



SUPPLEMENTARY BUSINESS PAPER

**(Late Item Memo)
GENERAL MEETING**

**Wednesday 13 June 2018
at 6:30PM**



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ITEM 9 **PL18/18 - Design Excellence Review of Planning Controls**

<i>Additional information with CHANGE to Recommendation</i>

Councillors may have received representations from members of the community raising concerns that the draft amendments to the *Hornsby Development Control Plan* attachment to Group Manager's Report PL18/18 may weaken the existing controls for tree preservation currently incorporated in the DCP.

The Design Excellence Review of Planning Controls undertaken by Architects Johanssen and Associates and Think Planners identifies the opportunity to strengthen controls for retention of existing trees and established landscaped corridors. On Page 10 of the consultant report, recommendations are made for amendments to the landscaping element in the DCP. The suggested amendments are relevant to all forms of multi-dwelling housing (i.e. town houses and residential flat buildings). Therefore, amendments are recommended for inclusion in Sections 3.2, 3.3, 3.4 and 3.5 of the DCP.

A new Section 1C.1.2 – Tree Management on Development Sites is also recommended. Consistent with the recommendations of the consultant report, the aim of the new Section is to preserve existing trees and ensure development maintains opportunities for trees to continue to grow. Recent submissions raise concerns that the proposed new Section may remove application of the tree protection provisions of State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 and Australian Standard AS 4970 – Protection of Trees on Development Sites.

The SEPP provides assessment and approval pathways for the clearing of native vegetation on urban land for which development consent is not required. In accordance with the SEPP, Section 1B.6 of the DCP clarifies trees that are protected under the Policy. The SEPP is not referenced in proposed Section 1C.1.2 as the Policy does not apply to clearing that is ancillary to development where development consent is required. Clearing that is ancillary to development requiring consent is assessed as part of the development assessment process.

The Section 1C.1.2 proposes controls for tree protection and is to be read in conjunction with tree and landscaping controls in Parts 2 to 9 of the HDCP, Hornsby Council Tree Survey Guidelines, Hornsby Council Arboricultural Report Guidelines and the DA Submission Guideline. AS 4970 continues to be referenced in the landscaping controls. However, to avoid any doubt, it would be appropriate to include a similar reference in Section 1C.1.2. Reference to the preservation of 'significant trees' should also be amended to simply read 'trees' to provide consistency in controls in the DCP.

Should Council be of a mind to adopt the amendments to the DCP (after any exhibition period, report on submissions and any changes to the DCP amendments as a result of submissions) the Sections in the DCP would be renumbered to incorporate the new Section 1C.1.2.

RECOMMENDATION

THAT:

1. The draft amendments to the *HDCP 2013* attached to Group Manager's Report No. PL18/18 as amended by Late Item Memo No. LM7/18 be placed on public exhibition for a period of 2 months.
2. Following exhibition, a report on submissions be presented to Council for its consideration.
3. A further report be presented to Council for progression of a Design Excellence Review Planning Proposal to implement proposed changes to the *HLEP 2013* as outlined in Group Manager's Report No. PL18/18.
4. Council endorse in principle the establishment of a formal Design Excellence Advisory Panel, with a further report being presented to Council concerning the appointment, constitution, fee structure and yearly budget allocation for the Panel.
5. In the interim, Council endorse the restructure and utilisation of Council's current Design Excellence Panel as set out in Group Manager's Report No. PL18/18 until such time as the formal panel is established.
6. Council write to the Minister for Planning requesting that a Design Guide apply to all medium density development to promote design excellence.
7. Council renew its subscription to the Cities Leadership Institute to June 2019.

JAMES FARRINGTON
Group Manager Planning
Planning Division

Attachments:

1. [1](#) Part 1 General - Amended pages

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1C.1.2 Tree Management on Development Sites

The following clause relates to tree works ancillary to development which will be assessed as part of a Development Application.

Additional tree and landscaping controls are contained in Parts 2 to 9 of this DCP and should be read in conjunction with this clause..

Desired Outcomes

- a. Development that preserves existing trees to maintain and enhance the amenity of Hornsby Shire.
- b. Development that provides opportunity for the healthy growth of large trees.

Prescriptive Measures

- a. Existing healthy trees should be retained and protected (unless removal is supported by an arborist report).
- b. Any trees removed as part of the development should be replaced elsewhere on site with an advanced specimen.
- c. All trees on the subject site and adjoining properties within 10m of proposed works that may be impacted by such works should be accurately recorded on a survey plan in accordance with the Hornsby Shire Council Tree Survey Guidelines.
- d. As a result of potential impacts to trees on a development site or neighbouring properties an Arboricultural Impact Assessment (AIA) or Root Mapping Report (RMR) may be requested to assist with the development assessment process.
 - The requested AIA and RMR report is to be provided by an Arborist holding an AQF 5 qualification in Arboriculture.
 - The requested AIA and RMR is to be in accordance with the Hornsby Shire Council Arboricultural Report Guidelines.
- e. Where trees are to be retained, the provisions of Australian Standard AS 4970 Protection of Trees on Development Sites should be applied.
- f. All tree pruning work should be carried out in accordance with Australian Standard AS 4373 Pruning of Amenity Trees.

Note: The following should be considered in preparing your development application and can be downloaded from Council's website www.hornsby.nsw.gov.au (including the above

referenced Guidelines)

- * Hornsby Shire Council Tree Survey Guidelines
- * Hornsby Shire Council Arboricultural Report Guidelines
- * DA Submission Guideline