



# **BUSINESS PAPER**

## **GENERAL MEETING**

**Wednesday 8 July 2020  
at 6:30PM**



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## **AGENDA AND SUMMARY OF RECOMMENDATIONS**

### **PRESENT**

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### **OPENING PRAYER/S**

### **ACKNOWLEDGEMENT OF RELIGIOUS DIVERSITY**

Statement by the Chairperson:

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

### **ABORIGINAL RECOGNITION**

Statement by the Chairperson:

*"We acknowledge we are on the traditional lands of the Darug and Guringai Peoples. We pay our respects to elders past and present."*

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

Statement by the Chairperson:

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

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

### **POLITICAL DONATIONS DISCLOSURE**

Statement by the Chairperson:

*"In accordance with Section 147 of the Environmental Planning and Assessment Act 1979, any person or organisation who has made a relevant planning application or a submission in respect of a relevant planning application which is on tonight's agenda, and who has made a reportable political donation or gift to a Councillor or employee of the Council, must make a Political Donations Disclosure Statement."*

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

## **DECLARATIONS OF INTEREST**

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

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

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

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

## **CONFIRMATION OF MINUTES**

THAT the Minutes of the General Meeting held on 10 June, 2020 be confirmed; a copy having been distributed to all Councillors.

## **PETITIONS**

## **PRESENTATIONS**

## **RESCISSION MOTIONS**

## **MAYORAL MINUTES**

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

### Note:

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

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

## **GENERAL BUSINESS**

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

## **OFFICE OF THE GENERAL MANAGER**

### **Page Number 1**

**Item 1 GM14/20 DRAFT MEDIA POLICY AND SOCIAL MEDIA FOR COUNCILLORS POLICY**

## **RECOMMENDATION**

THAT Council adopt the:

1. Media Policy as detailed in Attachment 1 to General Manager's Report No. GM14/20.
2. Social Media Policy for Councillors as detailed in Attachment 2 to General Manager's Report No. GM14/20.

### **Page Number 5**

**Item 2 GM15/20 COVID-19 PANDEMIC - UPDATE ON COUNCIL'S RESPONSE**

**RECOMMENDATION**

THAT the contents of the General Manager's Report No. GM15/20 be received and noted.

**Page Number 10**

**Item 3 GM16/20 SOUTHERN SYDNEY REGIONAL ORGANISATION OF COUNCILS (SSROC) MEMORANDUM OF UNDERSTANDING (MOU) - JOINT PROCUREMENT OF RECYCLED MATERIAL IN CIVIL WORKS**

**RECOMMENDATION**

THAT:

1. Council join the Southern Sydney Organisation of Councils (SSROC) in the joint procurement of recycled material in civil works.
2. The General Manager be delegated authority to sign the attached Memorandum of Understanding (MOU) on the Procurement of Recycled Materials – Civil Construction Works.

**CORPORATE SUPPORT DIVISION****Page Number 14**

**Item 4 CS15/20 LOCAL GOVERNMENT REMUNERATION TRIBUNAL - 2020 REPORT AND DETERMINATION - MAYOR AND COUNCILLOR FEES - 2020/21 FINANCIAL YEAR**

**RECOMMENDATION**

THAT:

1. As a consequence of the 2020 Report and Determination of the Local Government Remuneration Tribunal, Council note that it remains in the Metropolitan Medium Category of NSW councils for the period 1 July 2020 to 30 June 2021.
2. In accordance with Section 248 of the Local Government Act and having considered the 2020 Report and Determination of the Local Government Remuneration Tribunal, an annual fee of \$25,790 be paid to each Councillor for the period 1 July 2020 to 30 June 2021.
3. In accordance with Section 249 of the Local Government Act and having considered the 2020 Report and Determination of the Local Government Remuneration Tribunal, an additional annual fee of \$68,530 be paid to the Mayor for the period 1 July 2020 to 30 June 2021.

**Page Number 18**

**Item 5 CS18/20 INVESTMENTS AND BORROWINGS FOR MAY 2020 - STATUS FOR PERIOD ENDING 31 MAY 2020**

**RECOMMENDATION**

THAT the contents of Director's Report No. CS18/20 be received and noted.

