

Department of Planning, Housing and Infrastructure

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Finalisation Report

Hornsby

Transport Oriented Development Precinct



November 2024



Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land, and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Executive Summary

This report provides an assessment of the State-led rezoning proposal seeking to amend the planning controls relating to the Hornsby Transport Oriented Development Precinct (the Precinct). The Precinct Rezoning Proposal (the Rezoning Proposal) seeks to:

- focus new development on land closest to the station to maximise the number of residents and workers within an easy walk of the stations and shops
- locate the highest buildings around the station
- provide for taller buildings with smaller footprints so that a better public domain, more public open space and high-quality streetscapes can be delivered
- transition heights down to areas with stand-alone houses
- plan for a mix of building heights to provide variety and interest and increase housing choice.

The Rezoning Proposal was exhibited from 9 July to 23 August 2024 and received a total of 337 submissions from individual community members, community groups, landowners, State Government agencies and the Hornsby Shire Council (Council). The issues raised in submissions have been considered by the Department of Planning, Housing and Infrastructure (the Department) in finalisation of the Rezoning Proposal.

The Hornsby Local Environmental Plan 2013 (the Hornsby LEP) will be amended through a self-repealing State Environmental Planning Policy (SEPP) so that existing instruments align with the objectives and controls of the Rezoning Proposal.

This Finalisation Report has been drafted in collaboration and consultation with Council, State Government agencies and the Precinct Project Working Group (the PWG).

1. Introduction

This report presents the Department's assessment and finalisation of the proposed planning amendments to deliver the Hornsby Transport Oriented Development (TOD) Precinct.

The intended outcome envisages a transformation of central Hornsby into a place where a variety of land uses (residential, commercial, recreational) are located within walking distance of Hornsby train station and an increased, diverse supply of housing is delivered, supported by attractive public spaces and community amenity.

Amendments to the Hornsby Local Environmental Plan (LEP) will enable the delivery of:

- approximately 6,000 new homes
- capacity for 2,900 new jobs
- new and improved public open spaces
- 3%-10% affordable housing where land is being rezoned for a residential use, between 4-5% for key sites and a provision of 10% for Council and Government-owned land
- 10,000 square metres (m²) of community facilities and a public library
- new cycle and pedestrian network
- greener streets

The purpose of this report is to provide an overview of:

- the planning context for the Precinct
- the exhibited proposal and supporting documents
- consultation and public exhibition
- matters arising from public exhibition and resolution in the final plan.

The assessment of the Rezoning Proposal is based upon the proposed Urban Design Framework, Design Guide and supporting technical studies exhibited by the Department from 9 July to 23 August 2024 and consideration of comments and feedback obtained during exhibition of the Rezoning Proposal.

2. Context

The Department is responsible for undertaking a comprehensive assessment of the Rezoning Proposal to determine its appropriateness, carefully considering environmental and social factors, and identifying the infrastructure needs of the future population. The Department has undertaken this assessment, taking into consideration feedback from the community and other stakeholders, in collaboration with relevant State agencies and Council and makes a recommendation to the Minister for Planning and Public Spaces for determination.

2.1 Site Context

The Precinct is located approximately 25 kilometres northwest of the Sydney Central Business District (Figure 1) and is approximately 38.9 hectares.



Figure 1: Hornsby's regional context (Source: Hornsby Precinct Urban Design Framework, COX)

The Precinct consists of the commercial core of central Hornsby and comprises land situated on both sides of the rail corridor and includes Westfield Hornsby, Hornsby Mall, and businesses located along George Street up to Bridge Road as well as the Hornsby RSL Club and businesses on Peats Ferry Road.

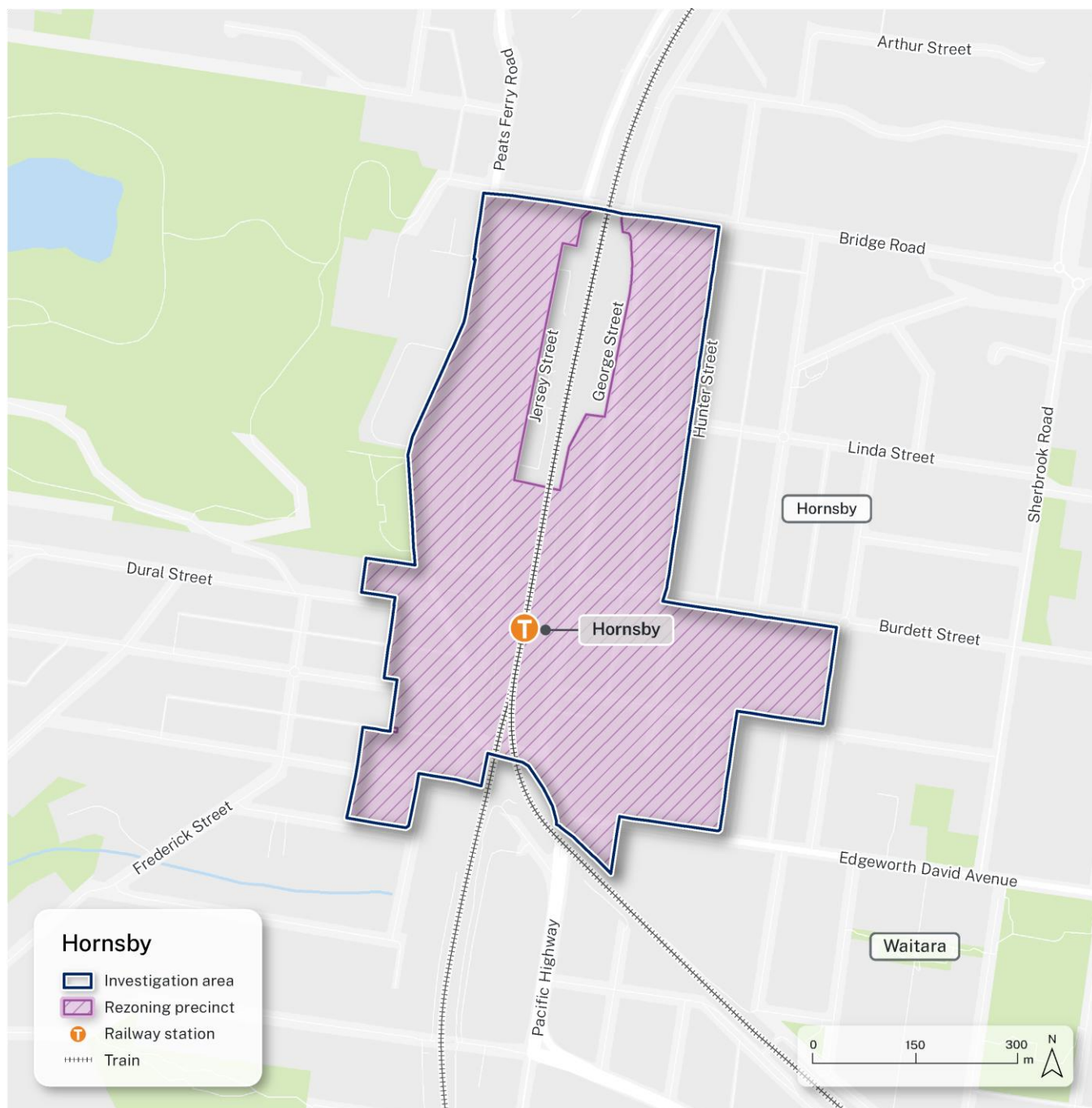


Figure 2: Hornsby TOD Precinct focus area for rezoning (Source: DPHI. 2024)

2.2 Strategic Context

2.2.1 Transport Oriented Development Program (2024)

On 7 December 2023, the NSW Government announced the Transport Oriented Development (TOD) Program to create more well-located homes close to transport, jobs and services. As part of the TOD Program, the NSW Government identified eight Sydney transport hubs (TOD Accelerated Precincts) for State-led accelerated rezoning to deliver up to 47,800 new, well-located, high and mid-rise homes over the next 15 years.

The TOD Program has stemmed from the National Housing Accord announced by the Australian Government in October 2022 as part of the Federal Budget to address the supply and affordability of housing. The Accord includes an initial aspirational target to build 1.2 million new well-located homes over five years from July 2024. NSW has been tasked to provide 377,000 new homes by June 2029.

This Precinct is one of 8 priority high growth areas near transport hubs in Greater Sydney for accelerated rezoning.

2.2.2 Greater Sydney Region Plan: A Metropolis of Three Cities

The Greater Sydney Region Plan establishes directions, objectives and actions to achieve the 40-year vision which are focused on infrastructure and collaboration, liveability, productivity and sustainability.

The Region Plan also aims to provide ongoing housing supply and a range of housing types in the right places to create more liveable neighbourhoods and support Sydney's growing population. The plan identifies Hornsby town centre as a strategic centre expected to accommodate high levels of private sector investment, enabling them to grow and evolve. They will become increasingly important parts of the region's structure.

2.2.3 North District Plan

The North District Plan identifies the opportunity for revitalisation of central Hornsby and sets out a series of actions for this strategic centre that include encouraging revitalisation of the commercial core, better integrating Westfield Hornsby into the centre and making the area more attractive, promoting walking, cycling and public transport to and within the centre and prioritising public domain upgrades, place-making initiatives and a new civic space.

2.2.4 Council adopted Hornsby Town Centre Masterplan

On 8 November 2023, Hornsby Shire Council adopted the Hornsby Town Centre Masterplan (2023) which was the culmination of five years of extensive work undertaken by Council to formulate a vision to transform Hornsby Shire's major town centre.

The masterplan was developed in close collaboration with the Hornsby community, State agencies, stakeholders, landowners and Council. The masterplan directly responds to several drivers for change, including:

- residential developments displaying excellence in design and sustainability providing housing choice and key worker housing above podiums that deliver employment opportunities and activate the public domain
- green public space that reinforces the Bushland Shire's identity providing additional space for shoppers and residents to gather and links to future Hornsby Quarry Parklands
- identifies improvements to the road network, rationalisation of public transport connections between bus and rail and promoting walking and cycle paths.

The Rezoning Proposal aims to review, refine and implement the Hornsby Town Centre Masterplan through a State-led process.

3 Exhibited Rezoning Proposal

3.1 Amendments to land use zoning

The self-repealing SEPP will amend the Hornsby Local Environmental Plan 2013 (the LEP) as it currently applies to the Precinct under the Environmental Planning and Assessment Act 1979 (the EP&A Act).

The proposed amendments and supporting Design Guide establish land uses, objectives and controls for future development enabling an increase in residential development around Hornsby Station as well as high quality outcomes and mitigating impacts in relation to future development.

| Control | Existing controls | Rezoning proposal |
|-----------------------------|--|---|
| Land-use zoning | MU1 Mixed Use, E3 Productivity Support, E2 Commercial Centre, SP2 Rail Infrastructure Facility | MU1 Mixed Use, E3 Productivity Support and SP2 Rail Infrastructure Facility |
| Height of Buildings | Ranges from 8.5m to 77.5m | Ranges from 8.5m to 144m |
| Floor Space Ratio (FSR) | Ranges from 1:1 to 5:1 FSR | Ranges from 2:1 to 8:1 |
| Minimum non-residential FSR | N/A | Ranges from 0.5:1 to 2:1 FSR |
| Maximum residential FSR | Ranges from 1:1 – 3:1 FSR | Remove maximum residential FSR |

Table 1 -Exhibited planning amendments



Figure 3: Exhibited concept plan render (Source: Hornsby Precinct Urban Design Framework, COX)

3.2 Design Guide

A new provision was proposed to require the consent authority to be consistent with a Design Guide before granting consent to development in the Precinct. The Design Guide will be made by the Planning Secretary's delegate and will apply to all new local and State Significant Development (SSD) applications within the Precinct. This provision in the LEP will give legislative weight to the Hornsby Precinct Design Guide.

