

4 HORNSBY SHIRE HOUSING STRATEGY PLANNING PROPOSAL - REPORT ON SUBMISSIONS

EXECUTIVE SUMMARY

The amended *Hornsby Shire Housing Strategy* was exhibited for public comment earlier this year. Many submissions were received, providing valuable feedback which has assisted identify proposed amendments to the *Housing Strategy Planning Proposal*. Recommended amendments include the deletion of particular precincts and amendments to precinct boundaries or housing form.

The recommended deletion of particular precincts will result in a reduced dwelling yield and overall shortfall in Council's dwelling target. Accordingly, this report presents an additional proposal for consideration. The draft *Townhouse Planning Proposal* identifies precincts for rezoning to permit townhouses in certain parts of Hornsby, Asquith and Mount Colah to assist increase the supply of townhouses and to ensure Council's dwelling target is met.

This report recommends that Council endorse the amended *Housing Strategy Planning Proposal* attached to this report for submission to the Department of Planning (DOP) for gazettal, and the *Townhouse Planning Proposal* attached to this report for submission to the DOP for gateway determination and exhibition.

PURPOSE

The purpose of this report is to present the outcome of the exhibition of the amended *Housing Strategy* and to seek endorsement to:

- submit the *Housing Strategy Planning Proposal* (amended as a result of submissions) to the DOP for gazettal; and
- submit a new *Townhouse Planning Proposal* to the DOP for gateway determination and public exhibition.

BACKGROUND

The original *Housing Strategy* was exhibited in early 2009. Over 1,500 submissions were received and reviewed by Council. At its meeting on 2 December 2010, Council considered a report concerning the exhibition. The report presented a *Planning Proposal*, prepared in accordance with the State Government's new plan-making process, containing amendments to the *Strategy* as a result of consideration of submissions. Council resolved to forward the *Planning Proposal* to the DOP seeking a gateway determination to facilitate the exhibition of an amended *Housing Strategy*.

The *Hornsby Shire Housing Strategy Planning Proposal* was submitted to the DOP on 3 December 2009. A gateway determination was received on 30 December 2009, indicating that the *Planning Proposal* could be exhibited.

The amended *Housing Strategy* was exhibited for public comment from 15 March 2010 to 23 April 2010.

DISCUSSION

This report provides a summary of the outcome of the exhibition of the amended *Housing Strategy*, and presents an amended *Housing Strategy Planning Proposal* for gazettal, along with a new *Townhouse Planning Proposal* for endorsement for exhibition.

Exhibition and Review of Submissions

The amended *Housing Strategy* was exhibited from 15 March 2010 to 23 April 2010. The gateway determination issued by the DOP was subject to conditions including a requirement that the *Proposal* be exhibited for 14 days and notified through a local newspaper, on the Council website and in writing to adjoining landowners.

To ensure the community was fully informed, Council resolved to undertake a comprehensive consultation strategy over a five week period. The consultation exceeded the statutory requirements of the gateway determination and included the same methods of consultation undertaken to exhibit the original *Strategy*. The DOP raised no objection to Council extending the exhibition period from 14 days to five weeks to allow for community drop in sessions and to facilitate the proposed advertising in accordance with Council's adopted consultation strategy.

Advertisements were placed in the *Hornsby Advocate*, the *Northern District Times*, the *Hills News*, the *Monthly Chronicle*, the *Bush Telegraph* and on Council's website. Letters and brochures were sent to property owners within and near the proposed precincts. Letters were also sent to submitters from the 2009 exhibition, along with community groups, industry groups and statutory authorities. An internet discussion forum was established and four community drop-in sessions were held at various locations.

A total of 3,341 submissions were received during the exhibition period, including individually written letters or emails, form letters and petitions. Submissions raised objections to the *Strategy* (or aspects of the *Strategy*), provided constructive feedback on how it could be improved, indicated support for the *Strategy* and suggested other precincts for inclusion. The attached *Housing Strategy Volume 3a - Report on Submissions 2010* provides a summary of submissions. The report does not attempt to capture all of the information put forward in submissions. The report focuses on providing an overview of submissions, along with a snapshot of the reasoning, key local issues identified and suggestions made. A copy of all submissions (including late submissions received up until 14 May 2010) has previously been provided to Councillors. The major reasons for objection to the amended *Strategy* continue to be traffic generation, impacts on character/streetscape and uncertainty surrounding the provision of infrastructure.