**COMMUNITY AND ENVIRONMENT DIVISION**

Nil

**PLANNING AND COMPLIANCE DIVISION****Page Number 21****Item 6 PL11/20 REPORT ON EXHIBITION OF DRAFT HORNSBY SECTION 7.11 DEVELOPMENT CONTRIBUTIONS PLAN****RECOMMENDATION**

THAT:

1. Council adopt the draft *Hornsby Section 7.11 Development Contributions Plan 2020-2030*, attached to Director's Report No. PL11/20.
2. Adoption of the *Hornsby Section 7.11 Development Contributions Plan* be notified on the Council website.
3. Submitters be informed of Council's decision.

**Page Number 26****Item 7 PL14/20 PLANNING PROPOSAL - 805 - 821 OLD NORTHERN ROAD, DURAL****RECOMMENDATION**

THAT:

1. Council not support the progression of the Planning Proposal to permit a service station as an additional permitted use under Schedule 1 of the *Hornsby Local Environmental Plan 2013* at Nos. 805-821 Old Northern Road, Dural for the following reasons:
  - 1.1. No clear community benefit has been identified to justify changes to planning controls.
  - 1.2. Inconsistency with the Greater Sydney Regional Plan and the North District Plan.
  - 1.3. Inconsistency with Section 9.1 Ministerial Directions.
  - 1.4. Inconsistency with the Hornsby Local Strategic Planning Statement.
  - 1.5. Progression of a planning proposal prior to completion of Rural Lands Study and Employment Lands Study is premature.
  - 1.6. The proposal will have unacceptable impacts on the road network.
  - 1.7. There are potential impacts on trees due to required road works.



2. The proponent and submitters be advised of Council's decision.

**Page Number 41****Item 8 PL15/20 LOCAL HOUSING STRATEGY****RECOMMENDATION**

THAT:

1. The draft Hornsby Shire Housing Strategy 2020 attached to Director's Report No. PL15/20 be placed on public exhibition for a period of 28 days (subsequent to the finalisation of formatting and design in accordance with Council's style guide).
2. A copy of the draft Strategy be provided to the Department of Planning, Industry and Environment.
3. Following exhibition, a report on submissions be presented to Council for its consideration.

**Page Number 47****Item 9 PL16/20 SENIORS HOUSING DEMAND AND SUPPLY REVIEW****RECOMMENDATION**

THAT:

1. The draft Seniors Housing Demand and Supply Review attached to Director's Report PL16/20 be submitted to the Department of Planning, Industry and Environment to support Council's requests concerning the application of *State Environmental Planning Policy (Housing for Seniors or People with Disability) 2004* to rural land and Heritage Conservation Areas within Hornsby Shire.
2. The draft Seniors Housing Demand and Supply Review be placed on public exhibition after being reformatted and designed in accordance with Council's style guide.
3. Consultation with seniors housing providers be undertaken on supply and demand generally as outlined in the Review and on demand for different levels of care in aged care facilities.
4. A further report be prepared for Council's consideration concerning the response from Department of Planning, Industry and Environment, the community and seniors housing providers.

**INFRASTRUCTURE AND MAJOR PROJECTS DIVISION**

Nil

**PUBLIC FORUM – NON AGENDA ITEMS****QUESTIONS ON NOTICE**

**MAYOR'S NOTES****NOTICES OF MOTION****Page Number 52****Item 10      NOM12/20 WAR ON WEEDS WORKSHOP****COUNCILLOR MARR TO MOVE**

That a Councillor workshop be held to discuss Council's approach to the management of weeds on both Council and adjacent land, including land owned privately or managed by state agencies.

It will include options on:

- Education and awareness to inform people about important environmental elements.
- Managing environmental degradation.
- Youth and community engagement.
- Working with other land owners.
- Methods of addressing weeds including seeds, spreading from one area to another, and efficient and effective methods of weed removal and environmental remediation.