The Design Guide sets out a suite of built form and urban design provisions that facilitates high quality outcomes for built form, public domain and infrastructure enhancement.

Specifically, the Design Guide addresses:

- built form
- public open space
- landscape and public domain.

The final Design Guide will also address car parking rates as outlined in section 6.1.2 of this report.

4 Community Engagement

The Rezoning Proposal and supporting documents were publicly exhibited on the NSW Planning Portal from 9 July to 23 August 2024. A total of 337 submissions were received during the exhibition period.

Consideration of the issues raised in submissions is presented in **Section 6** of this report. All submissions have been published on the Planning Portal. We'd like to take this opportunity to thank the community and other key stakeholders for their ongoing interest, feedback and support.

4.1 How we consulted



6,440 letters issued to landowners



394 emails to contacts who opted in for project updates



114 people attended 6 in-person community sessions



109 people engaged via an online information session



25,142 website visits via digital channels



599,701 ads displayed via targeted digital and social media advertising campaigns



Advertisements in the Hornsby Ku-ring-gai Post, Australian Chinese Daily, Indian Link and Sydney Korean Herald



One on one meetings with landowners and other key stakeholders

4.2 Who we heard from



309 submissions were from community members



11 submissions were from community organisations



10 submissions were from Government agencies



7 submissions were from industry

5 Key Post-Exhibition changes

Based on the submissions received during exhibition, the following amendments are made to the exhibited proposal. These maps are recommended planning controls and may not represent the final built form which will be based on assessment of new development applications.

Exhibited Building Heights:



Figure 4: Hornsby TOD exhibited indicative building heights (Source: Hornsby Precinct Urban Design Framework, COX)

Post-exhibition changes:

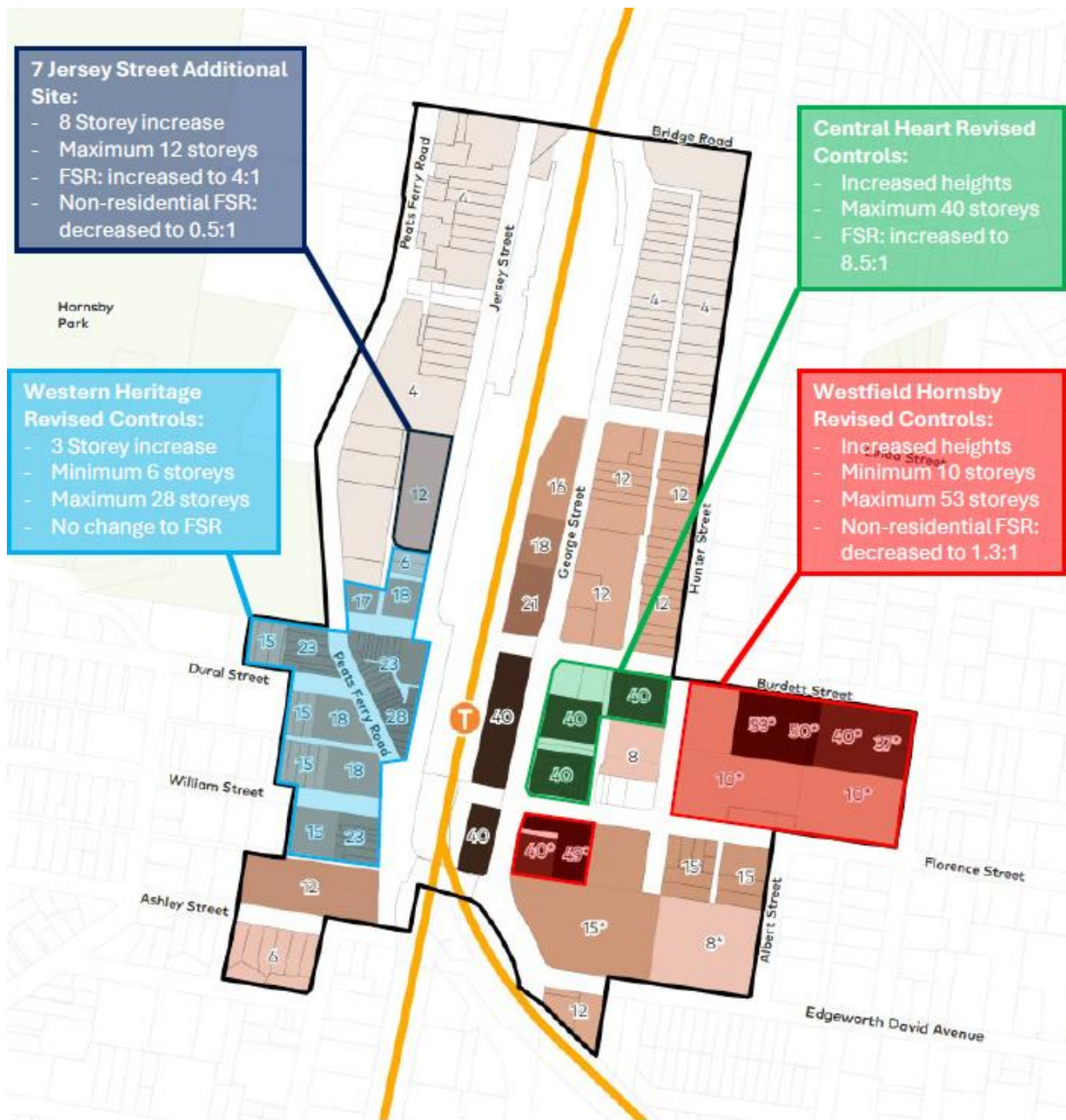


Figure 5: Hornsby TOD key post-exhibition amendments (Source: Hornsby Precinct Urban Design Framework, COX)

6 Assessment of Key Issues

The Department has considered the issues raised in submissions from members of the community, landowners, industry groups, agencies and Council, received during the exhibition of the Rezoning Proposal and prepared revisions to the draft planning controls in response to submissions. The following key issues have been identified for assessment:

1. Traffic and Active Transport
2. Infrastructure
3. Affordable Housing
4. Flooding and Biodiversity
5. Density and Building Heights
6. Key sites and lot amalgamation
7. Precinct boundary
8. Hornsby Shire Council submission

Where necessary, further amendments to the exhibited planning framework have been introduced to address submission issues. These amendments form part of the Department's assessment.

6.1 Traffic and Active Transport

6.1.1 Road Congestion

| Submission points | Response |
|--|--|
| <ul style="list-style-type: none">The community raised concerns regarding traffic congestion in the area with a view that increased development uplift in central Hornsby would worsen traffic conditions. | <ul style="list-style-type: none">To support more people living in the Precinct, the Department has taken an integrated approach to land use and transport by locating new homes in an area that is well serviced by public transport as well as planning a new active travel network.This gives people more travel choices to their destinations, with infrastructure improvements to facilitate more trips that can be made by walking, cycling and catching public transport services. This is expected to reduce the reliance on car use especially for short local trips that will help moderate congestion on the road network.New homes within walking distance of Hornsby station and the revised car parking rates for new development identified in section 2.5 of the Design Guide will minimise the reliance of new residents on private vehicle use.TfNSW has identified that the opening of the Sydney Metro City and Southwest line provides additional capacity for customers travelling to and from Hornsby station on the T1 North Shore and Western and T9 Northern line.The exhibited Infrastructure Delivery Plan includes upgrades to the local road network that were identified as being needed to support growth in Council's June 2022 Transport Plan.There are several transport upgrades that were identified in the exhibited Infrastructure Delivery Plan, which would minimise potential congestion issues from the development uplift identified in the Rezoning Proposal. These include a series of improvements to the local road network which could be funded from local contributions or State-based contributions and could deliver outcomes in the short, medium or long term alongside development as it occurs.Several transport upgrades are identified in the exhibited Infrastructure Delivery Plan, to minimise potential congestion issues from the development uplift identified in the Rezoning Proposal. Works include: |

| Submission points | Response |
|-------------------|---|
| | <ul style="list-style-type: none"> Local road intersection upgrades at Peats Ferry Rd, Bridge Rd and Jersey St, and Bridge Rd and George St. State road intersection upgrades at Linda St and George St, George St, Burdett St and Edgeworth David Ave, and road widenings on George St and Bridge St. The Rezoning Proposal includes active transport upgrades (see 6.1.3) aimed at easing congestion within the town centre. |

6.1.2 Car Parking

| Submission points | Response |
|--|--|
| <ul style="list-style-type: none"> Submissions from the community and some landowners raised concerns regarding the loss of sites currently used for car parking and insufficient car parking being provided for new residential development. | <ul style="list-style-type: none"> The Rezoning Proposal includes allowances for new public car parking to be provided so there will be no net loss of public car parking available in central Hornsby. The Department has worked with Council and TfNSW to develop a two-tier car parking rate for new developments in the Precinct based on proximity to the train station, refer to Table 3 and Figure 6. These rates are lower than in Council's current Development Control Plan 2024 and will be implemented through the Design Guide adopted with the finalised Rezoning Proposal. |

Table 3: Revised Car parking rates, Hornsby TOD Precinct

| Land use | Parking Rates (maximum rates unless range specified) | |
|-------------------------------|--|-------------------------------|
| | Tier 1 – parking rates | Tier 2 – parking rates |
| <i>Multi-unit residential</i> | Allocated resident parking, to be provided on-site, within the range of: | |
| | 0.4 space per 1 bedroom unit | 0.75 space per 1 bedroom unit |
| | 0.8 space per 2-bedroom unit | 1 space per 2-bedroom unit |
| | 1.1 spaces per 3-bedroom unit | 1.5 spaces per 3-bedroom unit |
| | Plus 1 parking space for every 10 dwellings for visitors to be provided within a public parking facility through cash-in-lieu contributions. | |
| <i>Commercial premises</i> | Tenant parking, to be provided on-site, within the range of: | |

| Land use | Parking Rates (maximum rates unless range specified) | |
|---------------|---|--|
| | 1 space per 100m ² of gross floor area | 1 space per 70m ² of gross floor area |
| | 1 space per 400m ² of gross floor area to be provided within a public parking facility through cash-in-lieu contributions. | |
| | 1 loading bay per 400m ² of gross floor area to be provided on-site. | |
| <i>Retail</i> | Tenant parking to be provided on-site, within the range of: | |
| | 1 space per 150m ² of gross floor area | 1 space per 67m ² of gross floor area |
| | 1 space per 100m ² of gross floor area to be provided within a public parking facility through cash-in-lieu contributions | |
| | 1 loading bay per 400m ² of gross floor area to be provided on-site. | |

