OFFICE OF THE GENERAL MANAGER

9 August 2024

NSW Department of Planning, Housing and Infrastructure
Via Planning Portal

Attention: Anthea Sargeant, Executive Director, State-led Rezonings

Dear Ms Sargeant

Hornsby TOD rezoning proposal

Thank you for the opportunity to provide comments in relation to the *Explanation of Intended Effect: Hornsby Transport Oriented Development Precinct 2024* (EIE) and supporting documents, placed on public exhibition from 9 February 2024 to 9 August 2024.

At its meeting on 14 August 2024, Council will consider Director's Report No. PC 18/24 concerning the exhibition package. The report recommends a submission be forwarded to the Department of Planning, Housing and Infrastructure presenting Council's view on the proposed planning controls to implement the Hornsby Town Centre Masterplan (the Masterplan) and outlining concerns which should be addressed prior to finalisation.

As the date for the close of submissions is prior to Council's August Council meeting, this draft submission is provided in advance of Council's consideration of the matter. A copy of the report and the meeting minutes to confirm the submission will be forwarded to the Department after the meeting.

As you would be aware, Council's vision for the Town Centre and Masterplan to implement that vision represents years of investment and dedication by Council in consultation with the local community. It appears that Council's Masterplan has generally been implemented as adopted for the majority of the Town Centre. It is also pleasing that the EIE confirms that any rezonings will be confined to the boundaries of the Masterplan precinct.

However, the rezoning as proposed jeopardises the delivery of essential infrastructure, transport upgrades, open spaces and may lead to land banking and speculation by landowners in contrast to the aim of the National Housing Accord to deliver housing opportunities. Concern is also raised that progression of the proposal in its current form would hinder Council's achievement of its housing target as development within the Town Centre represents a significant component of our planned housing initiatives.

Council's commitment at the local level to plan for the future of the Hornsby Town Centre included liaising closely with the NSW Government including relevant agencies. With the announcement of the State-led TOD rezoning, Council was optimistic this would facilitate a whole of government approach to implement our local planning work and assist delivery of the infrastructure required to support the level of development anticipated under the Masterplan.

Unfortunately, no certainty has been provided in relation to infrastructure funding and it remains unclear how the rezoning would assist expedite housing supply or improve feasibility.

Fundamental to Council's Masterplan being supported by our constituents is that it identifies critical infrastructure and facilities to benefit the community. Without clear commitments to funding and delivering

local and State infrastructure as part of the rezoning process, it is highly likely that significant improvements such as Hornsby Square, a new bus interchange and pedestrian rail overpass will not be delivered. A foreseeable outcome of the exhibited proposal is that current and future communities will be left behind in their access to high quality public spaces and transport, which is not the vision adopted by Council on behalf of our current or future residents.

Further, where changes are proposed to the Masterplan vision, they appear to be limited to providing economic benefits to State Government land without an associated commitment to timeframes for housing or job delivery or identification of the provision of infrastructure or other public benefits. It is also noted that the proposed changes depart from the North District Plan's vision for Hornsby in respect to job delivery and town centre vibrancy.

Council's key issues with the TOD rezoning are outlined below and further detail is provided in the attachment to this letter.

State infrastructure provision

Recommendations:

1. ***The NSW Government commit to the schedule of works for State infrastructure provision, including public transport upgrades and open space on Transport for NSW lands, as identified in the HTC Masterplan.***
2. ***The NSW Government specify a funding plan, including which projects will be funded through the $520 Million infrastructure fund, future capital works budgets and the Housing and Productivity Contribution.***

Discussion:

Development of the Masterplan was informed by a detailed analysis of State infrastructure and requirements to service future communities of the Town Centre. This included extensive consultation with State agencies. The Masterplan identifies that improvements to State infrastructure primarily relate to TfNSW assets, with necessary improvements to roads, public transport, open space and community infrastructure estimated to be in the order of $258 million.

Importantly, the Masterplan identifies opportunities for development of Government land along, or over, the rail corridor, the proceeds from which would assist in funding some of the supporting infrastructure required.

The infrastructure improvements are justified by a Transport Plan that was exhibited alongside the Masterplan. State agencies were given the opportunity to provide feedback on the location and extent of proposed upgrades, with TfNSW engaged directly. As noted in a report to Council on submissions in November 2023, ongoing post-exhibition engagement resulted in a consolidated submission from TfNSW indicating in principle support for the Masterplan and a commitment to continue discussions with Council regarding implementation and delivery.