Amendments to the Housing Strategy

Council has considered the feedback provided through submissions from the community and government agencies to assist identify proposed amendments to the *Strategy*. The review of submissions and identification of draft amendments to the *Housing Strategy Planning Proposal* was overseen by the Housing Strategy Steering Committee which comprises all Councillors, the General Manager, relevant Executive Managers and staff. The Steering Committee met on two occasions to review submissions and identify potential amendments to the *Housing Strategy*. At its meeting on 8 June 2010 the Steering Committee agreed that the following amendments to precincts should be considered:

PRECINCT NAME	RECOMMENDATION
Berowra	
Berowra Commercial Centre	No change
Mt Colah	
Mt Colah Commercial Centre	Minor western boundary adjustment
Pacific Highway	No change
Judith Avenue	Delete
Asquith	
Lords Avenue	No change
Baldwin Avenue	No change
Stokes Avenue	No change
Jersey Street North	No change
Hyacinth Street	No change
Bouvardia Street	No change
Asquith Commercial Centre	No change
Pacific Highway	No change
Hornsby	
Galston Road	No change
Belair Close	Reduce height to 5 storeys
Linda Street	Delete
Waitara	
Balmoral Street	No change
Park Avenue	No change
Palmerston Road	No change
Normanhurst	
Normanhurst Road Commercial Centre	No change
Thornleigh	
Station Street	No change
Pennant Hills Rd Comm. Centre	No change
Pennant Hills	
Fisher Ave	No change
West Pennant Hills	
Thompsons Corner	No change
Beecroft	
Beecroft Road	No change
Carlingford	
Dunrossil Avenue	Delete
Fleming Street	Delete
Milton Street	Delete
Darwin Street	Delete
Carlingford Road	No change

It is recommended that Council endorse the attached *Housing Strategy Planning Proposal* which reflects the above changes for submission to the DOP for gazettal.

Amendments to the draft Development Controls

Many submissions included constructive feedback and suggestions concerning the draft 5 storey development guidelines and draft key principles diagrams contained in the *Strategy*. It is recommended that the following amendments to development controls be considered:

RECOMMENDATIONS
Stokes Avenue, Asquith precinct key principles diagram
Specify that access should be provided via Stokes Avenue where possible
Beecroft Road, Beecroft precinct
Review controls in the context of the Beecroft/Cheltenham Heritage Conservation area
Landscape design controls
Specify the use of locally indigenous species
Pedestrian links
DCP to include mapped pedestrian networks and links to open space
Viability
Include a requirement to prevent any single property being left isolated and undevelopable

It is recommended that a draft Development Control Plan (DCP) be prepared based on the exhibited key principles diagrams and 5 storey controls and incorporating the above changes. A further report should be prepared presenting the draft DCP to Council for endorsement for exhibition.

Preparation of a Townhouse Planning Proposal

The recommended deletion of particular precincts from the *Housing Strategy Planning Proposal* will result in a reduced dwelling yield and overall shortfall in Council's dwelling target. Accordingly, an additional proposal has been prepared for consideration by Council.

In considering submissions on the amended *Housing Strategy* it became clear that residents prefer smaller scale development such as townhouses rather than medium or high density development. Accordingly, the Housing Strategy Steering Committee agreed that a townhouses proposal should be prepared. Council recognises that townhouses are a desired form of housing for which there is limited provision in the *Housing Strategy* due to the need to concentrate densities in centres (i.e.: close to shops and train stations).

A draft *Townhouse Planning Proposal* (attached) has been prepared for Council's consideration, outlining the objectives, intended outcomes and justification for the *Proposal*. Opportunities for the provision of townhouses have been identified in out of centre locations along transport corridors in Hornsby, Asquith and Mount Colah to assist increase the supply of this form of housing and to ensure Council's dwelling target under the *Housing Strategy* is met.