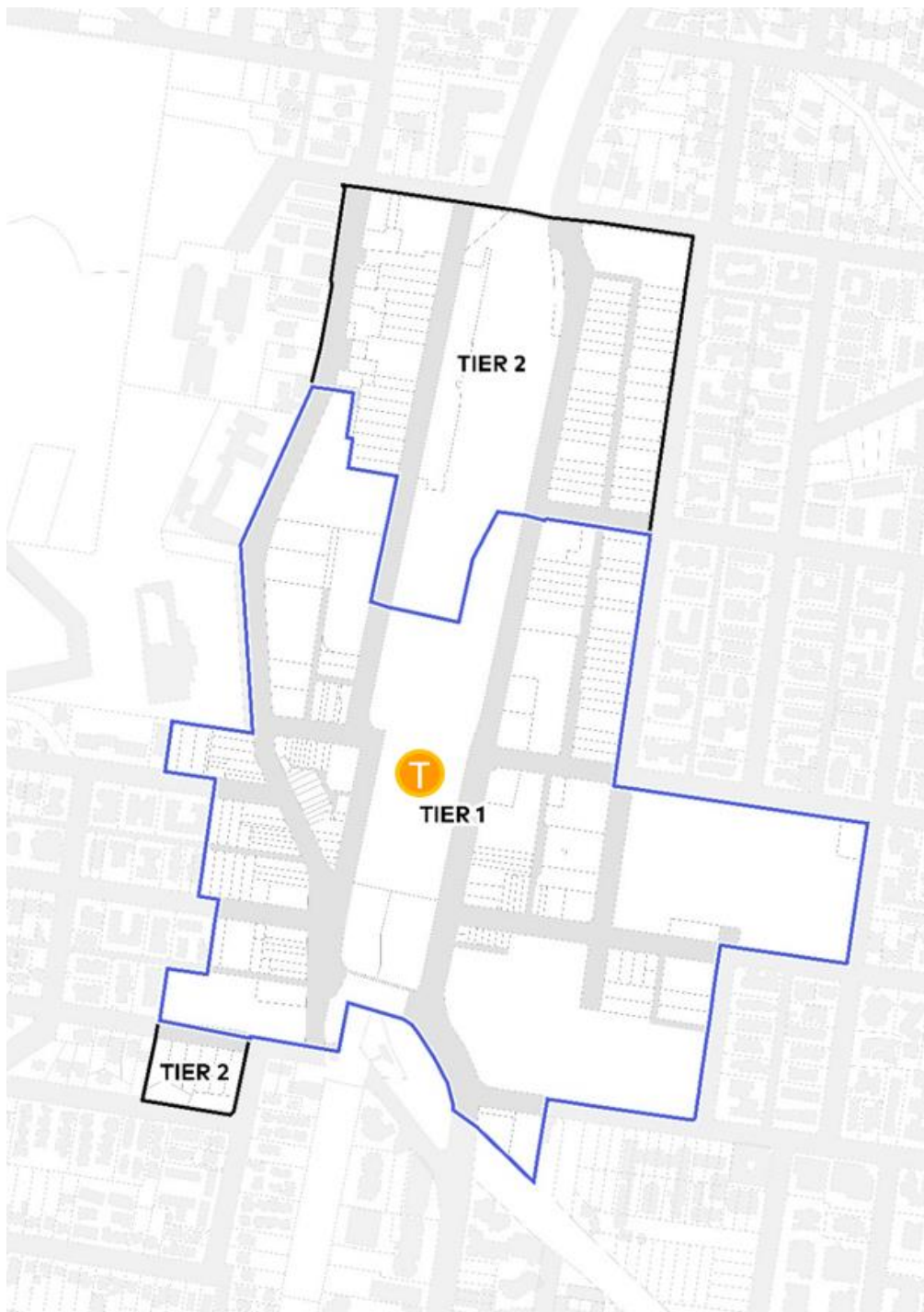


Figure 6: Car parking rates boundary (Source: Hornsby Precinct Design Guide, DPHI)

6.1.3 Active Transport

| Submission points | Response |
|--|--|
| <ul style="list-style-type: none">• Submissions from the community and some organisations advocated for better active transport links in the area. | <ul style="list-style-type: none">• The Rezoning Proposal includes plans for new walking and cycling routes, including a new east-west link over the rail station to provide better connectivity within and into and out of the Precinct area, enhancing connectivity to public transport, destinations and open spaces. |

6.2 Infrastructure

6.2.1 Contributions

| Submission points | Response |
|--|---|
| <ul style="list-style-type: none">• Council and the community requested greater assurances regarding the provision of both Local and State infrastructure funding to support the proposed development uplift.• Many submissions sought greater clarity around how the infrastructure that the Rezoning Proposal identified as being needed to support growth would be funded. | <p>Local Infrastructure Contributions</p> <ul style="list-style-type: none">• Council will be supported to prepare a Section 7.12 Local Infrastructure Contributions Plan (s7.12 plan) with a 4% levy rate proposed on residential and 2% on non-residential development. This is expected to require a per dwelling contribution of \$23,400 and will generate more than \$150 million to council for the provision of local infrastructure over time.• The s.7.12 plan seeks to fund the delivery of identified local infrastructure items such as community facilities, open space, streetscape embellishments and active transport links. <p>State Infrastructure Contributions</p> <ul style="list-style-type: none">• In collaboration with Council, Transport for NSW and TAHE, the Department exhibited an Infrastructure Delivery Plan (IDP). The IDP identified several items of both State and local infrastructure required to support the proposed residential uplift under the Hornsby TOD rezoning, in addition to a framework for the prioritisation, timing and potential funding streams for delivery.• A funding contribution towards the delivery of State and regional infrastructure, such as roads, parks, hospitals and schools, will be collected through the new Housing and Productivity Contribution (HPC). |

| Submission points | Response |
|-------------------|--|
| | <ul style="list-style-type: none"> • The HPC was introduced on 1 October 2023 and applies to: <ul style="list-style-type: none"> ◦ residential development that intensifies land-use where new homes are created, such as houses, apartments, terraces and dual occupancies ◦ commercial and retail development such as shops, neighbourhood shops, supermarkets, and commercial office buildings where new floorspace is created ◦ industrial development such as warehouses and industrial buildings, where new floorspace is created. • Development within the Precinct will be required to pay a Housing and Productivity Contribution. • The NSW Government has committed \$520 million from the Housing and Productivity Fund to be invested in community infrastructure in the TOD precincts. • This will provide upgrades to critical road active transport infrastructure, as well as new and improved open spaces. |

6.2.2 State Transport Infrastructure

| Issue | Response |
|---|---|
| <ul style="list-style-type: none"> • The need for certainty regarding the provision of key pieces of transport infrastructure including the new bus interchange and the northern east-west over rail crossing was raised by TfNSW and TAHE, Industry groups and Council. | <ul style="list-style-type: none"> • In consultation with Hornsby Shire Council and the Department, TfNSW has developed a draft Hornsby Interchange Infrastructure Integration Plan (IIP). • This considered different design options for the future layout and operation of Hornsby transport interchange for the short, medium and long term. • TfNSW confirmed appropriate locations for State infrastructure items to support the Rezoning Proposal, subject to funding, including: <ul style="list-style-type: none"> ◦ A future bus interchange located on TAHE land to the west of the station. ◦ A new east-west over rail crossing linking Burdett Street into the Northern concourse of the rail station. |

| Issue | Response |
|-------|--|
| | <ul style="list-style-type: none"> As the bus interchange design options are located on land owned by TfNSW and its entities, the rezoning will not preclude future optioneering or design changes as part of the concept and detailed design phase for delivery. |

6.2.3 Schools and Health Infrastructure

| Issue | Response |
|---|---|
| <ul style="list-style-type: none"> Concerns were raised by the community that there was insufficient capacity in existing local schools, hospitals, roads, bus and rail services to accommodate the growth in population from the Rezoning Proposal. | <ul style="list-style-type: none"> Both NSW Health and School Infrastructure (DoE) were consulted during the development and exhibition of the Rezoning Proposal to investigate the capacity of local schools and hospitals to accommodate growth. <p>School Infrastructure (DoE)</p> <ul style="list-style-type: none"> School Infrastructure (DoE) provided feedback that existing schools in the Hornsby area can be upgraded to accommodate the anticipated population growth from the finalised Rezoning Proposal. Additional capacity is being programmed subject to further due diligence investigations, timing and staging analysis. <p>NSW Health</p> <ul style="list-style-type: none"> NSW Health provided a detailed submission on Council Masterplan regarding the proposed development uplift in the Town Centre noting that: <ul style="list-style-type: none"> Increased traffic and demand on services at Hornsby Ku-ring-gai hospital could impact emergency services vehicles and car parking for patients and staff The younger demographic of new residents in Hornsby may have a lower uptake of private health insurance, increasing demand on the hospital's emergency, paediatric and maternity health services Regular updates be provided on the community domain initiatives for the Hornsby Town Centre area |

| Issue | Response |
|-------|--|
| | <ul style="list-style-type: none"> NSW Health were provided with a notice of exhibition of the Hornsby TOD Rezoning Proposal but did not provide the Department with additional comments. |

6.2.4 Open Space and Community Facilities

| Submission points | Response |
|--|--|
| <ul style="list-style-type: none"> Concerns were raised by landowners and industry groups that the requirement for provision of public benefits of open and community facilities would adversely impact on development feasibility. General support was received from the community, industry groups and agencies for the open space with some submissions advocating for the provision of additional areas, recreation facilities and sports fields. Landowners requested a redistribution of open space to publicly owned sites, stating that the development feasibility of their sites is adversely impacted. The need for additional community space was raised by members of the community and some Industry Groups. | <ul style="list-style-type: none"> Following the feedback received during the exhibition of the Rezoning Proposal additional feasibility analysis was undertaken that has informed the specific public benefits that have been incorporated into the finalised Rezoning Proposal. <p>Open space</p> <ul style="list-style-type: none"> The exhibited Rezoning Proposal identified three opportunities for new or upgraded parks: <ul style="list-style-type: none"> Cenotaph Plaza: TAHE/TfNSW owned; extended – 2,900m² Hornsby Square: Privately owned; extended – 4,200m² Burdett St Park: Council owned; new – 1,800m² The Department proposed to acquire land for the extension and embellishment of Hornsby Square. This will require further discussion with Council. Burdett St Park will be delivered via a key sites mechanism in the Hornsby LEP 2013, ensuring the provision of public benefit infrastructure co-ordinated with the proposed development uplift. The finalised rezoning has also identified the requirement for open space to be provided on TAHE owned land in the Transport Corridor character area. Negotiations with Scentre Group regarding increases to the development potential of the Westfield site post-exhibition has also secured up to 1,500m² of additional open space, to be delivered via the key sites mechanism. |

| Submission points | Response |
|-------------------|--|
| | <ul style="list-style-type: none"> Further details regarding the specific provision of open space on each key site can be found in Section 2.8 of the Hornsby Precinct Design Guide. <p>Community space</p> <ul style="list-style-type: none"> Up to 10,000m² of community space will be delivered via key sites mechanism in the Hornsby LEP 2013. This includes an additional 3,000m² of community floorspace that has been identified for provision on the northern Westfield site post-exhibition. The key sites and site amalgamation strategy referenced above in 6.2 and put in place for the finalisation of this Rezoning Proposal results in an equitable distribution in the requirements from the sites that are receiving significant uplift in development potential to provide for the community benefits needed to support growth. Following the feedback received during the exhibition of the Rezoning Proposal additional feasibility analysis was undertaken that has informed the specific public benefits and affordable housing contribution rates that have been incorporated into the finalised Rezoning Proposal, and greater clarity has also been provided regarding infrastructure contribution rates. |