The Hornsby TOD Urban Design Framework (UDF) indicates a softening in commitment by the NSW Government to infrastructure improvements in the precinct. Specifically, the UDF Public Transport Strategy states that upgrades to the bus interchange requires discussions with TfNSW and the Open Space Strategy notes that the Jersey Street Park is subject to further investigation. These are disappointing statements that introduce uncertainty concerning the commitment by the State Government to provide these essential public benefits.

Housing Productivity Contribution

As part of the TOD precinct announcement, the NSW Government announced $520 million in funding of State infrastructure through the Housing and Productivity Contribution (HPC). The Hornsby TOD rezoning

package provides no certainty regarding the quantum of funding that will be provided to fund State infrastructure.

Council has previously made representations to the Minister for Planning and Public Spaces and the Department on this issue and provided a priority shortlist of infrastructure which should be funded through the HPC as follows:

- Priority No. 1 – Acquisition of properties which form the Hornsby Square ($66,820,000)
- Priority No. 2 – Jersey Street/Bridge Street/George Street bridge widen bridge over rail ($14,469,702)
- Priority No. 3 – George Street widening and associated works ($1,833,419)
- Priority No. 4 – George Street at Peats Ferry Road bridge widening over rail ($17,274,387).

The allocation of funds under the HPC for acquisition of Hornsby Square properties would act as a catalyst and improve development feasibility within the Town Centre. It is of clear community benefit as an outcome of increased development and would be a clear signal to the community and developers that both Council and the State Government are committed to the future vision for the Town Centre and the delivery of housing supported by infrastructure.

The finalisation of the Hornsby TOD process should clearly identify which projects will be allocated funding through the HPC. It should also recognise that the State government has many mechanisms at its disposal for funding and delivering such infrastructure. It should commit to a schedule of State government infrastructure works in its entirety, regardless of the responsible agency, to provide certainty for all stakeholders.

Local infrastructure provision

Recommendation:

3. The NSW Government endorse the exhibition of a Section 7.12 local development contribution plan with a five per cent levy.

Discussion:

In November 2023, with adoption of the Masterplan, Council resolved to prepare supporting documentation, including an Infrastructure Funding Strategy and a Local Contribution Plan. Council officers began preparing these documents soon after the adoption of the Masterplan, with a consultant preparing a draft contributions plan based on Quantity Surveyor reports undertaken throughout the development of the Masterplan.

The consultant identified the works required to support the Masterplan and the proposed apportionment to development in the Town Centre was deemed to be appropriate as a 5% development contribution levy would be consistent with Department of Planning, Housing and Infrastructure's *Section 7.12 Fix Development Consent Levies Practice Note – February 2021*. This information was provided to the DPHI to assist preparation of the Hornsby TOD rezoning package.

It is understood the draft development contributions plan, works schedule and supporting reports provided to DPHI have been independently reviewed by the Department's consultants. The exhibited *Hornsby Infrastructure Delivery Plan, June 2024* identifies that the cost of local infrastructure is estimated to be around $229 million and, concerningly, states that a 7.12 development contribution plan is *'not necessarily intended to recover the full cost of infrastructure, rather, a simple mechanism to collect contributions toward infrastructure.'* The report does not indicate that any infrastructure items identified by Council are non-essential.

This position is inconsistent with the DPHI practice note for 7.12 contributions, where it states that a levy of more than 2 per cent may be sought if *'financial modelling is provided demonstrating that a maximum 2% levy on the cost of development is insufficient to deliver identified infrastructure in the proposed timeframe.'*

The Hornsby TOD EIE, Section 3.2 Local Contributions, suggests a contributions plan with a four to five per cent levy is being drafted, subject to finalisation of infrastructure items and consideration of feedback obtained during this exhibition. This lack of certainty is a major risk for the Hornsby TOD precinct, as applications may be lodged after rezoning, but before a development contribution plan has been finalised to support the rezoning.

Local contributions have been extensively tested throughout the development of the Masterplan process, with independent review by DPHI consultants. This work should be expedited by DPHI, with a 5 per cent levy exhibited and put to the Minister for approval.

Affordable housing scheme

Recommendation:

4. ***The NSW Government revert its changes to the Hornsby Affordable Housing Scheme and commit to the provision of at least 10 per cent affordable housing contributions on public land.***
5. ***The NSW Government confirm that all affordable housing dedications be made to Council.***

Discussion:

The Masterplan identifies that 5% of residential development on private land, and 10% of residential development on public land be dedicated for affordable housing. This reflects that public development does not share the same profit incentive that private development does, with public development also having the opportunity to achieve community benefit and policy objectives of the government. It also follows the NSW Government's June 2023 commitment that developments on surplus public land include a minimum of 30% affordable and social housing. That commitment signalled an expectation that the NSW Government would take a larger role in the provision of affordable housing in well located areas.