**SUPPLEMENTARY AGENDA****MATTERS OF URGENCY**

**1 DRAFT MEDIA POLICY AND SOCIAL MEDIA FOR COUNCILLORS POLICY**

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**EXECUTIVE SUMMARY**

- In February 2020, Council completed a Communications and Engagement Strategy, including four associated policies, to guide all communication and engagement activities.
- The draft Media Policy outlines how all media activities are to be managed by all Hornsby Shire Council staff and representatives.
- The draft Social Media Policy for Councillors is a guide for Councillors in informing the community and stakeholders about Council news, services, programs, events and engagement opportunities via social media platforms.

**RECOMMENDATION**

THAT Council adopt the:

1. Media Policy as detailed in Attachment 1 to General Manager's Report No. GM14/20.
2. Social Media Policy for Councillors as detailed in Attachment 2 to General Manager's Report No. GM14/20.

## PURPOSE

The purpose of this Report is to seek Council's approval to adopt and implement the draft Media Policy and the draft Social Media Policy for Councillors.

## BACKGROUND

In June 2019, Council engaged an external consultant to develop a Communications and Engagement Strategy, and supporting policies, to guide all communication and engagement activities.

The supporting policies are as follows: -

1. Media Policy
2. Social Media Policy for Councillors
3. Crisis Communication Policy
4. Public Engagement Policy

In preparation of the strategy and the accompanying policies, fifty in-depth interviews were conducted in person or on the phone with stakeholders including councillors, staff and external consultants.

The draft strategy and accompanying policies were presented to an informal workshop for Councillor feedback in October 2019.

Revised versions of the Communications and Engagement Strategy and supporting policies, incorporating Councillor feedback, were presented to an informal workshop in February 2020.

## DISCUSSION

The draft Media Policy and draft Social Media Policy for Councillors (refer Attachments) are presented for Council's consideration and adoption.

### Draft Media Policy

Hornsby Shire Council's goals through media are to form transparent and trustworthy relationships with our community and to protect Council's reputation and positive profile.

The draft Media Policy outlines how all media activities are to be managed by all Hornsby Shire Council staff and representatives. It details different media activities, roles, responsibilities, approval processes, media relations and ethical principles.

The purpose of the policy is to identify Council's authorised spokespeople and to establish media protocols and approval processes for effective Council media activity. When communicating on behalf of Council, all staff and officers must adhere to our Code of Conduct.

The draft Media Policy covers:

- Employees of Hornsby Shire Council
- An agency, casual, temporary or contract member of staff working for or on behalf of Council
- Staff of third-party suppliers contracted to or providing services to Council
- Volunteers working with us on Council projects
- Students on work placements with Council.

**Draft Social Media Policy for Councillors**

Hornsby Shire Council's goal through social media is to create healthy two-way conversations between Council and our community to inform and shape the services we provide.

The draft Social Media Policy for Councillors is a guide for Councillors in informing the community and stakeholders about Council news, services, programs, events and engagement opportunities via social media platforms.

Elected Councillors have a responsibility to ensure their actions or communications on their personal and Council-owned social media do not bring Council into disrepute, and to understand how to best represent Council and the many stakeholders in our community.

The draft Social Media Policy for Councillors provides guidance on the purpose of using social media for communications and engagement activities, the type of content – and the style and tone of that content – and appropriate use of personal use of social media.

**Status of the draft Crisis Communications Policy and Public Engagement Policy**

The draft Crisis Communications Policy will be presented to a future General Meeting as amendments are required to address the organisational response prior to and following a crises or potential crisis. Changes to this draft Policy will be considered in the coming weeks as Council moves through the COVID-19 recovery period.

A draft Public Engagement Policy has been developed and will be presented to Council when the draft Public Engagement Framework is finalised. The Framework supports the draft Policy and will provide a guide for staff and consultants in the deliverance of best-practice community and stakeholder engagement with high-quality outcomes.

**BUDGET**

There are no budgetary implications associated with this Report.

**POLICY**

The draft Media Policy acts as a guide for Council staff and representatives who communicate and engage on behalf of Council through media.