6.3 Affordable Housing

| Submission points | Response |
|---|--|
| <ul style="list-style-type: none"> Submissions from the community, Council and industry advocated for a specific affordable housing contribution rate, rather than a range. Landowners requested additional detail regarding the proposed affordable housing rates and raised concern | <ul style="list-style-type: none"> The Department had suggested affordable housing contribution rates in the exhibition for the Hornsby TOD Accelerated Precinct between 5% and 10% to be provided in perpetuity across all sites in the Precinct. In response to submissions, the finalised Rezoning Proposal has identified specific contributions rates for the Precinct. During exhibition, concerns were raised about the rate at which affordable housing contributions are being enforced and whether they were feasible enough for development to occur. In response to submissions, feasibility testing has been undertaken to determine evidence based affordable housing contribution rates within |

| Submission points | Response |
|---|--|
| <p>regarding potential impacts on development feasibility.</p> <ul style="list-style-type: none"> Broad support was received from the community and organisations for maximising the potential for affordable housing provision. Submissions from industry raised concerns that affordable housing was required to be held 'in perpetuity'. | <p>the Precinct. As a result, for Hornsby TOD a base rate contribution of 3% applies, to be provided in perpetuity across all sites and higher percentages between 4% and 10% on key sites in the Rezoning Proposal.</p> <ul style="list-style-type: none"> Key sites which receive the greatest amount of uplift will be required to provide higher rates of affordable housing based on feasibility testing that has been done. Specific sites (in table 4) have been determined to deliver the higher rate of Affordable Housing Contribution of 4%, 5% and 10%. See map figure 7. These contributions will apply to land within the Precinct for new residential development. The contributions will be made either via a monetary contribution or dedication of the relevant floor area to Council. The Hornsby Affordable Housing Scheme is to commence in tandem with the finalisation of the Rezoning Proposal, ensuring that development uplift enabled by the TOD program will immediately contribute towards the provision of affordable housing. |

Table 4: Proposed Affordable Housing Contribution rates –Hornsby TOD Precinct

| Land application | Affordable Housing levy rate | Contribution dedicated to |
|--|------------------------------|---|
| <i>Land identified as Area 1</i> | 10% rate – in perpetuity | Fixed rate – to be dedicated in favour of Council |
| <i>Land identified in Area 2</i> | 4% rate – in perpetuity | Fixed rate – to be dedicated in favour of Council |
| <i>Land identified in Area 3</i> | 5% rate – in perpetuity | Fixed rate – to be dedicated in favour of Council |
| <i>Land within the remaining Precinct Area</i> | 3% rate – in perpetuity | Fixed rate – to be dedicated in favour of Council |

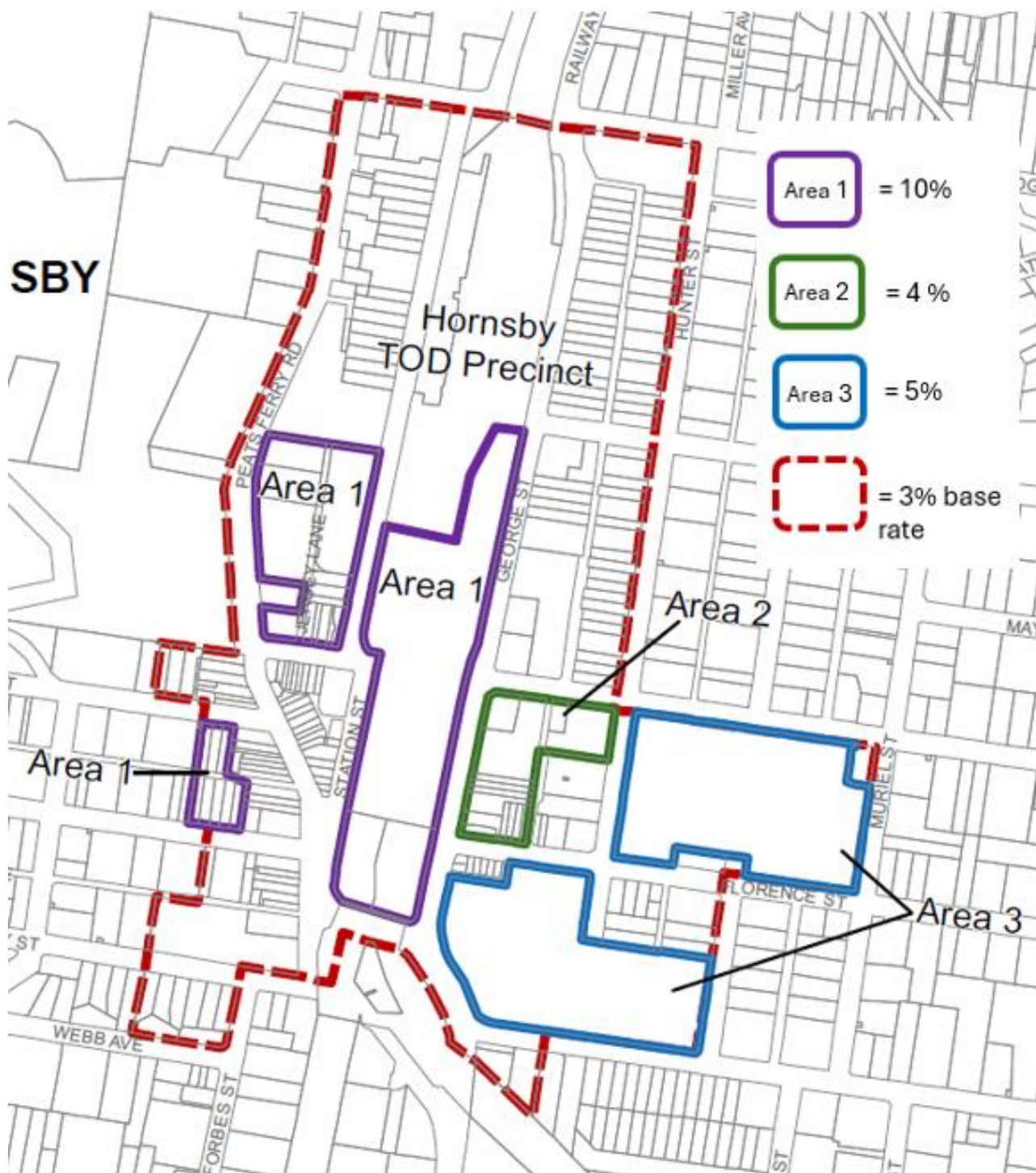


Figure 7: Affordable Housing provision rates map (Source, Hornsby LEP 2013)

6.4 Flooding and Biodiversity

| Submission points | Response |
|---|---|
| <ul style="list-style-type: none"> Department of Climate Change, Energy, the Environment and Water (DCCEEW) and NSW State emergency Services (SES) raised concerns regarding flooding and recommended additional modelling be undertaken. Some organisations, the EPA and DCCEEW also identified the proximity of significant flora and fauna within the Precinct and recommended additional studies to be undertaken. DCCEEW recommended updates to the Design Guide to increase biodiversity values within the Precinct. | <p>Flooding</p> <ul style="list-style-type: none"> Updated flood modelling data has been integrated into the flooding and stormwater study that accompanies the finalised Rezoning Proposal. The location and designs of the buildings will be key to addressing potential flooding matters. As the building layouts and design of the buildings are only concept at this stage, many of these flooding matters will instead be addressed at the development application stage. The identification of additional stormwater drainage capacity upgrades in the flood prone areas can be added to the s7.12 local contributions plan. This is being explored by Council. <p>Biodiversity</p> <ul style="list-style-type: none"> In response to the submissions received the Department undertook a desktop analysis of Council's Biodiversity and Native Vegetation mapping data dated 2018. <ul style="list-style-type: none"> The review found no significant remnant vegetation within the Hornsby TOD Precinct. The Terrestrial Biodiversity Map in the Hornsby Local Environmental Plan 2013 (HLEP) does not identify any terrestrial vegetation in the Hornsby TOD Precinct. DCCEEW's recommendations have informed the post exhibition updates made to the landscaping, tree canopy and biodiversity sections of the Design Guide. |

6.5 Density and Building Heights

6.5.1 Built form

| Submission points | Response |
|--|---|
| <ul style="list-style-type: none">The community raised concerns that increased density and heights would create a built form that is out of character within the area. | <ul style="list-style-type: none">The increased density and height have been tested to secure good quality urban design outcomes and minimal amenity impacts on surrounding sites whilst creating the capacity to provide more homes close to the rail station. |

6.5.2 Increased development potential

| Submission points | Response |
|---|--|
| <ul style="list-style-type: none">Some landowners advocated for planning controls to be changed to increase density and buildings heights and reduce the amount of non-residential floorspace required to be delivered on their sites to increase feasibility and delivery of identified public benefits on their sites.Landowners within Western Heritage precinct have requested for additional uplifts due to feasibility concerns. | <ul style="list-style-type: none">Feedback from landowners during exhibition and additional feasibility analysis undertaken since exhibition have developed the understanding of the evolving market conditions in the area.<ul style="list-style-type: none">This has resulted in planning controls within the Rezoning Proposal being reviewed and revised to increase the development potential of some sites within the Precinct.The additional uplifts on sites post exhibition will enable the delivery of additional public benefits such as open space, community facility and affordable housing.The controls for building heights in this area have been amended to allow for an additional 3 storeys to be built. |

6.6 Key Sites and Lot amalgamation

| Submission points | Response |
|--|--|
| <ul style="list-style-type: none"> Several landowners raised concerns that the exhibited Rezoning Proposal did not include information on how the community benefits needed to support growth, such as open space and community facilities, will be provided by the sites that are gaining significant uplift in development potential from the rezoning. | <ul style="list-style-type: none"> The Department has identified key sites within the Precinct that will provide necessary public benefits to support growth in exchange for significantly increased development potential they will receive from the finalisation of the Rezoning Proposal. <ul style="list-style-type: none"> Section 8 provides additional detail on the sites identified on the Key Sites map. Certain key sites also require amalgamation of lots to deliver the intended public benefit outcomes. <ul style="list-style-type: none"> The details of the specific Key site and amalgamation provisions are detailed further in Sections 7 and 8. Key sites and lot amalgamation provisions are further supported by amendments to the Hornsby Precinct Design Guide with additional sections on key sites and lot amalgamation. The Design Guide includes intended public benefit outcomes for each key site including public open spaces, community facilities, library and road and pedestrian connections. |