Following adoption of the Masterplan, Council officers began preparation of the draft Hornsby Affordable Housing Scheme, drawing upon feasibility studies undertaken to support the Masterplan. In December 2023, the NSW Government announced it would lead the rezoning of the Hornsby Town Centre, in line with the recommendations of the Masterplan. As part of this work, the NSW Government requested the working draft Hornsby Affordable Housing Scheme to finalise for exhibition and undertook its own feasibility studies in support. This has resulted in the exhibited draft Hornsby Affordable Housing Scheme (draft AHS).

The draft AHS exhibited as part of the TOD rezoning requires dedication of 5 to 10% of all new residential development for affordable housing. It does not provide guidance on how the scale is determined on a case-by-case basis, suggesting development on public, as well as private land would be subject to the 5% dedication.

The finalised Hornsby Affordable Housing Scheme and amendments to the Hornsby LEP 2013 and related documents should be updated to reflect the NSW Government's commitment to affordable housing provision on public lands.

Amalgamation and incentive provisions

Recommendation:

6. ***The NSW Government require that height and density planning controls be contingent on amalgamation and the provision of public benefit.***
7. ***An acquisition provision be applied to the Hornsby Square site.***

Discussion:

The Masterplan was adopted on the premise that local land owners would be required to partner with each other to prepare and lodge planning proposals that would achieve the Masterplan vision. A Council or State led rezoning process was not anticipated.

The decision to require private planning proposals was informed by Council's consultants, with extensive development industry experience, who found there would be a higher risk of land banking, escalation of property prices and other delays to development by mass upzoning. This finding was based on their experience that landowners are disincentivised from partnering with each other to achieve the higher land values and consolidated developments where individual land parcels are rezoned.

This conclusion was supported by discussions with landowners within the precinct who confirmed rezoning of lands would likely increase landowner expectations making amalgamation discussions more difficult and project feasibility less certain.

This approach of requiring amalgamation discussions prior to rezoning would also assist negotiations for planning agreements to deliver public benefits such as new open space on private lands by requiring the inclusion of the land in any planning proposal. As a result, all landowners would share the benefit of any uplift in rezoning only where amalgamation is achieved.

The Hornsby TOD rezoning proposal makes attempts to address this issue with the UDF outlining an amalgamation strategy and the EIE stating that an amalgamation plan is being investigated. Such a plan, with clear statutory weight, is critical to the delivery of consolidated sites of high quality and the delivery of public spaces such as Hornsby Square. This plan should be developed in partnership with Council to ensure delivery of critical infrastructure to Council and community satisfaction.

Other TOD precincts, including the Kellyville and Bella Vista TOD and the Macquarie Park TOD, outline incentive provisions granting additional floorspace and/or height (or exceptions to controls) where development proposals include open space or other public benefits. As such, it is established the NSW Government anticipates the delivery of public benefit would be acceptable to developers prior to unlocking development potential.

It is recommended that similar provisions be applied in the Hornsby TOD precinct, specifically around development of the Central Heart precinct for delivery of various community benefits, including the new library, community centre and open space. This approach would also be appropriate for NSW Government owned land to give further certainty to its commitments for improved public transport facilities, links across the rail line and improvements at Jersey Plaza.

Further, an acquisition provision should be applied to the NSW Government for the Hornsby Square site, providing additional certainty to local landowners and developers regarding the delivery of critical infrastructure on the site. However, if the acquisition is to be attributed to Council, it should be fully funded by the HPC or alternatively within a development contribution plan, as discussed above.

Changes to height and floor space and provision of employment uses on public lands

Recommendation:

8. Reinstate non-residential floorspace requirements on Transport for NSW lands to HTC Masterplan requirements.

Discussion:

The Masterplan was prepared with the aim of providing substantial increases to both residential and employment generating land uses. The Strategic Centre status of Hornsby linking major rail and road corridors, and established range of commercial and urban services offers significant opportunities to

strengthen the economic base of Hornsby Shire. This is discussed in Council's Employment Lands Study, which recommends that centres in the Shire, particularly the Hornsby Town Centre, see a range of employment generating uses intensified.

The Hornsby TOD proposes to reduce the requirements for employment generating land uses, specifically on land owned by the NSW Government. These lands, owned by TAHE, are currently required to deliver 2:1 FSR for non-residential land uses, with the rezoning proposal seeking to reduce this to 0.5:1. No strategic planning explanation is provided, beyond a broad statement regarding increasing the residential component of a future development.

This outcome is contrary to Local Planning Direction 7.1 Employment Zones, which states that planning proposals must not reduce the total potential floor space for employment uses and related public services in Employment Zones. It is also contrary to employment policies of the NSW Government which call for similar outcomes.

