

The Planning Proposal does not propose heritage amendments to the HLEP. Potential heritage impacts related to the proposed building height of 12 storeys at No. 2 High Street and at the adjacent No. 4 High Street, would be managed through the existing heritage provisions of the Hornsby LEP and the Desired Outcomes and Prescriptive Measures of *Part 9.2 – Heritage Items* of the *Hornsby Development Control Plan 2013* (HDCP). The HDCP provisions adopt a 'whole of building' approach, apply to building exteriors and interiors, and require that the setting of an item is considered in any development nearby.

The sites are also in proximity to the Peats Ferry Road and Mount Errington Precincts of the *Hornsby West Side Heritage Conservation Area* (HCA). Existing controls within the Hornsby LEP and the HDCP would ensure development on the subject sites does not adversely impact the heritage values of the Precincts.

*Direction 5. 1- Integrating Land Use and Transport*

The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts improve access to housing jobs and services by active transport, reduces travel demand by car and supports public transport.

The proposal provides increased density to enable and encourage residential, registered club and visitor accommodation uses in close proximity to Hornsby Railway Station and bus interchange (approximately 150m).

The *Hornsby Town Centre Review Recommendations*, March 2022 and Transport Plan identify a range of public infrastructure improvements associated with the growth of the HTC to 2036. They include enhanced access to public transport, permeability, and linkage recommendations, and upgrading community facilities and open spaces. The development enabled through this Planning Proposal would be serviced long-term by these improvements and will contribute to their provision through monetary contributions as established and required in infrastructure and development contributions planning that is being undertaken as part of the overall Town Centre Review.

Traffic issues are further discussed below under the heading Traffic and Local Road Network.

*Direction 6.1 – Residential Zones*

The objectives of the direction are to encourage a variety of housing types for existing and future housing needs, make efficient use of accessible infrastructure and services and minimise the impact of residential development on the environment and resource lands. The direction requires that planning proposals broaden the choice of the housing market, make more efficient use of infrastructure and services, reduce land consumption for housing and be of good design. Planning proposals are to be for land that is or can be adequately serviced and not reduce residential density.

The proposal provides additional building heights for seniors housing only on vacant land zoned R3 – Medium Density and for a large site zoned B4 - Mixed Use, providing a supply incentive to satisfy growing housing diversity demand in a location in close proximity to services, transport, retail and entertainment opportunities. The proposal has been informed by the HTC Masterplan indicative building envelopes which respond to the surrounding context and building hierarchy.

Existing and proposed additional provisions in the *Hornsby Development Control Plan* (HDCP) with regards to urban form would ensure that the design of new development on the subject sites is consistent with the urban form identified in the HTC Masterplan, responds to design excellence requirements, and minimises amenity impacts. The draft HDCP amendments include building height transition controls, additional setbacks for upper levels and location restrictions for main entrances and parking away from residential land uses. Certain provisions of the Housing SEPP would also apply to the seniors housing development on the RSL land at Ashley Street and Webb Avenue in relation to accessibility and living standards.

#### *Direction 7.1 Business and Industrial Zones*

The objectives of the direction are to encourage employment growth in suitable locations and to protect employment land in business and industrial zones and support the viability of identified centres.

Planning proposals are required to retain the areas and locations of existing business and industrial zones, not reduce the potential floorspace for employment uses, and align with employment areas in accordance with employment strategies.

The proposal aims to deliver development that reflects an appropriate balance of commercial, residential and community uses that will contribute to the rejuvenation of the Hornsby Town Centre and reinforce and strengthen its viability as a commercial core.

The additional building heights to allow expanded Club facilities, a hotel development and shop top housing as well as other permissible land uses, would assist with meeting the short term (construction) and long term (operation) job targets outlined in the draft North District Plan and in local strategic plans.

The proposal may also have an attractor and multiplier benefit to the local economy as the HTC is not currently serviced with high quality accommodation, function centre and conferencing facilities.

#### **Hornsby Local Strategic Planning Statement**

The *Hornsby Local Strategic Planning Statement* 2020 (LSPS) sets out a 20-year vision for land use in Hornsby Shire, identifying the special character and community values that are to be preserved as well as how Council will manage growth and change.