During consideration of submissions, the Steering Committee agreed that an amendment to the boundaries of the Mt Colah Commercial Centre precinct should be considered. A minor western boundary amendment is recommended as part of the *Housing Strategy Planning Proposal* (identified in the table above). However, a further extension of the north-western

boundary at the southern end of the precinct and the inclusion of an additional property in Judith Avenue has been identified for consideration and exhibition in the *Townhouse Planning Proposal*.

The *Townhouse Planning Proposal* contains maps identifying the boundaries of the precincts proposed to be rezoned and a consultation strategy for endorsement by the DOP. It is recommended that Council facilitate the exhibition of the attached *Townhouse Planning Proposal* by forwarding it to the DOP seeking a gateway determination.

CONSULTATION

The review of submissions and preparation of the amendments to the *Housing Strategy Planning Proposal* was overseen by the Housing Strategy Steering Committee which comprises all Councillors, the General Manager, relevant Executive Managers and staff. The Steering Committee met on two occasions to review submissions and identify potential amendments to the *Housing Strategy*. At its meeting on 8 June 2010 the Steering Committee agreed that an amended *Housing Strategy Planning Proposal* should be presented to Council seeking endorsement for gazettal, along with a new *Townhouse Planning Proposal* seeking endorsement for exhibition.

It is proposed that the *Townhouse Planning Proposal* be exhibited prior to the end of 2010. A consultation strategy has been prepared as part of the *Planning Proposal* for endorsement by the DOP. Following the exhibition period, a report on submissions would be presented to Council for its consideration.

STATUTORY CONSIDERATIONS

As part of the consideration of planning proposals, Council is required to consider the relevance of any State Environmental Planning Policy (SEPP) or Ministerial Direction under Section 117 of the *Environmental Planning and Assessment Act, 1979*. An assessment of relevant SEPPs and Section 117 Directions is contained within each of the attached *Planning Proposals*. The *Proposals* are not inconsistent with any SEPP or relevant Section 117 Directions.

Housing Strategy Planning Proposal

The *Housing Strategy Planning Proposal* is being progressed as part of the State Government's "gateway plan-making process". Community consultation forms part of this process and is only complete when Council has considered any submissions made concerning the *Proposal*. This report presents a summary of submissions and recommends amendments to the *Planning Proposal* as a result of community feedback.

Under Section 58 of the *Environmental Planning and Assessment (EP&A) Act 1979*, Council may vary the *Planning Proposal* after consideration of submissions, and must forward a copy of the revised *Planning Proposal* to the Minister. Further community consultation is not required unless directed by the Minister in a revised gateway determination. The amendments recommended in this report do not change the "statement of objectives or intended outcomes" of the *Proposal*. A minor amendment has been made to the "explanation of provisions". However, this does not change the intent of the provisions. The amendments to the *Housing Strategy Planning Proposal* do not warrant re-exhibition.

To facilitate the gazettal of the *Housing Strategy Planning Proposal*, Council must submit the *Proposal* to the DOP for the legal instrument (the LEP) to be drafted and made by the Minister. Draft LEP amendments are contained in the *Housing Strategy Planning Proposal*. The draft LEP amendments have been prepared, where possible, to comply with the State Government's *Standard Instrument Template*, which provides a consistent format for all new comprehensive LEPs. The *Standard Instrument* mandates that height controls be shown in metres, not storeys, on a 'Height of Buildings Map'. Accordingly, the equivalent height in metres for 5 storey and 10 storey development has been identified. An urban design consultant has reviewed the equivalent heights in metres and confirmed their appropriateness in controlling the desired maximum number of storeys. It is recommended that the *Housing Strategy Planning Proposal* be implemented through the following changes to the *Hornsby Shire Local Environmental Plan 1994*.

Precinct type	Proposed draft LEP amendment
Townhouses	Rezone to Residential B (Medium Density) zone
5 storey residential	Rezone to Residential C (Medium/High Density) zone and include a 5 storey equivalent height restriction in metres (17.5m)
5 storey mixed use	No change to Business zones, include a 5 storey equivalent height restriction in metres (17.5m)
8-10 storey residential	Rezone to Residential D (Medium/High Density) zone and include a maximum 10 storey equivalent height restriction in metres (32.5m)
8-10 storey mixed use	No change to Business zones, include a maximum 10 storey equivalent height restriction in metres (32.5m)

Townhouse Planning Proposal

A *Planning Proposal* has been prepared to rezone land to permit townhouses in parts of Hornsby, Asquith and Mount Colah. The *Townhouse Planning Proposal* (attached) sets out Council's objectives in preparing the *Proposal*, the intended outcomes of the *Proposal*, justification for the *Proposal*, and the intended community consultation to be undertaken.