This draft Social Media Policy for Councillors acts as a guide for Councillors who communicate and engage with the community through personal, Councillor and Council-owned social media profiles.

**CONCLUSION**

The draft Media Policy identifies Council's authorised spokespeople and establishes media protocols and approval processes for effective Council media activity.

The draft Social Media Policy for Councillors provides a framework for effective community engagement and public debate by Councillors.



Both policies expand on Council's Code of Conduct in relation to media and social media use. Council's Code of Conduct must also be adhered to by staff and Councillors when communicating on behalf of Council.

**RESPONSIBLE OFFICER**

The officer responsible for the preparation of this Report is the Communications and Engagement Manager – Tracy Bass - who can be contacted on 9847 6790.

STEVEN HEAD  
General Manager  
Office of the General Manager

**Attachments:**

1.  HSC\_Media Policy\_230620
2.  HSC\_Social Media Policy for Councillors\_230620

File Reference: F2018/00308  
Document Number: D07936457

## **2 COVID-19 PANDEMIC - UPDATE ON COUNCIL'S RESPONSE**

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### **EXECUTIVE SUMMARY**

- Throughout June/July 2020 the organisational impacts of the COVID-19 Pandemic have started to ease allowing the reopening of all Council facilities, although with amended service levels.
- The majority of staff continue to work from home and our service delivery has been adapted to ensure continuity of service has been maintained where possible or practical.
- Council staff are now turning their focus to the recovery phase of the pandemic which will result in more staff returning to the office and specific effort being given to assisting members of the community and businesses who have been most severely impacted.

### **RECOMMENDATION**

THAT the contents of the General Manager's Report No. GM15/20 be received and noted.

## **PURPOSE**

The purpose of this Report is to provide an update on Council's current response to the COVID-19 Pandemic.

## **BACKGROUND**

The World Health Organisation has declared the COVID-19 virus as a pandemic. As the pandemic is expected to impact on Council's operations for an extended period, an ongoing status report will be provided to each ordinary Council Meeting for the duration of the pandemic and through the recovery phases.

## **DISCUSSION**

### **Status of Pandemic Response**

Over the period of mid-June to mid-July 2020, the various pandemic containment measures implemented by Federal, State and Local Governments have greatly assisted in stabilising the spread of the virus through the local community. Notwithstanding, the virus is still present and ongoing vigilance is required to ensure that widespread community transmission does not return.

With the re-opening of the aquatic centres on 6 July 2020, all Council facilities will have been re-opened to the public but remain subject to limitations on gatherings and social distancing requirements. The main functional service of Council which cannot be delivered at this point is the provision of public domain community events.

### **Implementation of Action Plan**

The Pandemic Action Plan has not required significant revision since the previous status report to the General Meeting on 10 June 2020. The Pandemic Coordination Team (PCT) continues to give consideration to how we manage the operation facilities and services in line with Government guidelines.

### **Status of Operations over June/July 2020**

Throughout June/July 2020 the easing of COVID-19 measures has enabled the staged reopening of all remaining facilities with the Community Centres and Brickpit Stadium opened on 1 July and the Aquatic Centres opened on 6 July 2020. Competitive sport also resumed from 1 July.

Expanded public access to the library collections resumed on 29 June and face-to-face Citizenship Ceremonies return on 8 July, albeit with substantially reduced numbers of grantees at each ceremony.

Limitations on the size of gatherings and requirements to maintain social distance are mostly impacting the hirers of our community centres as larger gatherings are currently not possible. Our libraries and recreational facilities are less likely to be impacted by these measures, however, as the maximum numbers of persons allowed per square metre are not expected to be exceeded on a regular basis. Notwithstanding, all our public buildings have been assessed by our Safety & Wellness Team and COVID safe plans are in place in accordance with State Government requirements.

A return to pre-COVID operations is not expected for a considerable time as we will continue to be guided by relevant Federal and State Government requirements. For this reason, some facilities will continue to operate on reduced hours of opening to facilitate the appropriate rostering of staff.