The LSPS identifies the HTC as a major commercial centre that it will play a critical future role in providing employment, social and retail services for residents both within and surrounding the Hornsby LGA. The HTC will provide up to 3,500 new dwellings and the bulk of commercial floorspace to meet the Shire's long-term housing and job targets.

Relevant actions and priorities in the LSPS include:

*Liveable Priorities*

- Action LA2. Focus future housing opportunities in the Hornsby Town Centre.
- Action LA15. Finalise the Hornsby Town Centre Review and incorporate relevant findings and recommendations into a future update to the Hornsby Local Housing Strategy

*Productive Priorities*

- Priority PP3. Focusing economic development in and around existing centres and employment precincts in the Shire, with a key focus on the strategic centre.
- Priority PP5. Prioritising local employment opportunities, and improvements to services, amenities, and infrastructure to support the future population.

The Planning Proposal is consistent with the LSPS and its planning priorities and actions. It would provide development densities that would encourage an appropriate balance of commercial, residential and community uses that would give effect to and reinforce the economic and commercial centre role and function of the HTC. It would also provide housing, jobs and services in mixed use developments and facilitate seniors housing supply and choice close to transport and services and initiate the activation and revitalisation the HTC according to Council's vision for it as '*A place for people that reflects the uniqueness of the bushland setting, integrated around key public spaces, where the city meets the bush. An active, thriving centre that exhibits economic diversity, design excellence, liveability and sustainability.*'

### **Hornsby Local Housing Strategy 2020**

The *Hornsby Local Housing Strategy 2020* (LHS) outlines Hornsby's 20-year vision and priorities for housing an increase of 32,000 people requiring 14,879 new homes by 2036. It identifies that the majority of new homes will be provided in existing housing precincts, the Hornsby Town Centre (HTC) and the Cherrybrook Station Precinct.

The following HLHS local planning priorities are most relevant to the planning proposal:

- LP1. Protecting the character of our low-density neighbourhoods.
- LP6. Providing housing in the right locations that meets the needs of our community with regard to housing type and mix, design, sustainability, affordability and safety.

The proposal aims to deliver dwelling supply and choice by encouraging shop-top housing and seniors housing in an established and growing town centre that has existing services, shops and recreation facilities and provides a range of job opportunities. The Planning Proposal will provide the opportunity for realisation of 164 dwellings (including 110 seniors dwellings) and 1440sqm of commercial floor space plus a hotel.

The sites are located in close proximity to existing bus and train services (approximately 150m) and other services and infrastructure, such as Hornsby Hospital and Council's library and cultural centre as well as primary and secondary schools.

The Planning Proposal includes a building height incentive for seniors housing. This is generally consistent with the outcomes of the *Hornsby Seniors Housing Demand and Supply Review* which was endorsed by Council in 2020. The Review recommends that planning for Hornsby Shire's growing 65+ population should include looking at appropriate locations for independent seniors living units and aged care facilities, as well as other housing options outside age-segregated seniors living.

Local Action 2 (LA2) of the Strategy is to focus future housing opportunities in the Hornsby Town Centre which would supply 3,500+ new homes by 2036, mostly in the form of high-density apartments.

A condition of the Department's approval of the *Hornsby Housing Strategy 2020* is that Council submit a planning proposal with any relevant controls required to support rezoning part or all of the HTC Masterplan area to the Department for Gateway determination by or before December 2022.

The Planning Proposal is being progressed at the same time as the HTC Masterplan report going to Council so that the exhibition of the HTC Masterplan can proceed while the Planning Proposal also progresses to formal exhibition.

### **Employment Lands Study**

Council's *Employment Lands Study* (ELS) provides a strategic framework to facilitate and accommodate future employment growth within Hornsby Shire in the context of the North District Plan. The ELS was endorsed by Council in May 2021.

The ELS identifies that Hornsby Town Centre lacks a clear economic identity, that Council should progress a masterplan for the centre and that development within the centre should contribute to the civic, cultural, retail and economic requirements of the district.

### **Hornsby Town Centre Review**

The *Draft North District Plan* (NDP) was released in 2017. It identified Hornsby as a Strategic Centre and established the State government's housing supply and job creation targets for Hornsby to 2036.

In response to the NDP, and to ensure growth would be consistent with Council policies to focus growth in established housing precincts and the HTC, Council initiated the *Hornsby Town Centre East-Side Review*. It included a strategic analysis of planning controls and the demand and feasibility of commercial/retail development on the east side of the HTC.