6.7 Precinct boundary

| Submission points | Response |
|--|---|
| <ul style="list-style-type: none"> Submissions from some industry groups and landowners with sites outside of the Precinct requested the Precinct boundary be expanded to include additional sites. | <ul style="list-style-type: none"> The Hornsby TOD Precinct was identified as an Accelerated Precinct by the State Government because of the considerable work on the renewal of central Hornsby that had been undertaken by Hornsby Council over the last 6 years. The TOD Precinct boundary follows that identified by Council and comprises of the commercial core of central Hornsby. Analysis has demonstrated that this area contains land that has the most potential for redevelopment. As renewal of central Hornsby progresses there will be the opportunity to consider whether additional state-led rezoning projects would be beneficial. In the meantime, landowners can submit rezoning proposals for other sites in the area for determination. |

6.8 Hornsby Shire Council's submission

Hornsby Council's position is that the Hornsby TOD Rezoning Proposal should replicate the planning controls identified in Council's adopted Hornsby Town Centre Masterplan (2023). Council made a detailed submission, and the key points are outlined and addressed below.

| Submission points | Response |
|---|---|
| <ul style="list-style-type: none"> • A specific funding commitment should be made by State Government for infrastructure provision. • State Government should commit to acquiring the land for Hornsby Square extension. • The affordable housing scheme should commit to a contribution rate of 5% of private land and 10% on public land and that contributions go to Council. • The amount of new employment floor space provided in the Rezoning Proposal should match the adopted Council masterplan. • The Department should work with Council to deliver key sites and lot amalgamation provisions for inclusion in the finalisation of the Rezoning Proposal. • That the Department support a 5% levy in Council's section 7.12 local contributions plan. | <ul style="list-style-type: none"> • The NSW Government has committed \$520 million from the Housing and Productivity Fund to be invested in community infrastructure in the precincts. • This will provide upgrades to critical road active transport infrastructure, as well as new and improved open spaces. • The finalisation of the Rezoning Proposal includes the acquisition of land for the extension of Hornsby Square. • The contribution rates and mechanisms identified in the final affordable housing scheme are based on the information gathered from submissions made during exhibition and on additional feasibility testing of sites with the Precinct. • It will enable the provision of the maximum amount of affordable housing that is feasible to accomplish in the Precinct reflecting the Government's commitment to address the housing affordability crisis currently being experienced in NSW. • The amount of new employment floor space provided in the finalised Rezoning Proposal is sufficient to meet the projected demand for a diverse range of new jobs in central Hornsby. • The Department and Council have collaborated to provide key sites and lot amalgamation provisions that are included in the finalisation of the Rezoning Proposal. • The Department is working with Council to progress the adoption of a 4% s7.12 local contributions plan that will fund the new local infrastructure required to support growth in the Precinct. |

7 Post-Exhibition Amendments

In response to the issues raised by the community, landowners and other stakeholders, further refinements to aspects of the plan and additional testing were conducted by the Department. This has resulted in several refinements to the Rezoning Proposal.

7.1 Environmental Planning Instrument Planning Framework

7.1.2 Sites contributing to additional housing supply

- 7 Jersey Street (Transport for NSW owned)

| Exhibited Controls | Post-exhibition amendments |
|---|--|
| <ul style="list-style-type: none">• Planning controls:<ul style="list-style-type: none">○ Zone: Mixed use○ FSR: 2:1○ HOB: 16m (4 Storey)○ Non-residential FSR: 2:1• The site was not identified for development uplift in exhibition documents. | <ul style="list-style-type: none">• Planning controls:<ul style="list-style-type: none">○ Zone: No change○ FSR: 4:1○ HOB: 40m (12 storey)○ Non-residential FSR: 0.5:1• Location of bus parking associated with new bus interchange |
| Exhibited Public Benefits | Post-exhibition Public Benefits |
| <ul style="list-style-type: none">• Site not identified for uplift in exhibited package | <ul style="list-style-type: none">• Affordable Housing contribution:<ul style="list-style-type: none">○ Levy rate-10%• Public benefits required on TfNSW land<ul style="list-style-type: none">○ Bus Interchange |

- **Westfield Hornsby** – 236 Pacific Highway, 20-34 Hunter Street, 24 Florence Street & Cnr Muriel and Burdett Streets (Privately owned)

| Exhibited Controls | Post-exhibition amendments |
|--|---|
| <ul style="list-style-type: none"> • Planning controls: <ul style="list-style-type: none"> ○ FSR: 5:1 ○ Non-residential FSR: 2:1 ○ HOB: ranges from 30m (8 Storeys) up to 121m (36 Storeys) | <ul style="list-style-type: none"> • Planning controls: <ul style="list-style-type: none"> ○ FSR: 5:1 ○ Non-residential FSR: 1.3:1 - HOB: ranges from 30m (8 Storeys) up to 166m (53 Storeys) |
| Exhibited Public Benefits | Post-exhibition Public Benefits |
| <ul style="list-style-type: none"> • Pedestrian access: • Open air pedestrian links between Burdett and Florence Street and Florence Street and Edgeworth David Avenue | <ul style="list-style-type: none"> - Open space: <ul style="list-style-type: none"> ○ Approx. 1,500sqm of publicly accessible open space. - Pedestrian access <ul style="list-style-type: none"> ○ A pedestrian connection from Burdett Street to Florence Street. - Community facility or library <ul style="list-style-type: none"> ○ Approx. 3,000sqm of publicly accessible community facility or library space. - Affordable Housing contribution: • Levy rate 5% |

- **Western Heritage Precinct** – 3-5 Jersey Street, 1-20 Coronation Street, 23-31 Station Street, 141-284 Peats Ferry Road, 1-7 William Street, 2 Ashley Lane, 1-4 & 6 Dural Street, (Privately owned)

| Exhibited Controls | Post-exhibition amendments |
|---|---|
| <ul style="list-style-type: none"> • Planning controls: <ul style="list-style-type: none"> ○ FSR: 3:1 with additional provision to exceed FSR for shop top housing ○ Non-residential FSR: 2:1 ○ HOB: ranges from 42m (12 Storeys) up to 83.5m (25 Storeys) | <ul style="list-style-type: none"> • Planning controls: <ul style="list-style-type: none"> ○ FSR: as exhibited ○ Non-residential FSR: No change ○ HOB: ranges from 52m (15 Storeys) up to 93.5m (28 Storeys) |

- Central Heart Precinct – 12-44 George Street, 11-19 Florence Street, 2, 16, 31 Burdett Street (Council and Privately owned)

| Exhibited Controls | Post-exhibition amendments |
|--|---|
| <ul style="list-style-type: none"> • Planning controls: <ul style="list-style-type: none"> ○ FSR: 2:1-8:1 ○ Non-residential FSR: 0.5:1 ○ HOB: 121m (36 Storeys) | <ul style="list-style-type: none"> • Planning controls: <ul style="list-style-type: none"> ○ FSR: 5:1–8.5:1 ○ Non-residential FSR: as exhibited ○ HOB: 135m (40 Storeys) |
| Exhibited Public Benefits | Post-exhibition Public Benefits |
| <ul style="list-style-type: none"> • Open space: <ul style="list-style-type: none"> ○ New public open space at Burdett Street and Hornsby Square • Social Infrastructure: <ul style="list-style-type: none"> ○ New multi-purpose facility and library • Improved connectivity: <ul style="list-style-type: none"> ○ Additional road access from George Street to Hunter Lane, ○ Pedestrian connection landing within Burdett Street Park to improve public domain. | <ul style="list-style-type: none"> • No changes to public benefits post-exhibition |

7.2 Hornsby Precinct Design Guide

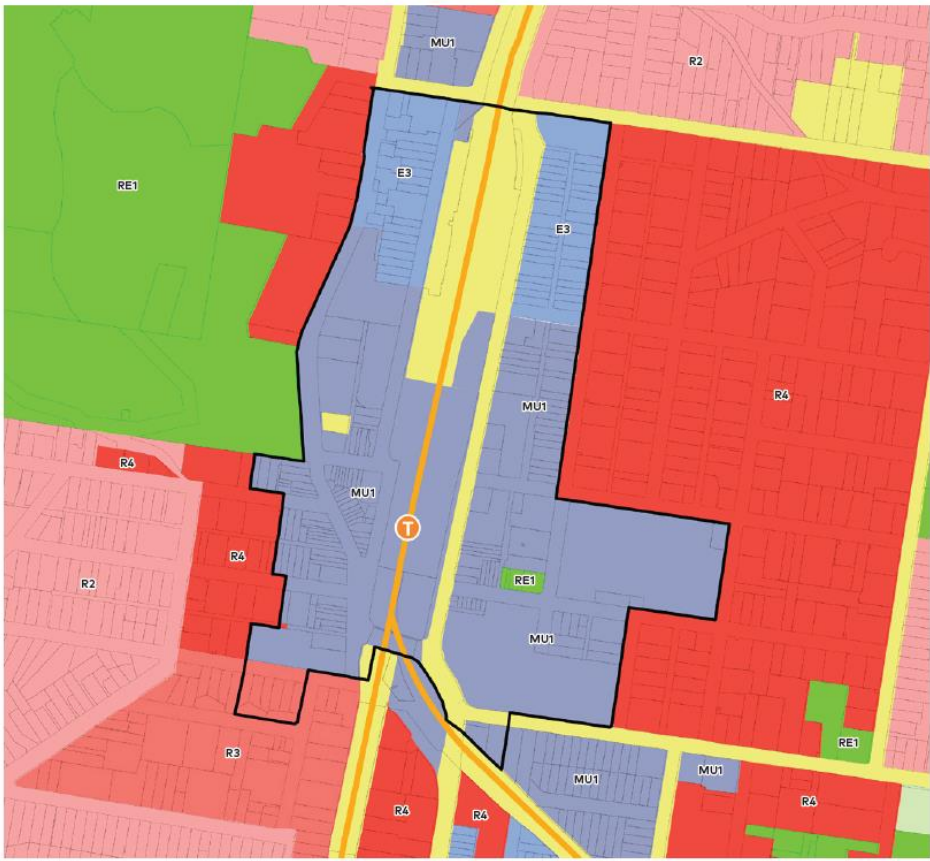
Based on landowner, agency and Council feedback regarding development controls, the following new objectives and provisions and refinements have been added to the Design Guide post-exhibition. These include:

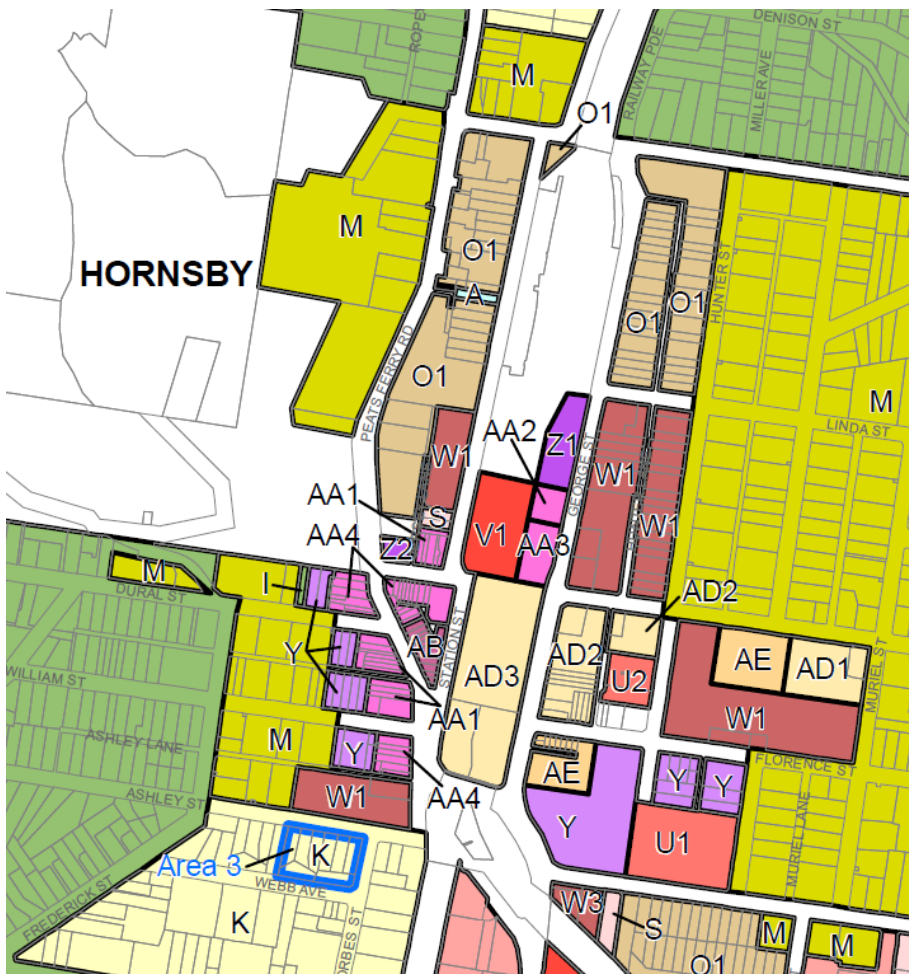
- Section 2.3 Lot Amalgamation - introduction of a Lot amalgamation strategy, setting out the intended location of consolidated development sites.
- Section 2.4 Key Sites - additional objectives and provisions for key sites are identified to enable the delivery of public benefits.
- Section 2.5 Car Parking - additional objectives and provisions governing reduced carparking rates within the Hornsby TOD precinct, based on a tiered system.
- Refinement of provisions relating to canopy cover, deep soil and built form.

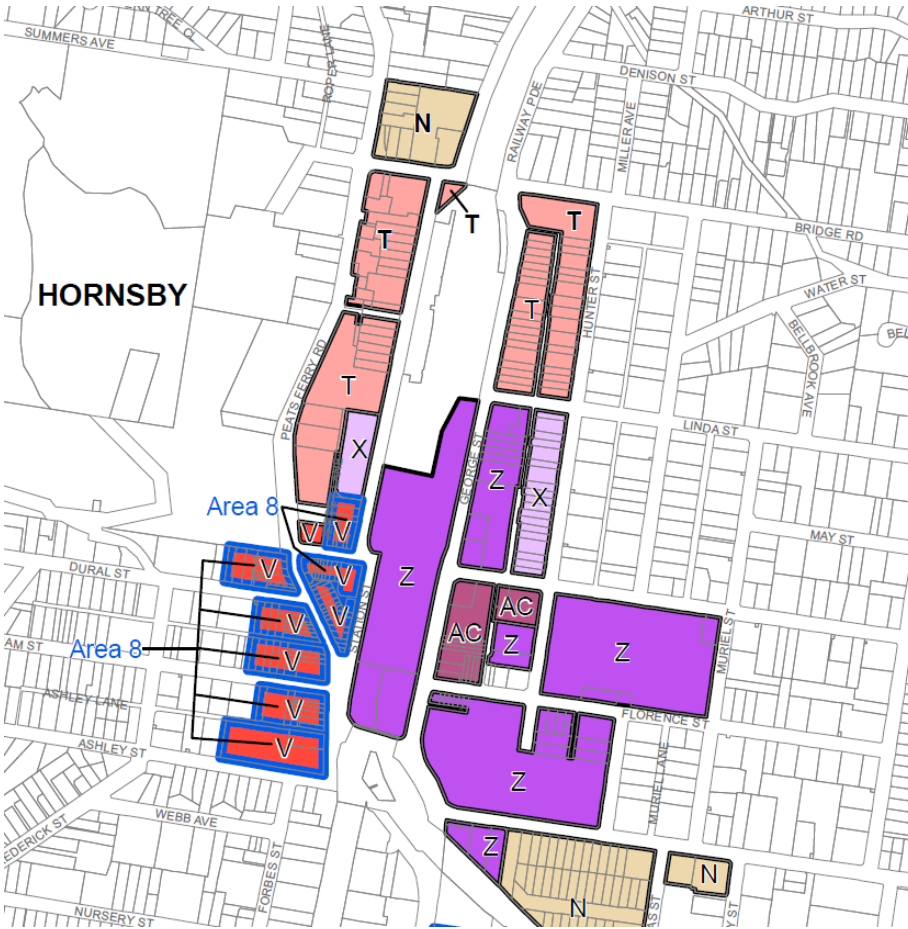
8 Proposed Amendments to the Planning Framework

The following outlines the amendments to Hornsby LEP 2013 and other supporting SEPPs to give effect to the Precinct's rezoning and provide development controls that support future development. These amendments will be given effect to through a self-repealing and amending SEPP.

8.1 Hornsby Local Environmental Plan 2013

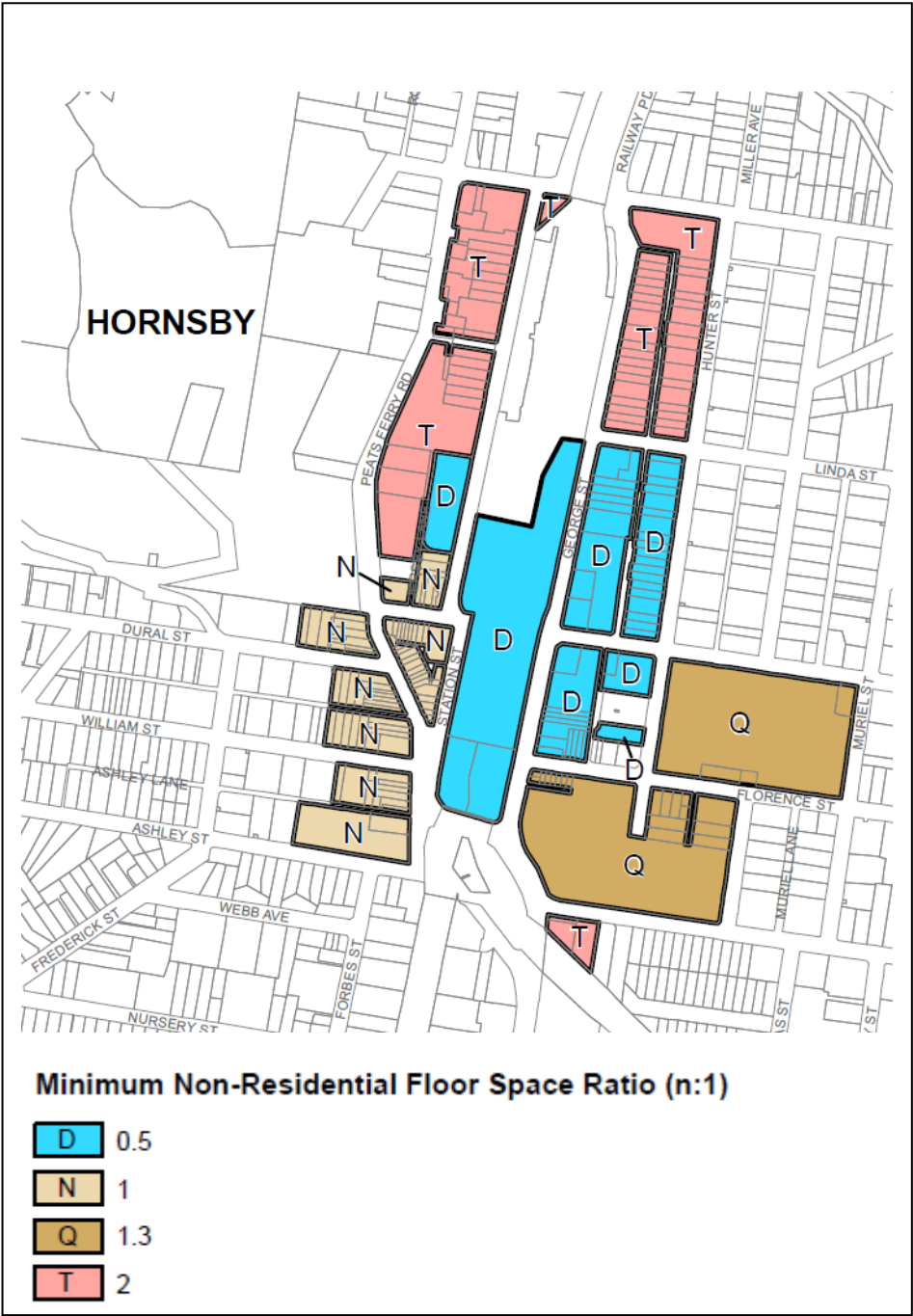
| Provision | Intended outcome |
|-----------------|--|
| Land use zoning |  <p>Rezoning land zoned E2 Commercial Centre and SP2 Infrastructure as MU1 Mixed Use and RE1 Public Recreation.</p> <p><i>Figure 8: Proposed Hornsby Local Environmental Plan 2013 Land Zoning Map (Source, Hornsby LEP 2013)</i></p> |