From 13 July it is proposed to transition most staff back to their respective office locations on a flexible basis so as to keep essential work teams separated and minimise the risk of possible widespread



virus infection. As a general rule, staff are likely to work from the office for up to 3 days per week and from home for 2 days a week. It is pleasing to report that no staff, councillors or volunteers are known to have acquired the COVID-19 virus.

At the present time, Council Meetings are expected to remain online until the September General Meeting consistent with current restrictions on Council Meetings. Whilst these restrictions are in place an upgrade of the air-conditioning system at the Council Chambers will be undertaken through July and August.

The main functional service of Council which cannot be delivered at this point is the provision of public domain community events.

### **Impacts on Local Business and a Community Support Package**

At the time of writing, 59 local businesses have registered on the Hornsby Localised platform. Council is posting important COVID-19 related information on Localised such as the details of free business support webinars and information on grants and support services for businesses. Other local businesses are also starting to use the platform to promote their services and products to other businesses. Once a critical mass of businesses have registered for use of Localised, a buy local campaign will be developed.

As a means of easing the financial burden on local food premises, the food safety inspection/administration fees will be charged at 50% of the pre-COVID fee from 1 July. This aligns with other fee reductions of 50% as previously announced. It is proposed that the fee structure be reassessed after three (3) months with a view to returning to full inspection fees if the COVID restrictions continue to ease.

### **Emerging Risks**

#### Financial impacts

As detailed in Corporate Support Director's Report No. CS11/20, 2019/20 – March 2020 Quarter Review (13 May 2020 General Meeting), initial estimates on the impact of the pandemic indicated that Council may forego up to \$9.375 million in lost income during the 2019/20 financial year. To maintain tight budgetary control, a range of expenditure reductions were recommended. As a result, Council's forecast 30 June 2020 surplus of \$3.981 million reduced to \$1.507 million.

The impact on the 2020/21 financial year has also recently been assessed as detailed in General Manager's Report GM12/20 Adoption of Council's 2020-22 Delivery Program including the Operational Plan 2020/21 (10 June 2020 General Meeting) and equated to \$10.671 million for the year. A range of expenditure reductions were adopted to offset the impact, which also amount to \$10.671 million and result in the current forecast surplus of \$1.637 million for the 2020/21 financial year being maintained. Income and expenditure levels compared to the budget will be monitored throughout 2020/21 as part of the quarterly review process.

#### Community Engagement Activities

A significant program of community engagement has been planned across a wide range of Council initiatives, studies and projects in the coming months. Due to the social distancing requirements and inability to meet in large groups, the scheduled community engagement for a number of programs are postponed or being moved to different (e.g. online) formats.

Council continues to work on engagement strategies for major projects, in preparation for the confirmation of consultation timeframes.

A review of the forecasted milestones for strategies, major projects and current issues has been compiled. Projected dates were provided to Councillors on 3 June and dates are currently being refined to maximise engagement opportunities. The re-initiation of Council's Advisory Committees is also under consideration, in adherence with current COVID-19 guidelines.

All engagement activities are being assessed against the following principles:

1. Council will ensure that legislative requirements and grant conditions are met.
2. Council will continue to respond to the immediate needs of the community.
3. Council will ensure that public participation seeks out and facilitates the participation of those potentially affected by or interested in a decision. Where this is not feasible, decision-making and key initiative milestones will be put on hold.
4. Council will ensure that those who are affected by a decision have a right to be involved in the decision-making process.
5. Council will properly consider the impacts of COVID-19 on future priorities and resource availability.

### **Recovery Actions**

The following Principles continue to underpin each and every decision in relation to when our services and facilities will be fully returned to pre-COVID operations:

1. Health and safety of the public and staff aligned with State Government advice.
2. Facilitating recovery and reopening of services to the community without unnecessary delay.
3. Acknowledging financial and resource limitations and uncertainty.

Over the longer term, some projections suggest that the social and economic recovery from a pandemic may take up to 10 years. Whilst Council will progressively resume normal operations it is nevertheless anticipated that the previous levels of demand for our facilities and services will take some time to return to normal.