The scope of the HTC Review was expanded in 2019 to include land in the Town Centre on the west side of rail line including the land subject to this planning proposal, and the Review became a deliverable of Hornsby's Accelerated LEP Review Program. The aims of the broader *Hornsby Town Centre Review Study* are to develop a structure plan that would provide for projected growth, strengthen the economic, employment and housing capacities of the HTC, improve public domain and activate Hornsby's commercial core. Review studies include economic development feasibility and urban form analyses, transport, traffic, parking and circulation modelling, housing demand and supply analysis and infrastructure capacity.

The principal outcome of the HTC Review is the *Draft Hornsby Town Centre Masterplan* (HTC Masterplan) which is outlined and discussed in the *Hornsby Town Centre Review Recommendations March 2022* report. The Masterplan is supported by technical studies and includes a series of recommendations and interventions to facilitate the revitalisation of Hornsby as a growing strategic centre, to accommodate change and to deliver diversity and density.

Properties No. 2 High Street and No. 4 High Street are identified as Site 13 in the Masterplan, and Properties Nos. 7,9,11,15,17 and 19 Ashley Street together with Nos. 2 and 4 Webb Avenue, as Site 14. The HTC Masterplan recommends retaining the existing zoning and land uses for all the sites subject to this Planning Proposal and identifies No. 4 High Street for 'Entertainment and dining' activities (Figure 19). Recommendations include revising the planning controls to increase mixed land use density for all the sites in the Planning Proposal (Figure 51) and increasing the maximum building height for Site 13 to 38.5m (12 storeys) and Site 14 to 20.5m (6 storeys) (Figure 50).

**Hornsby Local Environmental Plan 2013**

The proposal does not involve a change to the zoning of the sites or to provide for any additional permitted land uses. The proposed amendments to the LEP relate to the height of buildings only.

The current zoning of the High Street properties is B4 – Mixed Use. The objectives of the zone are as follows:

- *To provide a mixture of compatible land uses.*
- *To integrate sustainable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*

The zone permits a range of uses, including registered clubs, hotel or motel accommodation and shop top housing. The increased height proposed would allow the economic and orderly development of the site to its potential.

The current zoning of the Ashley Street and Webb Avenue sites is R3 – Medium Density Residential. The objectives of the zone are as follows:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The zone permits a range of residential uses, including seniors housing. The increased height proposed would only apply to development for the purposes of seniors housing.

**Hornsby Development Control Plan 2013**

The *Hornsby Development Control Plan 2013* (HDCP) applies to all land within Hornsby Shire and is a comprehensive framework for the development of land. The HDCP aims to outline procedures, responsibilities, and processes consistent with Council's vision of maintaining an environment which is sustainable and liveable.

The relevant Parts of the HDCP that would be applicable to the Planning Proposal are Part 3 – Residential for the land at Ashley Street and Webb Avenue and Part 4 – Business for the land in High Street, Hornsby.

As discussed above, draft HDCP amendments to minimise the potential amenity impacts of a 12 storey development at Nos. 2 and 4 High Street and a 6-storey senior's development on the RSL sites in Ashley Street and Webb Avenue, have been prepared and are attached to this report. They include building height transition controls, additional setbacks for upper levels and location restrictions for main entrances and parking away from residential land uses to minimise the potential impact of Club development and seniors housing in on surrounding lower density residential land uses.

Should the proposal receive a Gateway Determination, the DCP controls would be exhibited concurrently with the Planning Proposal.

**5. IMPACTS OF THE PROPOSAL**

The potential site-specific impacts of the Planning Proposal are discussed below.



### Built Form and Solar Access

The proposed new building heights for the land in this Planning Proposal are based the heights identified for Nos. 2 and 4 High Street (Site 13) and the RSL vacant land in Ashley Street and Webb Avenue (Site 14) in the HTC Masterplan 2022 which was, in turn, informed in part by the concepts in the 2016 RSL Planning Proposal.

The RSL Planning Proposal Indicative Design Concept at Attachment 2(a) includes a preferred design scheme and built form, supported by planning principles, shadow diagrams and proposed HDCP controls. The preliminary shadow analysis shows that properties in the area surrounding the proposed RSL Club's development would not receive an unreasonable amount of additional overshadowing and would maintain a minimum of 2 hours of solar access per day. The residential towers above the RSL Club, and the seniors housing development depicted in the Concept Plan complied with the minimum requirements of the Apartment Design Guide.