To facilitate the exhibition of the *Townhouse Planning Proposal*, Council must submit the *Proposal* to the DOP for a gateway determination under section 56 of the *EP&A Act*.

Development Control Plan

This report recommends that a DCP be prepared based on the key principles diagrams and 5 storey controls exhibited as part of the *Housing Strategy*. The draft DCP would be prepared to incorporate the changes recommended in this report and presented to Council for endorsement for exhibition. In accordance with the *EP&A Act* the draft development control plan would be required to be exhibited for at least 28 days. Following the exhibition, a report on submissions would be presented to Council for its consideration detailing any recommended amendments to the draft DCP.

TRIPLE BOTTOM LINE SUMMARY

Triple Bottom Line is a framework for improving Council decisions by ensuring accountability and transparency on social, environmental and economic factors. It does this by reporting upon Council's strategic themes.

A Triple Bottom Line summary was provided in respect of the *Housing Strategy* in Executive Manager's Report No. PLN5/09 considered by Council on 4 February 2009.

CONCLUSION

A number of changes to the amended *Housing Strategy* are proposed based on consideration of submissions received during the public exhibition period. The amended *Hornsby Shire Housing Strategy Planning Proposal* attached to this report should be endorsed by Council for submission to the DOP for gazettal. The *Townhouse Planning Proposal* attached to this report should be endorsed by Council for submission to the DOP for gateway determination to facilitate public exhibition.

RECOMMENDATION

THAT

1. Council forward the attached *Housing Strategy Planning Proposal* to the Minister for Planning for gazettal pursuant to Section 59 of the *Environmental Planning and Assessment Act, 1979*, incorporating the following amendments:
 - 1.1 Delete the Dunrossil Avenue, Carlingford precinct;
 - 1.2 Delete the Fleming Street, Carlingford precinct;
 - 1.3 Delete the Milton Street, Carlingford precinct;
 - 1.4 Delete the Darwin Street, Carlingford precinct;
 - 1.5 Reduce the height of the Belair Close, Hornsby precinct to 5 storeys;
 - 1.6 Include a minor western boundary adjustment to the Mount Colah Commercial Centre precinct;
 - 1.7 Delete the Linda Street, Hornsby precinct; and
 - 1.8 Delete the Judith Avenue, Mount Colah precinct.
2. A Development Control Plan be prepared and reported to Council, based on the exhibited key principles diagrams and 5 storey controls and incorporating the following changes:
 - 2.1 Amend the Stokes Avenue, Asquith precinct key principles diagram to specify that access should be provided via Stokes Avenue where possible;
 - 2.2 Review the controls for the Beecroft Road, Beecroft precinct in the context of the Beecroft/Cheltenham Heritage Conservation Area;
 - 2.3 Specify the use of locally indigenous species in landscaping controls;
 - 2.4 Include mapped pedestrian networks and links to open space; and
 - 2.5 Include a requirement to prevent any single property being left isolated and undevelopable.
3. Council facilitate the exhibition of the attached *Townhouse Planning Proposal* by forwarding it to the Minister for Planning seeking a "gateway determination" pursuant

to Section 56(1) of the *Environmental Planning and Assessment Act, 1979*.

3.1 Should the Minister determine under Section 56(2) of the *Environmental Planning and Assessment Act, 1979* that the matter may proceed, Council publicly exhibit the *Townhouse Planning Proposal* in accordance with the consultation strategy outlined in the *Planning Proposal* (or as otherwise directed by the Minister).

3.2 Following the exhibition of the *Townhouse Planning Proposal*, a report on submissions be presented to Council.

4. Submitters be advised of Council's resolution.

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Attachments:

1. Housing Strategy Planning Proposal Location Map
2. Housing Strategy Volume 3a - Report on Submissions 2010
3. Housing Strategy Planning Proposal (Version 2 / July 2010)
4. Townhouse Planning Proposal

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