The NSW Government is well placed to deliver and utilise employment floorspace on the TAHE site, locating any number of government and supporting jobs adjacent to the rail corridor. This location could be a major attractor for NSW Government employees in the northern and Central Coast regions and strengthen the local economy of the Hornsby Town Centre. Further, it is possible that increasing residential development on the TAHE site may saturate the market for residential development on neighbouring sites, slowing overall development in the Centre.

It is recommended that the NSW Government commit to delivery of employment floorspace on the site for utilisation by public service employees. At a minimum, justification should be provided as to why the only significant changes to Council's Masterplan relate to improvements for the development opportunities on State Government land. Further, a timeframe and commitment should be provided for the development of the State lands and relocation of the bus interchange.

In summary, Council urges the NSW Government to:

- Commit to the delivery of critical State infrastructure in the Hornsby TOD Precinct and provide a timeline and roadmap for delivery;
- Support Council in the finalisation and implementation of a development contribution plan for the precinct with a 5 per cent levy on future development;
- Commit to the delivery of affordable housing in the Precinct, with 5% and 10% percent contributions on private and public lands respectively, not a general 5 to 10% contribution across the precinct;
- Work with Council to prepare amalgamation and incentive provisions that provide sound and efficient outcomes across the precinct and an acquisition provision over the Hornsby Square land; and
- Recommit to delivering employment floorspace on the TAHE site.

I would like to reiterate Council's willingness to continue to collaborate with the State Government and secure appropriate infrastructure to support the planning work completed for the Hornsby Town Centre.

Yours faithfully

Steven Head
General Manager

TRIM Reference: F2020/00096

Attachments: Hornsby TOD rezoning proposal – Detailed comments

Hornsby TOD rezoning proposal – Detailed comments

This attachment to Hornsby Shire Council's TOD rezoning proposal submission includes detailed and site-specific comments.

Subject	Comment	Recommendation
A. Urban Design Guide structure and application area	The Urban Design Guide (UDG) applies to the entire Hornsby TOD Precinct (Precinct), including the western heritage precinct. This is also reflected in the Urban Design Framework (UDF). Through previous studies and rezonings, Council has developed a carefully considered development control plan that relates to the West Side. The current structure of the UDG takes a mixed position of duplicating and superseding existing DCP controls, with UDG controls more suited for the large scale development associated with the eastern portion of the precinct. This could create confusion and inconsistent outcomes, should the UDG or DCP be updated over time.	The UDG should not apply to the Heritage Precinct on the Hornsby West Side. The application area for the UDG should be limited to north of Coronation Street and east of Station Street, inclusive of those streets and the new Cenotaph Park. As noted above, the EIE and UDG have also identified the need to consider amalgamation provisions across the Precinct. This will need to carefully consider implications for this area, given its fine grain nature and implications for consolidation.
B. Consistency in controls and documentation	Inconsistency has been noted in some controls in the Explanation of Intended Effect, the UDG and UDF, such as height controls in the rail corridor. The UDF land ownership (figure 67 has several errors) - 20 Burdett Street is incorrectly identified as Council land - 296 Peats Ferry Road is Council land, however, the southern lot is Crown land - 302-308 Peats Ferry Road and 45 Jersey Street are not shown as Council land - Hornsby Park is shaded, however, it is a mix of Crown and Council Land - 59 Florence Street is shaded, however, it is Council land.	Review all existing and proposed planning controls in the EIE, UDF and UDG for consistency and confirm with Council prior to finalisation.

Subject	Comment	Recommendation
C. Central Heart precinct infrastructure commitments	The Central Heart precinct is proposed to deliver a significant portion of the community infrastructure in the Hornsby TOD area. This includes a community centre, library and plaza, amounting to about $150 million. The rezoning proposal acknowledges development feasibility is an ongoing concern for developers. This is reflected in changes to the TAHE site, with a reduction in employment floorspace. However, the NSW Government has introduced significant uncertainty regarding the provision of affordable housing across these sites. These feasibility and funding issues are also a substantial risk for Council owned sites. As discussed above, the NSW Government is considering a development contribution rate that would not meet the costs of the proposed community benefits. Further, projects for HPC funding have not been identified. Should infrastructure funding not be committed to, delivery of the Central Heart precinct as proposed would be put at risk.	As noted in the above recommendations regarding State infrastructure provision, a portion of HPC funds should be allocated to the acquisition of the proposed Hornsby Square Site to improve the feasibility of the Central Heart Precinct. This acquisition should be undertaken by the NSW Government. If this is not done, the NSW Government should approve a development contribution levy that fully funds the acquisition and construction. It is also noted that the NSW Government is considering the delivery of Hornsby Square on the current Westfield site. This is discussed further below.
D. Central Heart Proof of Concept Calculations	The UDF identifies the proof of concept design for the Central Heart precinct would deliver over 24,000sqm of non-residential floorspace, an effective non-residential FSR of almost 2:1. The proposed planning controls for non-residential floorspace are 0.5:1 FSR, or 7,163sqm. No detail is provided in the design drawings regarding the discrepancy. This sets the expectation that the Central Heart precinct will deliver non-residential land uses well beyond the obligations of landowners. It is noted the rezoning proposal reduces the non-residential FSR obligation on the TAHE site, improving development feasibility on the site, an inconsistent approach.	Update the UDF to clarify an expectations in the Central Heart Precinct that aligns with the proposed planning controls.