Local Government will be a significant resource in supporting the recovery and rebuilding of our communities and promoting economic activity. In this regard, staff are compiling information on potential projects that can support any stimulus funding that becomes available in either the immediate future or as longer-term recovery efforts commence. Based on known and adopted priorities, these opportunities are being conveyed to State and Federal Governments.

A supplementary report will be provided should circumstances between the publishing of this report and the July meeting require further consideration by Council of COVID-19 related matters.

### **BUDGET**

The budgetary impacts associated with the COVID-19 pandemic are outlined in this report.

### **POLICY**

There are no immediate policy implications associated with this Report. A number of matters contained in this report, however, will be subject to further reporting.

**CONCLUSION**

Council has activated its business continuity plans for its operations in response to the COVID-19 pandemic and implemented the various containment measures of Federal and State Governments. Council's response to the pandemic is assessed on a regular basis.

**RESPONSIBLE OFFICER**

The officer responsible for the preparation of this Report is the General Manager – Steven Head.

STEVEN HEAD  
General Manager  
Office of the General Manager

**Attachments:**

File Reference: F2009/00827  
Document Number: D07941886

**3 SOUTHERN SYDNEY REGIONAL ORGANISATION OF COUNCILS (SSROC)  
MEMORANDUM OF UNDERSTANDING (MOU) - JOINT PROCUREMENT OF RECYCLED  
MATERIAL IN CIVIL WORKS**

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**EXECUTIVE SUMMARY**

- Local Government has a strong vested interest to ensure that current circular economy development efforts are successful to maintain kerbside recycling programs that divert significant quantities of valuable resources from landfill. With global recycling end markets in a state of structural change, it is critical that Australia rapidly develops onshore processing, value adding, manufacturing and national end markets to consume recyclable resources.
- Southern Sydney Regional Organisation of Council's is undertaking a joint procurement process to give member councils of the Memorandum of Understanding (MOU) access to civil construction materials containing recycled content.
- The MOU importantly sends strong market signals to industry to invest in infrastructure, manufacturing capacity and to generate products that will be consumed by signatory councils.
- The MOU is non-binding, signatory councils are under no obligations to meet purchasing quotas and Council can leave the MOU at any time. This initiative is strategically aligned to Council's Waste Matters Strategy and Sustainable Procurement Determination.

**RECOMMENDATION**

THAT:

1. Council join the Southern Sydney Organisation of Councils (SSROC) in the joint procurement of recycled material in civil works.
2. The General Manager be delegated authority to sign the attached Memorandum of Understanding (MOU) on the Procurement of Recycled Materials – Civil Construction Works.

**PURPOSE**

The purpose of this Report is to outline the opportunity available to Council to participate in a joint procurement initiative through a Memorandum of Understanding (MOU) with the Southern Sydney Regional Organisation of Councils (SSROC). The purpose of the MOU is to record the commitment of the Southern Sydney Regional Organisation of Councils (SSROC) and other invited participating councils to procure recycled civil works materials and/or civil works materials with recycled content. Signatory councils will access these civil works recycled materials through a joint procurement and the resulting contract for recycled crushed glass (RCG), asphalt base and wearing course, pipe bedding and non-structural concrete (i.e. footpaths).

**BACKGROUND**

Following the Global Recycling Crisis that commenced when China implemented import bans on recycled materials, many other countries have implemented similar bans that have resulted in the collapse of global recycling markets. Recyclable materials being exported from Australia in recent years have struggled to find offshore markets and this has led to stockpiling and landfilling of valuable resources. It has also highlighted the lack of domestic end markets and inadequate infrastructure for onshore processing of recycled materials. This has prompted federal and state policy makers to urgently investigate circular economy initiatives to process and channel these resources back into the national economy and to explore opportunities for manufacturing and value adding, where materials are consumed onshore and there is less dependency on exports.

With the Coalition of Australian Government's (COAG) Environment Ministers set to ban the export of various recyclable materials, the success of such an approach is contingent on the rapid development of domestic processing to create saleable products and the subsequent secondary markets that will be required to consume them. Local government is in a strategic position to support state and federal circular economy policy by assisting to drive end markets for recycled materials used in civil works and general procurement of goods and services.