A planning proposal cannot tie a future development to a concept design. Along with the application of the Apartment Design Guide to any future Development application, draft HDCP amendments to minimise the amenity impacts of 12 storey development at Nos. 2 and 4 High Street on Nos.14 -18 Ashley Street, a 3-storey residential flat building to the west of No. 4 High Street and No. 11 William Street, Hornsby a 3-storey residential flat building to its north, would be exhibited with the Planning Proposal. The amendments include prescriptive controls for podium heights, building height and setbacks and will complement the existing controls for the Hornsby West Side.

Draft HDCP amendments applicable to a seniors housing development on the RSL sites in Ashley Street and Webb Avenue Hornsby would also be exhibited with the Planning Proposal. The amendments require a building height transition to lower density surrounding existing development, provide additional setback controls and would complement the existing controls for 6 Storey residential flat buildings in the HDCP.

The increases in building heights for the High Street and Ashley Street properties remain consistent with the transition in heights across the Hornsby West Side. Heights in the centre of the precinct range from 25 storeys, down to 20 storeys fronting Peats Ferry Road, transitioning to 12 storeys on the north side of Ashley Lane. The proposed building height of 12 storeys at Nos. 2 and 4 High Street and 6 storeys at Ashley Street and Webb Avenue continue the transition to the interface with residential zones.

### Heritage

The War Memorial Hall at No. 2 High Street is listed as Heritage Item No. 483 in Schedule 5 – Environmental Heritage of the *Hornsby Local Environmental Plan 2013*. It is a prominent building within the Hornsby Town Centre and is of historical, aesthetic, and social heritage significance. Its heritage value is in its association with the Cenotaph on Peats Ferry Road and the adjacent to the RSL Club, its International Style architecture and glass façade, its ongoing use, memorial fixtures and layout of its rooms and its design by local architect Ross Innes Aynsley.

Issues with regards to the impact of the 2016 RSL Planning Proposal on the significance of the Hall were raised during its preliminary exhibition and Council's pre-Gateway assessment. A condition of the Gateway Determination of 14 June 2017 required that a heritage assessment be prepared to identify to what extent the proposed development would affect the heritage item and in November 2017 an amended Statement of Heritage impact by Archnex Designs was prepared. It concluded that the heritage impacts of the proposal related to its setting and that the Planning Proposal did not have

impacts in terms of the fabric of the item. The assessment is at Attachment 1(b) to the Planning Proposal.

As a result of the heritage assessment, the RSL Club indicated that they would amend the Planning Proposal to retain the current maximum building height control of 26.5 metres for the extent that No. 4 High Street adjoined the southern boundary of 2 High Street, to provide an appropriate relationship (in terms of maximum height) to the Hornsby War Memorial Hall.

The RSL Planning Proposal was withdrawn before the amended Planning Proposal was finalised.

The HTC Masterplan illustrates a range of possible urban form outcomes for Site 13 (No. 2 and No. 4 High Street) within the 12-storey recommended new maximum height limit across both sites. They all include a two-storey built form in the location of the War Memorial Hall indicating that the proposed additional building height does not mean that the Memorial Hall would be demolished and developed and that its retention at the ground level alongside or as part of a new development is practicable.

Potential heritage impacts related to the proposed building height of 12 storeys at No. 2 High Street and at the adjacent No. 4 High Street, would be managed through the existing heritage provisions of the Hornsby LEP and the Desired Outcomes and Prescriptive Measures of Part 9.2 – Heritage Items of the *Hornsby Development Control Plan 2013* (HDCP). The HDCP provisions adopt a 'whole of building' approach, apply to building exteriors and interiors, and require that the setting of an item is considered in any development nearby and that a height transition is provided to sensitive interface areas.

The sites are also in proximity to the Peats Ferry Road and Mount Errington Precincts of the *Hornsby West Side Heritage Conservation Area* (HCA). Existing controls within the Hornsby LEP and the HDCP would ensure development on the subject sites does not adversely impact the heritage values of the Precincts.