| Provision | Intended outcome | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---------------------|---|----|------|-----|------|--------|--------|-----|------|---|-----|---|------|----|----|----|------|---|------|----|------|---|----|-----|-----|---|----|----|------|---|------|-----|-----|---|----|----|----|----|----|-----|-----|---|------|----|------|----|------|----|-----|----|----|----|------|-----|------|--------|--------|----|------|----|------|-----|----|--------|--------|----|------|----|----|-----|----|--------|--------|
| Height of Buildings | <div><p>Maximum Building Height (m)</p><table><tr><td>A</td><td>1</td><td>P2</td><td>18.5</td><td>W2</td><td>41.5</td><td>AA4</td><td>77.5</td></tr><tr><td>I</td><td>8.5</td><td>S</td><td>23.5</td><td>W3</td><td>43</td><td>AB</td><td>93.5</td></tr><tr><td>K</td><td>10.5</td><td>T1</td><td>26.5</td><td>X</td><td>48</td><td>AD1</td><td>125</td></tr><tr><td>L</td><td>11</td><td>T2</td><td>29.5</td><td>Y</td><td>52.5</td><td>AD2</td><td>135</td></tr><tr><td>M</td><td>12</td><td>U1</td><td>30</td><td>Z1</td><td>57</td><td>AD3</td><td>144</td></tr><tr><td>N</td><td>14.5</td><td>U2</td><td>32.5</td><td>Z2</td><td>58.5</td><td>AE</td><td>166</td></tr><tr><td>O1</td><td>16</td><td>V1</td><td>35.5</td><td>AA1</td><td>61.5</td><td>Area 1</td><td>Area 1</td></tr><tr><td>O2</td><td>16.5</td><td>V2</td><td>38.5</td><td>AA2</td><td>64</td><td>Area 2</td><td>Area 2</td></tr><tr><td>P1</td><td>17.5</td><td>W1</td><td>41</td><td>AA3</td><td>73</td><td>Area 3</td><td>Area 3</td></tr></table></div> | A | 1 | P2 | 18.5 | W2 | 41.5 | AA4 | 77.5 | I | 8.5 | S | 23.5 | W3 | 43 | AB | 93.5 | K | 10.5 | T1 | 26.5 | X | 48 | AD1 | 125 | L | 11 | T2 | 29.5 | Y | 52.5 | AD2 | 135 | M | 12 | U1 | 30 | Z1 | 57 | AD3 | 144 | N | 14.5 | U2 | 32.5 | Z2 | 58.5 | AE | 166 | O1 | 16 | V1 | 35.5 | AA1 | 61.5 | Area 1 | Area 1 | O2 | 16.5 | V2 | 38.5 | AA2 | 64 | Area 2 | Area 2 | P1 | 17.5 | W1 | 41 | AA3 | 73 | Area 3 | Area 3 |
| A | 1 | P2 | 18.5 | W2 | 41.5 | AA4 | 77.5 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| I | 8.5 | S | 23.5 | W3 | 43 | AB | 93.5 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| K | 10.5 | T1 | 26.5 | X | 48 | AD1 | 125 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| L | 11 | T2 | 29.5 | Y | 52.5 | AD2 | 135 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| M | 12 | U1 | 30 | Z1 | 57 | AD3 | 144 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| N | 14.5 | U2 | 32.5 | Z2 | 58.5 | AE | 166 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| O1 | 16 | V1 | 35.5 | AA1 | 61.5 | Area 1 | Area 1 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| O2 | 16.5 | V2 | 38.5 | AA2 | 64 | Area 2 | Area 2 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| P1 | 17.5 | W1 | 41 | AA3 | 73 | Area 3 | Area 3 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | <p>Introduce a maximum building height to a range between 16m and 166 m (up to 53 storey buildings) and a height limit of 1 m on proposed new roads reflecting the alignment of future road connections.</p> <p>Figure 9: Proposed Hornsby Local Environmental Plan 2013 Height of Buildings Map (Source, Hornsby LEP 2013)</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

| Provision | Intended outcome | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|-------------------------|--|---------|------|---|-----|----|-----|---|-----|---|-----|----|-----|---|-----|--------|--|---|------|--------|--|---|-----|--------|--|---|-----|--------|--|---|-----|--------|--|---|-----|---------|--|---|-----|--|--|
| Floor space ratio (FSR) | <div><table><caption>Maximum Floor Space Ratio (n:1)</caption><tbody><tr><td>A1</td><td>0.02</td><td>X</td><td>4.0</td></tr><tr><td>A2</td><td>0.3</td><td>Z</td><td>5.0</td></tr><tr><td>D</td><td>0.5</td><td>AC</td><td>8.5</td></tr><tr><td>H</td><td>0.7</td><td>Area 3</td><td></td></tr><tr><td>I</td><td>0.75</td><td>Area 5</td><td></td></tr><tr><td>L</td><td>0.9</td><td>Area 6</td><td></td></tr><tr><td>N</td><td>1.0</td><td>Area 8</td><td></td></tr><tr><td>S</td><td>1.5</td><td>Area 9</td><td></td></tr><tr><td>T</td><td>2.0</td><td>Area 10</td><td></td></tr><tr><td>V</td><td>3.0</td><td></td><td></td></tr></tbody></table></div> | A1 | 0.02 | X | 4.0 | A2 | 0.3 | Z | 5.0 | D | 0.5 | AC | 8.5 | H | 0.7 | Area 3 | | I | 0.75 | Area 5 | | L | 0.9 | Area 6 | | N | 1.0 | Area 8 | | S | 1.5 | Area 9 | | T | 2.0 | Area 10 | | V | 3.0 | | |
| A1 | 0.02 | X | 4.0 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| A2 | 0.3 | Z | 5.0 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| D | 0.5 | AC | 8.5 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| H | 0.7 | Area 3 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| I | 0.75 | Area 5 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| L | 0.9 | Area 6 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| N | 1.0 | Area 8 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| S | 1.5 | Area 9 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| T | 2.0 | Area 10 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| V | 3.0 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | <p>Increase the FSR in the Precinct to a range between 2:1 to 8.5:1. The existing cap on residential FSR within the Precinct is to be removed, a new minimum non-residential FSR requirement will apply instead.</p> <p>Figure 10: Proposed Hornsby Local Environmental Plan 2013 Floor Space Ratio Map (Source, Hornsby LEP 2013)</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

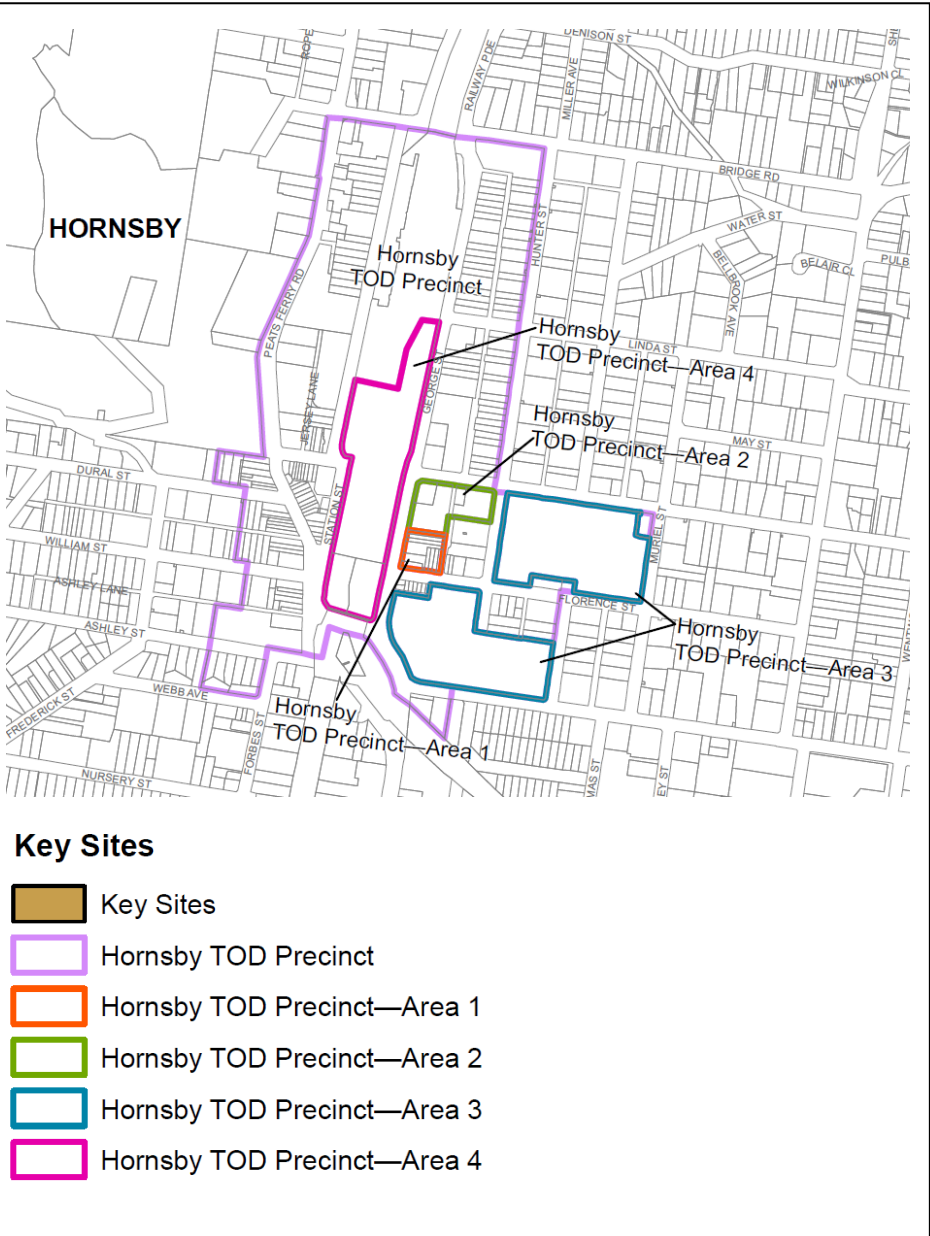
| Provision | Intended outcome |
|-----------|------------------|
|-----------|------------------|