Subject	Comment	Recommendation
E. Hornsby Square	The EIE suggests that Hornsby Square may be located to the south of Florence Street Mall as part of a future Westfield development. This option has not been considered under the HTC Masterplan and would be contingent on a very large development. No details are provided of the planning controls to be implemented to achieve an outcome or clarify the obligations of land owners including design, location or delivery. This creates significant uncertainty for current property owners, infrastructure planning and funding. It also brings into doubt overall open space provision, as loss of the Hornsby Square component would require the provision of additional public space elsewhere within an already confined and constrained precinct. Should the NSW Government not accommodate acquisition of Hornsby Square, the EIE's suggestion to relocate Hornsby Square may be necessary to deliver open space. Significant effort is required to identify how and where this would be achieved. Concern is also raised regarding implications for the future library, which has been sited to take advantage of a high amenity open space immediately adjacent.	The NSW Government should commit to the Masterplan vision for the location, extent and embellishment of Hornsby Square. An acquisition provision should be included over the Hornsby Square properties with the acquisition authority being the NSW Government. Should the NSW Government not commit to the Masterplan vision for the location, extent and embellishment of the Hornsby Square, a relocated square should be identified. This must be completed as part of the rezoning process, with clear requirements for the staging, design and dedication, to Council's satisfaction. The finalised rezoning should include a similar portion of the Hornsby Westfield site for public open space as an incentive provision for the delivery of yield across the entire site.
F. Burdett Street Park	The UDG states that Burdett Street Park will be the landing for the northern concourse pedestrian access. It also states that 70 per cent of facades adjacent to the park should be active. The EIE Section 2.2 also states that there will be a 1m maximum building height on proposed open space locations. The EIE mapping has only identified the Hornsby Square site as having the height limit within the Masterplan area. A 1m height limit has	Planning controls and the UDG should allow for flexible open space and design outcomes at Burdett Street Park. The identified 1m maximum height should only be applied to the Hornsby Square site. Planning controls and UDG clauses should only require alignment with Council's upcoming

Subject	Comment	Recommendation
	not been envisioned by the HTC Masterplan on other open space sites, such as Burdett Street Park. These controls would limit design outcomes for the landing, delivery of the park and potential integration with surrounding built form elements (eg podiums).	Public Domain Guidelines (as previously provided to DPHI for consideration) to Council's satisfaction.
	The northern concourse pedestrian access and landing will require coordination between the developer of the site and TfNSW/TAHE as part of their development to the west. This does not appear to be acknowledged in the rezoning proposal. Given the height differences from Hornsby Station to Burdett Street Park, the design of the entire concourse, through TAHE land, George Street and the landings, will need carefully consideration. This means the design of buildings in the Rail Corridor and at Burdett Street Park will need to accommodate the project, in tandem. Lack of a mandated design approval process for the pedestrian access and landing at the Burdett Street Park site may limit the achievability of this important piece of infrastructure.	The UDG should establish a design approval process for the pedestrian access and landing at the Burdett Street Park site. Clearly identify Burdett Street Park as the landing site for the new northern pedestrian entrance to Hornsby Station and Coronation Street, to be delivered by the NSW Government.
	The EIE identifies that Burdett Street Park is to be delivered by Council. This does not reflect that the site has combined Council/State infrastructure as the landing for the northern concourse pedestrian access, limiting funding responsibility by the NSW Government.	The UDF, UDG and/or funding arrangements should establish that delivery of the northern concourse would be coordinated by Council and the NSW Government and that the landing would be co-funded and delivered by Council and the NSW Government.
G. Funding of new Jersey Street Laneway	The EIE, UDF and UDG identify a new two-way laneway between Jersey Street and Peats Ferry Road. This project is identified in the Infrastructure Delivery Plan (IDP) as item T2. The costs associated with the project appear to be for costs of work only, and not reflective of land acquisition costs. This represents a significant cost to Council, with no method identified for Council to recoup costs.	Update the IDP to include land acquisition costs for the laneway and include the full costs in the development contribution plan.