### **Traffic and Local Road Network**

Many of the previously unresolved traffic issues related to the 2016 RSL Planning Proposal concerned the proposed additional building height and land uses. There were also concerns with how redevelopment would occur at the RSL and Community Car Park site at William Street, Hornsby. That site is not included in this Planning Proposal.

The *Hornsby Town Centre Review* capacity study and traffic modelling includes the 2016 RSL Planning Proposal's concepts. Modelling was based on gross floor area and potential overall development yield and not broken down to hotel, residential flat building, or seniors housing land uses. The land uses vary with regards to required parking rates, the number of vehicles they would add to the local road network, and their trip generation and distribution local traffic impacts.

Hotel uses in the HLEP require 1 parking space per room and have varying occupancy rates, often peaking at weekends and holiday periods. Seniors housing only requires 0.5 car space per bedroom and does not usually add substantially to AM or PM traffic volume peaks. It is likely, therefore that the development enabled through the Planning Proposal would generate less parking demand and less additional local traffic at completion than modelled.

The *Hornsby Town Centre Review Transport Plan 2022* identifies the land included in the Planning Proposal as Stage 1 (0-5 years) development sites within the Western Precinct. The plan models intersection performance and carrying capacity for the whole HTC at full 2036 Masterplan development and identifies that the local road network would need to accommodate an increase in traffic of 15 per cent to 20 per cent in the AM peak and 40 per cent to 50 per cent in the PM peak.

A series of transport and infrastructure improvements to support the new urban structure and plan for the envisaged density and vehicle trip increases are recommended as part of the HTC Review. Looking holistically at traffic generation and management across the whole Town Centre, rather than for the site in isolation, means the following is able to be achieved to overcome issues with the network:

- Increased mode share for active transport.
- Removing buses from Station Street with a split and relocated bus interchange.
- Reinforcing George Street (rather than Peats Ferry Road) as the major traffic route with intersection upgrades and road widening to improve traffic flow.
- Implementation of approximately 40 intersection, road network, public transport or active transport improvements across the Town Centre.
- Improved pedestrian connections between the Station and commercial and residential areas on the west side.

The improvements are contributions costed against development of the entire Town Centre (including the subject sites) and have been staged according to projected development uptake and yield to 2036.

## **CONSULTATION**

### **Consultation and outcomes undertaken with council, state agencies or authorities to date.**

The development of the HTC Masterplan, which includes the sites in this Planning Proposal, was informed by consultation with a number of state agencies and authorities. The consultation has been in the form of letters, emails, presentations at meetings and a Co-Design workshop. Agencies involved over time included:

- Department of Planning and Environment.
- Greater Cities Commission.
- Transport for NSW.
- Sydney Trains.
- NSW Health.
- NSW TAFE.
- NSW Education.

Most recently, the Planning Proposal was discussed with representatives from the Department of Planning and Environment as part of the initial scoping/pre-lodgement stage.

### **Previous exhibition**

Preliminary exhibition of the 2016 RSL Club Planning Proposal indicated that traffic was the main issue with the proposal. Council subsequently resolved not to progress with the RSL planning proposal until the traffic issues could be considered as part of the entire Hornsby Town Centre Masterplan, which has now been drafted for exhibition.

Since preliminary exhibition of the RSL proposal, further discussions with the community about the Hornsby Town Centre in its entirety has included:

- Pop up sessions in Hornsby Mall.
- Exhibition of the Town Centre Vision and Principles as part of the LSPS exhibition.
- Land owner drop-in sessions.
- A Co-Design workshop with agency stakeholders.

### Consultation Strategy

The following consultation strategy is consistent with The *Hornsby Shire Community Engagement Plan 2021* and the Public Exhibition requirements of the Local Environmental Plan Making Guidelines 2021. It may be amended by the requirements of the Gateway Determination.