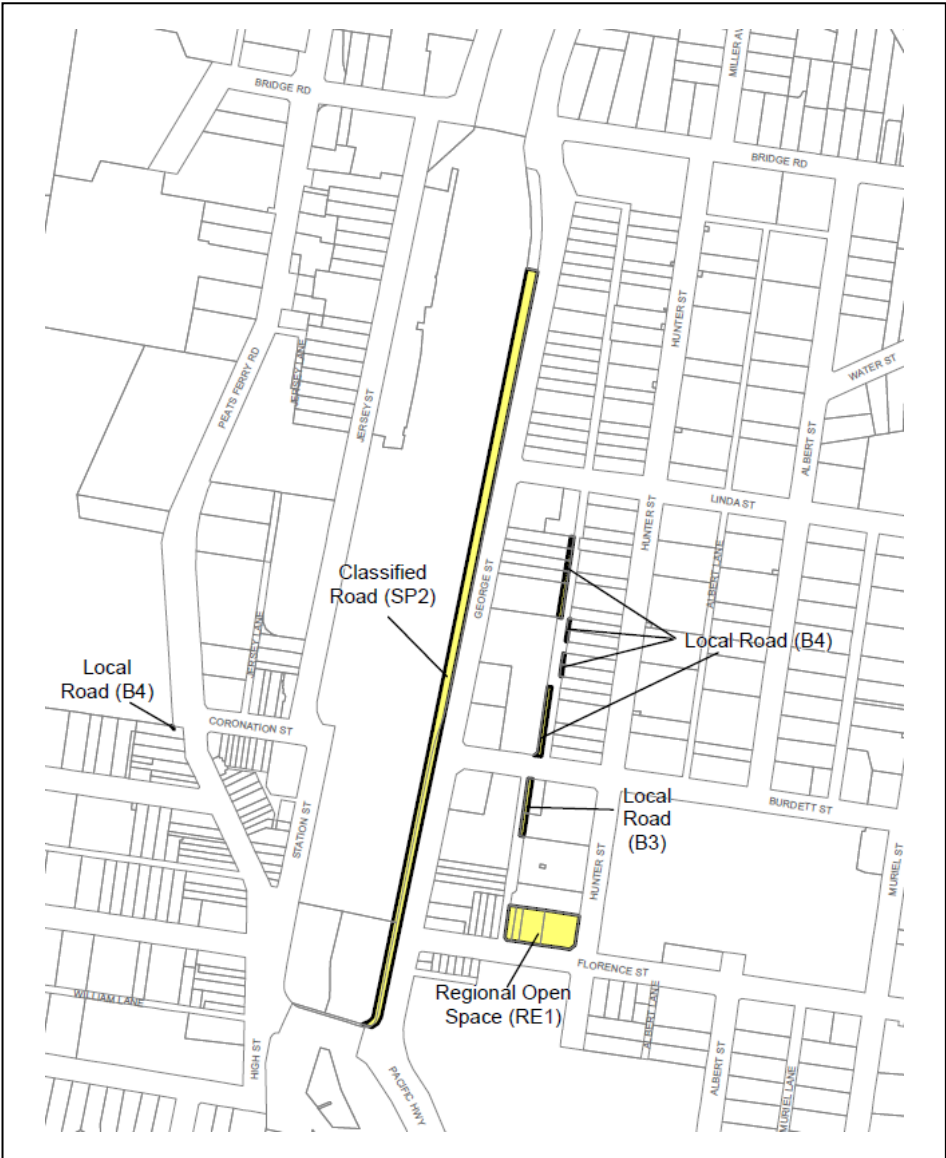
Minimum Non-Residential FSR

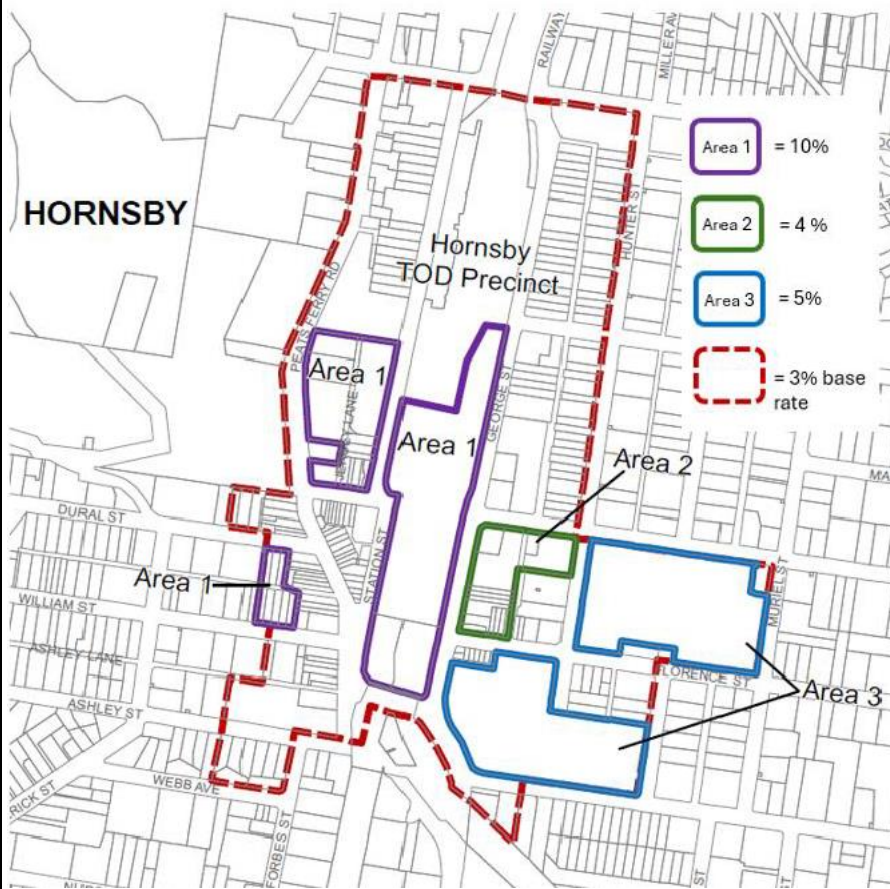


Introduce a minimum non-residential FSR ranging between 0.5:1 to 2:1.

Figure 11: Proposed Hornsby Local Environmental Plan 2013 Minimum Non-Residential Floor Space Ratio Map (Source, Hornsby LEP 2013)

| Provision | Intended outcome |
|-----------|---|
| Key sites |  <p>Key Sites</p> <ul style="list-style-type: none"> Key Sites Hornsby TOD Precinct Hornsby TOD Precinct—Area 1 Hornsby TOD Precinct—Area 2 Hornsby TOD Precinct—Area 3 Hornsby TOD Precinct—Area 4 |
| | <p>Introduce a Key Sites Map to both outline the Precinct boundary and identify four sites required to deliver public benefit outcomes including open space, community facilities and road and pedestrian connections as identified.</p> <p><i>Figure 12: Proposed updated Hornsby Local Environmental Plan 2013 Key Sites Map (Source, Hornsby LEP 2013)</i></p> |

| Provision | Intended outcome |
|-------------------------------|---|
| Land for reserved acquisition |  <p>Updated land acquisition map to identify land to be acquired for regional open space at Hornsby Square.</p> <p><i>Figure 13: Proposed Hornsby Local Environmental Plan 2013 Key Sites Map (Source, Hornsby LEP 2013)</i></p> |

| Provision | Intended outcome |
|-----------------------|--|
| Affordable housing |  <p>Introduce a provision imposing an affordable housing levy in accordance with an Affordable Housing Contribution Scheme for the Precinct.</p> <p>This scheme will be supported by a new Affordable Housing Map in the LEP.</p> <p><i>Figure 14: Proposed Hornsby Local Environmental Plan 2013 Affordable Housing Map (Source, Hornsby LEP 2013)</i></p> |
| Deferred commencement | <p>A savings provision is to be included to apply to the Hornsby TOD precinct ensuring that the amendments made by the proposed self-repealing SEPP do not apply to development applications lodged prior to the commencement date of the SEPP but have not been finally determined. The intent is that the changes made by the proposed SEPP should only apply to development applications lodged after it has commenced.</p> |

| Provision | Intended outcome |
|--------------|---|
| Design Guide | A new provision requiring the consent authority to consider a Design Guide made by the Planning Secretary (or delegate) before granting consent to development in the Hornsby TOD area. |

8.2 Consideration of State Policies and Plans

8.2.1 Housing SEPP

The Hornsby LEP will be amended to include a clause that will require all new residential development, including local and State significant development applications, to contribute to the provision of affordable housing. Depending on the site, affordable housing contributions of 3, 4, 5 or 10%, to be held in perpetuity and managed by a registered Community Housing Provider (CHP), are mandatory for all new residential development within the Precinct.

Therefore, no additional affordable housing incentives are available within the Hornsby TOD Precinct, including the infill affordable housing floor space ratio and height of building bonuses under Chapter 2, Part 2, Division 1 of the State Environmental Planning Policy (Housing) 2021 (Housing SEPP).

8.2.2 Housing and Productivity Contribution (HPC)

State and regional infrastructure to support growth of the Hornsby TOD Precinct will be partly funded through the Housing and Productivity Contribution (HPC) fund.

Contributions collected from the HPC will be used to fund a range of infrastructure improvements including road and intersection upgrades, active transport links, new and upgraded cycleway connections and sport and recreation facilities.

Estimated HPC funds generated from the Rezoning Proposal, as exhibited in the EIE, remain unchanged at \$520 million, which is to be distributed among the TOD Precincts. The Rezoning Proposal does not propose any changes to the HPC.

8.2.3 Special Entertainment Precinct

A Special Entertainment Precinct (SEP) allows councils to set localised sound limits to encourage live performances, incentivise later trading for live performance venues and a mechanism to monitor and manage complaints through a precinct management plan.

Since the passing of the *24-Hour Economy Legislation Amendment (Vibrancy Reforms) Act 2023*, the Department has made changes to the Local Government Act 1993 that empowers councils to create a SEP by identifying the area in its local environment plan or by requesting the Minister for Planning and Public Spaces to identify a SEP in a State Environmental Planning Policy. This is part of the NSW Government's work to improve the precinct framework that allows councils to set requirements for amplified music and adopt their own plans to encourage more live music and performance venues.

The Office of the 24-Hour Economy (under Minister John Graham) has prepared guidelines to assist councils that establish a SEP and also has funding available.

SEPs can be made by a council anywhere within their LGA, regardless of whether the precinct is within or outside of a TOD Accelerated Precinct. The TOD Rezoning Proposals do not prevent or facilitate a SEP being established.

In the draft Rezoning Proposal, the explanation of intended effect noted the Department will work closely with Hornsby Shire Council to identify the areas within the TOD Precinct to establish a SEP. The operation of the SEP will commence once Council has adopted and published a precinct plan of management on their website which will regulate noise from amplified music from premises in the SEP.

The Department will continue to work with Hornsby Shire Council to have this in place in its LGA in line with development occurring.

9 Conclusion

The Rezoning Proposal amends planning controls that apply to the Hornsby TOD Accelerated Precinct through a self-repealing State Environmental Planning Policy. Its implementation will facilitate the delivery of the objectives of the Hornsby TOD rezoning.

Following several years of strategic planning, Hornsby Shire Council adopted a comprehensive masterplan for the Hornsby Town Centre in November 2023. The masterplan promotes development that takes advantage of the strategic location of the town centre around a major transport hub, which provides local and regional transport connections across Hornsby, Sydney and to the Central Coast. The masterplan seeks to capitalise on this established infrastructure network, by enabling a variety of land uses, including residential, commercial and recreational within walking distance of Hornsby train station.

The Rezoning Proposal leverages off the extensive evidence base established by Council to bring forward the rezoning process in a holistic approach, realising the vision outlined in Council's masterplan, while accelerating housing delivery in central Hornsby. The assessment undertaken as part of this Finalisation Report outlines how planning controls for the Precinct have been adjusted to respond to matters raised by stakeholders during public exhibition, the overall objectives of the plan and the opportunities and constraints of the Hornsby area. The assessment has sought to balance the various views outlined in submissions from industry stakeholders, Government agencies, the local community and Council.

The Department has undertaken a detailed assessment of the proposal and the responses made in the submissions to rezone the Hornsby TOD Precinct area and is satisfied the issues raised have been adequately addressed for rezoning purposes.

The post-exhibition assessment conducted by the Department has considered the key issues raised, including affordable housing, height and density, demand for infrastructure, traffic and parking and open space. It is considered that the issues raised have been adequately addressed for the purposes of rezoning, subject to the adoption of the legislative amendments to the Hornsby LEP 2013 and Design Guide as outlined in this report.

The Department recommends the rezoning of the Precinct to support the provision of approximately 6,000 new homes, capacity for 2,900 new jobs, new public open space, community facilities and critical transport connection improvements. The proposed residential uplift will also facilitate the delivery of a minimum of 3 to 5% affordable housing on private land and at least 10% affordable housing on Government owned land.

The rezoning includes planning controls and design guidance, enforced via an amendment to the *Environmental Planning and Assessment Regulations (2021)*, ensuring potential amenity issues are sufficiently addressed through future stages of the planning process, at development application stage.

The assessment conducted in this Finalisation Report has demonstrated that the proposed planning controls for the Precinct adequately responded to the opportunities and constraints of the site.

The assessment has sought to balance the views shared by submissions from stakeholders, the local community, Government agencies and Council.