Subject	Comment	Recommendation
H. Special Entertainment Precinct	The rezoning proposal suggests the Hornsby TOD Precinct could be designated as a Special Entertainment Precinct (SEP) upon Council request. Notwithstanding the potential merit of such a designation, the SEP would require significant time and resource investment for Council to develop, exhibit and finalise a noise management plan for the TOD precinct and immediately surrounding area.	The NSW Government, through DPHI or other relevant agencies should undertake further investigations regarding the suitability of the Precinct as a SEP and present the findings to Council for consideration.
I. Floor plates	Section 2.4.1 of the UDG sets maximum commercial floor plates of 2,500sqm and maximum residential floor plates of 1,000sqm in the Central Heart and Central North Precincts. TAHE land shares the same maximum residential floor plate of 1,000sqm, with no maximum commercial floor plate. Residential floorplates are to have a maximum dimension of 50 metres. The UDG's stated objectives for these floorplates include enabling development that is future proof, with towers of slender proportions to achieve elegance of built form. The indicative layouts of the towers in these precincts generally depict towers with eight units. This would likely result in around 700sqm of liveable space per floor, resulting in units with primarily three bedrooms (90sqm), with some having two bedrooms (70sqm). It is unclear how these floorplates would support studio or one bedroom apartments without substantially increasing the number of units per floor, resulting in amenity issues related to ventilation and solar access and non-compliance with the ADG. Further, maximum depth controls could result in 50m by 20m or 30m by 30m towers extending upwards over 30 storeys. This outcome would be contrary to the 'slender proportions to achieve elegance' objective of the planning control.	Update the UDF and UDG to include guidance regarding the relationship between dwelling mix, floorplate size and amenity. Update the UDG to show sample studio, one, two and three bedroom dwellings within anticipated floorplates that meet ADG requirements for apartment layouts (eg maximum habitable room depths of eight metres). Update the UDF and UDG to set maximum 'secondary' depths of buildings to achieve slender towers. Update the UDF and UDG to consider requirements for tapering buildings at higher level to achieve slender towers.
J. Noise attenuation	The Hornsby TOD Precinct Acoustic Study Report identifies the potential for noise and vibration related land use conflicts in the precinct. These are related to existing noise sources, such as rail and road corridors, and potential new entertainment land uses. In response, it recommends that acoustically absorptive features, such as gardens and	Update the UDF and UDG to require adoption of Green Star, WELL or ESD tools, as recommended by acoustic reporting.

Subject	Comment	Recommendation
	green walls be introduced to provide noise mitigation to exterior spaces. The report recommends adopting of Green Star, WELL or other ESD tools. The UDF suggests adopting Green Star, WELL or other ESD tools as an opportunity at the development application stage, not at the design guide stage. Although these features are briefly discussed in the UDG, they are presented in the context of public domain improvements, not acoustics. Section 2.4.7 of the UDG states that green walls should be incorporated where appropriate but does not reference to the acoustic benefits. If these recommended tools are not referenced in the UDG, it is unlikely that applicants or assessing authorities will require their application, meaning that only the subjective 'where appropriate' test may be referenced.	
K. Undergrounding power lines	Existing power lines have been identified as a significant barrier for canopy growth through the HTC Masterplan. The UDF acknowledges this through the application of lower canopy targets on roads with powerlines (40 per cent) than roads without (50 per cent). Although the Utility Report outlines that existing overhead power may need to be undergrounded, the Infrastructure Delivery Report lists this as an exclusion. This is a missed opportunity, given the extent of roadworks associated with the Hornsby TOD precinct and the opportunities to coordinate undergrounding works for certainty and efficiency.	There should be a clear commitment to requiring the undergrounding of power lines within the Precinct. This should be committed to as a work identified in a development contribution plan to ensure delivery. Should a development contribution plan not include funding for undergrounding of powerlines, any State approval in the Precinct should require undergrounding of power lines in consents.
L. Waste management	The UDF omits waste management guidelines, which has the potential to result in waste management being a secondary consideration when applicants are preparing building designs. This may result in poor outcomes as waste management conflicts with the active use of space in the centre, introducing risk and poor amenity outcomes.	Update the Urban Design Framework to specify waste management guidelines.