Consultation for the Planning Proposal will include:

- Advertisements in local Publications: An advertisement would be placed in the Hornsby Kuringai Post identifying the purpose of the Planning Proposal and providing a web-link to where the Planning Proposal can be viewed.
- Advertisement on the Council website: The Planning Proposal would be exhibited on Council's website (<https://www.hornsby.nsw.gov.au/council/noticeboard/your-say/have-your-saycontent/current-exhibitions>).
- ENews An advertisement would be placed in Council's electronic newsletter.
- Letters to affected owners: A letter would be sent to landowners who adjoin or are in close proximity to the sites.
- Displays at the Council Administration Buildings and local libraries: The Planning Proposal would be displayed at the Council Chambers, 296 Pacific Highway, Hornsby, and the Hornsby Library.
- Consultation with Authorities: A copy of the Planning Proposal and relevant supporting material will be provided to the public authorities identified in the Gateway Determination, including Transport for NSW – Roads and Maritime Services; Transport for NSW – Sydney Trains; relevant authorities for the supply of water, electricity and the disposal and management of sewage; as well as NSW Police, and NSW Fire Service.

### STATUTORY CONSIDERATIONS

As part of the Gateway Authorisation process, Section 2.4 of the EP&A Act allows the Minister and the Director General to delegate functions to a Council and/or an officer or employee of a Council. When submitting a Planning Proposal, Council is required to identify whether it wishes to Exercise Delegation (the Authorisation).

Authorisation delegates the following plan making powers to Council: *Hornsby Shire Council Advice No. 01/20 Local Planning Panel Briefing Date 27/5/2020:*

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

Should Council resolve to progress the planning proposal, it is recommended that Council identifies that it intends to delegate the plan making functions to the General Manager.

## BUDGET

This Planning Proposal is being progressed to meet the conditions associated with the Hornsby Housing Strategy and also the conditions of grant funding awarded to Council under the *NSW Public Spaces Legacy Program*. A total of \$4 million has been allocated under the program towards the construction and delivery of a new elevated walkway in Pyes Creek Bushland, learn to Ride Playspace in Ruddock Park and improvements to the Brooklyn Foreshore. Part of the funding agreement is that Council must exhibit a Planning Proposal that contributes to additional housing supply by 31 December 2022.

The matter has no direct financial impact upon Council's adopted budget or Long Term Financial Plan.

## POLICY

The Local Planning Panels Direction – Planning Proposals requires that the Local Planning Panel give its advice on the Planning Proposal before Council considers whether to forward it to the Minister or Greater Sydney Commission.

### Local Planning Panel Advice

A briefing was provided to Hornsby's Local Planning Panel on 25 May 2022. The Panel considered that the proposal had strategic merit and site specific merit, subject to the proposed design principles to be included in DCP controls, as discussed in the officer's report.

The Panel advised that it supports the progression of the planning proposal for a gateway determination, with appropriate controls for height transitions for the Ashley Street site.

## CONCLUSION

The report presents a Planning Proposal for Properties Nos. 2 and 4 High Street, Hornsby, Properties Nos. 7,9,11,15, 17 and 19 Ashley Street Hornsby and Properties Nos. 2 and 4 Webb Avenue, Hornsby.

The Planning Proposal seeks to amend the HLEP maximum building height control (Height of Buildings Map) from 26.5 metres (8 storeys) to 38.5 metres (12 storeys) for Nos. 2 and 4 High Street, Hornsby, and amend the maximum height of buildings clause (4.3 Height of buildings) and the Height of Buildings Map to allow a maximum building height of 20.5m (6 storeys) for seniors housing development only (retaining the maximum building height for all other R3 permitted land uses on the land at 10.5 metres) for Properties Nos. 7,9,11,15,17 and 19 Ashley Street and Properties Nos. 2 and 4 Webb Avenue, Hornsby.

The proposal has strategic merit due to its consistency with the *Greater Sydney Regional Plan, North District Plan, Section 9.1 Ministerial Directions* and the Hornsby LSPS and *Hornsby Housing Strategy* and should be progressed. Clear community benefit has been identified to justify changes to planning controls in terms of job creation, housing supply and revitalisation of Hornsby's commercial core.

The proposal is being progressed to meet the conditions associated with the approval of the *Hornsby Housing Strategy 2020* and grant funding awarded to Council under the *NSW Public Spaces Legacy Program*. Part of the funding agreement is that council must exhibit a Planning Proposal that contributes to additional housing supply by 31 December 2022.

Accordingly, it is recommended that Council support the progression of the Planning Proposal for submission to the Department of Environment and Planning for Gateway Determination.



**RESPONSIBLE OFFICER**

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**Attachments:**

1.  Planning Proposal - High Street and Ashley Street Hornsby
2.  Draft Hornsby Development Control Plan Amendments

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