Subject	Comment	Recommendation
	It is unclear whether the design of service areas has considered the operation of heavy rigid vehicles and their interaction with other users. Given the importance of public domain interfaces and pedestrian circulation, waste management guidelines should be incorporated into the UDF. Such guidelines should emphasise the incorporation of effective, practical and efficient waste management systems which meet the needs of the development and its occupants for the full operational life of the building. Further, designs should ensure that waste collection vehicles and operators are provided with safe, unimpeded access to carry out waste collection services. Building designs should also promote sustainability, maximise recycling and resource recovery and have the capacity to adapt to changes in services and environmental legislation.	
M. Dwelling mix	The UDG originally identified a dwelling mix of 10 per cent each for 1, 2 and 3-bedroom units in new development. This requirement was removed part way through the exhibition, with no notice provided on the project website. Council's Local Housing Strategy, as approved by the NSW Government, has established the need for a range of housing sizes, with the current housing crisis further exposing the need for apartment and rental stock that is suitable for different household types. The removal of the dwelling mix provision introduces uncertainty in the provision of diverse housing stock in the centre.	The UDG should include a dwelling mix requirement to give certainty that new housing will be required to address the needs of a range of household types.
N. Serviced apartments	As proposed, the non-residential FSR control proposed in the EIE could allow for the delivery of serviced apartments within the non-residential portion of a future development. Serviced apartments are residential-like land uses that conflict with the employment generating goals set out in the HTC Masterplan and could compete with other employment land uses envisioned for those lands.	Restrict service apartments from non-residential FSR inclusions.

Subject	Comment	Recommendation
O. Landscape requirements	The UDG requires deep soil in all buildings where the setback is greater than 0m, with a minimum dimension of 3m by 3m. These deep soil areas are expected to contain a range of medium and large trees (canopy areas of 50 to 113 sqm), depending on the site area. While mixed use sites are anticipated to be assessed on a case by case basis, these controls alongside the setbacks proposed introduce significant expectations for properties across the Precinct. Further, the business and industrial lands in the northern precincts carry the bulk of the numerical controls, requiring between 15 and 25 per cent deep soil and 25 to 35 per cent canopy coverage. Notwithstanding the public benefit of such outcomes, the design documentation in the rezoning package has not demonstrated that these outcomes are achievable or feasible.	Deep soil and landscaping requirements should be removed from the UDG, deferring to Council's DCP instead.
P. Walkability	The UDG and EIE suggest that the rezoning proposal will result in lot amalgamation, with large sites delivering good urban design outcomes that efficiently use land. However, there is a risk that large lots, particularly those north of Burdett Street or a redeveloped Westfield site, could limit or reduce pedestrian permeability. Given the size of and orientation of the blocks in these areas, this could reduce walkability in the Precinct and result in poor pedestrian outcomes.	The UDG should be updated into include the maintenance or improvement of pedestrian permeability in the Precinct as an objective for new development.
Q. Energy and Sustainability	The EIE and UDG do not appear to address or promote the integration of on-site renewable energy, the accommodation of future energy storage or low-energy cooling. While BASIX provides guidance on how development should address these issues, it is not designed to promote innovation or sustainability at a Precinct level.	The UDG presents an opportunity to incentivise developers to more actively integrate innovative technologies and designs. Objectives should include the delivery of more sustainability outcomes related to heating and cooling, energy collection and storage, recycled water, and the durability and adaptability of materials.

Subject	Comment	Recommendation
R. Stormwater quality and WSUD	Over the past 18 months, Council has collaborated with the Department of Climate Change, Energy, the Environment and Water (DCCEEW) through the Marine Estate Management Strategy (MEMS) program to develop an Integrated Water Cycle Management (IWCM) Strategy for the Hornsby Town Centre. This initiative is supported by significant grant funding from DCCEEW, and aims to apply the Risk-Based Framework to deliver pathways for the implementation of best practices integrated water cycle management for the infill Hornsby Town Centre redevelopment. DCCEEW's commitment to funding the project illustrates its importance in delivering on MEMS objectives, which include the outcomes being transferrable to commensurate infill urban development. In addition to the IWCM Strategy, outputs include scenario modelling, feasibility assessments, benefit-cost analysis and technical implementation guidelines. The UDG does not mention water sensitive urban design or stormwater management. creating gaps in the expectations for built form, public open space, landscape, and public domain. The UDF identifies environmental, social and economic sustainability as an overarching theme that informed its development, however, the stormwater quality related objective is high level only and no planning controls are identified. The Flooding and Stormwater report only provides a broad-brush stormwater quality management strategy across private and public realms which are not separated. The report contains both inaccuracies and inappropriate recommendations. The report is inconsistent with the UDF, IDF, and Public Domain Guidelines, such as designating Linda Street as a WSUD area despite its steep gradient. It incorrectly assumes existing water quality infrastructure meets targets and that open space areas are mostly used for WSUD measures (e.g., biofilters), which is inappropriate. In addition, there are uncertainty about nutrient modelling for gross pollutant traps	The NSW Government, through DPHI should undertake consultation with Council and DCCEEW regarding the optimal pathways to implement the outcomes of the IWCM Strategy. The UDG should include guidance on stormwater and WSUD that apply to future development in the Precinct. The UDF should include detailed water sensitive urban design objectives consistent with the Public Domain Guidelines and Council's technical requirements. The Flooding and Stormwater Report should have all stormwater quality references removed because as it stands it contains inaccuracies and recommends inappropriate recommendations. The UDG and UDF should instead refer to Council's technical requirements for guidance. If the Flooding and Stormwater Report retains reference to stormwater quality then a comprehensive stormwater treatment strategy covering the entire redevelopment area should be developed, including a mix of treatment measures to address different types of pollutants and runoff volumes. In addition, there needs to be differentiation between on-lot and public realm strategies and identification of

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	(GPTs), and only parts of the redeveloped area are identified for treatment, some of which only have GPTs. As Council's DCP targets and guidelines does not allow for GPT's to account for nutrient reduction, the overall stormwater quality management strategy is inappropriate and will not achieve the required environmental outcomes.	specific areas suitable for WSUD measures, without compromising the public domain recreational or aesthetic values recommended. All reports should be amended to remove Linda Street as an area to achieve required water quality outcomes. The water quality treatment opportunities identified in the UDF (Figure. 40) are incorrect and need to be changed to ensure consistency with the Public Domain Guidelines.
S. Flooding risk and management	The report mentions the risk of localised flooding within and outside the Precinct. Stormwater upgrades are proposed but are not mentioned in the IDG. This presents significant uncertainty and risk, as best practice would require proponents to identify and resolve these matters prior to rezoning. On-site detention is mentioned as a further option for water management, but no guidance is provided as to when or where that would be suitable in the Precinct. The report suggests that the development will cause up to 0.44m increase in flood level in George St with a risk to significant damage to properties. It recommends that shelter in place will suffice to manage the safe evacuation risk associated with the flood risk	The NSW Government should commit to the delivery of the nominated stormwater infrastructure. On-site detention or other onsite options should be considered, with the UDG identifying the locations where these measures are appropriate/required for future development. The NSW Government should propose appropriate mitigation measures to minimise potential flood damage to properties to multistorey developments in George St including details of assessment of the shelter in place requirements.
T. Water conservation and wastewater management	The UDG does not consider water conservation, wastewater management or other related initiatives.	The NSW Government (DPHI) should engage more effectively with Sydney Water (and Council) to determine how the responsibilities for planning and delivery of water supply

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	The Flooding and Stormwater Report mentions management of wastewater and water supply but does not provide any further comment or specific recommendations. The UDF identifies environmental, social and economic sustainability as an overarching theme that informed its development, however there are no wastewater or recycled water-related objectives or planning controls proposed.	augmentation, water conservation and alternate approaches to wastewater management will be achieved. The UDG should include guidance on water conservation and wastewater management, promoting best practice approaches to blackwater or greywater systems. As noted above the UDG also presents an opportunity to incentivise outcomes that exceed BASIX. An objective for a higher than standard BASIX potable water reduction target (such as BASIX 50) would encourage the delivery of high performing systems and better outcomes for the local environment. The Flooding and Stormwater Report should have all wastewater and water supply references removed, with the UDG and UDF referring to Council's technical requirements for guidance.
U. Critical utility and infrastructure identification	The Utility Baseline Report only considers existing stormwater, WSUD and flooding assets and does not provide guidance on their suitability for future growth. This is only useful for considering current capabilities of existing infrastructure, which is the only first step in infrastructure planning and feasibility. The Utility Baseline Report makes appropriate recommendations regarding sustainability initiatives to reduce the impact of wastewater treatment on the environment. However, there is no consideration given to the associated changes in	The Utility Baseline Report should be updated to provide a suitable level of infrastructure detail and feasibility as per the aims of the document and include critical infrastructure upgrades as identified in other supporting reports and further Council input.

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	water supply and sewer system demands associated. Similarly, there are no specific steps identified relating to the investigation and design of any wastewater reuse and recycling initiatives.	The demand assessments reported should identify the potential reductions in demand associated with implementation of greywater or blackwater reuse initiatives across the Precinct to frame the benefits of such schemes. The "Next Steps" reported should incorporate specific steps relating to the evaluation of strategic wastewater reuse and recycling initiatives in consultation with (or independent of) Sydney Water. Specifically, the technical and financial feasibility of implementing privately operated on-site recycled water systems within larger mixed-use buildings such as those expected should be assessed and compared with the baseline of a conventional Sydney Water managed system. Council share recently commissioned work evaluating the benefits of privately operated wastewater treatment schemes.