The MOU importantly sends strong market signals by prioritising recycled materials in procurement, it also stimulates infrastructure investment and output capacity of businesses utilising recyclable materials in existing and or new manufacturing processes. The first regional precedent for this approach was established by nine South Australian councils, who announced on 18 September 2019 a Memorandum of Understanding (MoU) to increase the purchase of recycled content.

Recognised standards and a growing body of council and industry data now enable the safe and cost-effective adoption of a range of recycled materials across various applications, including materials such as glass, reclaimed asphalt pavement (RAP), reclaimed sand, and tyre crumb in civil works, clearing the way to a regional approach to procurement. Roads and Maritime Services (RMS) updated their specifications earlier this year and are now using recycled crushed glass and RAP in an increasing number of main roads across NSW.

Joint regional procurement by a significant number of councils is expected to create sufficient demand to influence market development beyond the capabilities of individual councils and allow councils to cost-effectively procure safe, high-quality materials that meet specifications and resource recovery targets.

**DISCUSSION**

The General Manager attended a meeting with Monica Barone, Chair of SSROC's Waste Strategy Steering Group in early 2020 on the potential for cross-regional collaboration on strategic waste initiatives. Following that meeting a range of documentation was provided by SSROC for

consideration, including two MOUs to participate in a joint procurement process. One demonstrated in principal support for the process, and the other indicated buy-in to the planned procurement of recycled materials through participation in a panel contract.

As a result, staff from Council's Waste Branch attended a workshop on recycled materials in civil works on 28 February at the City of Sydney. Presentations from this workshop were circulated to other staff within the organisation for consideration in early March 2020. Documentation included a raft of RMS and AUS-SPEC specifications, resources and case studies regarding use of:

- Concrete
- Recycled asphalt pavement (RAP)
- Crushed glass/recycled crushed glass (RCG)
- Crumb rubber
- Toner cartridges
- Steelworks slag

In May 2019, Roads and Maritime Services increased the amount of RCG in asphalt to 2.5% of the total mix in the wearing course and 10% of the total mix in other non-wearing courses to assist create a much-needed market for glass.

The following asphalt specifications were amended:

- R116 Heavy Duty Dense Graded Asphalt
- R117 Light Duty Dense Graded Asphalt
- R118 Crumb Rubber Asphalt
- R121 Stone Mastic Asphalt

A number of Councils outside the SSROC Region have or have indicated they will enter the MOU. Doing so, will provide Council with options to Council to opt in or out of these regional supply contracts dependent upon the market responses received.

### **CONSULTATION**

In the preparation of this Report consultation was undertaken with the NSROC Regional Waste Coordinator and the SSROC Regional Waste Coordinator to ensure strategic alignment with regional waste strategies and Council's Waste and Sustainability strategies. Internal consultation was also undertaken with the General Manager, Director Infrastructure and Major Projects, Director Community and Environment, as well as staff in Civil Works, Waste Management and Strategy and Place.

### **BUDGET**

There are no budgetary implications associated with this Report. Any future contracts would be entered subject to our normal processes within Council. Council may withdraw from the MOU process at any time at its own discretion, without a penalty.

### **POLICY**

Participation in the MOU aligns with Council's wider strategic policies of:

- Sustainable Procurement Determination
- Waste Matters Strategy

- Delivery Program 2020–22
  - Outcome 2.3 – The Shire is resilient and able to respond to climate change events and stresses
  - Outcome 2.2 – People in Hornsby support recycling and sustainability initiatives
- Draft Climate Change Mitigation and Adaptation Plan – Climate Wise Hornsby (2020).

### CONCLUSION

The MOU will assist facilitate the joint procurement initiative and the resulting contract for the supply of various civil works materials containing recyclable content. The MOU is intended to be effective to the completion of the tender process and subsequent contract expiry. Council retains the right to withdraw from the MOU at its full discretion at any time and is under no obligations to purchase materials under the contract. The initiative will assist with the development of a national circular economy, sends important market signals to industry and will assist stimulate investment in processing, value adding and manufacturing using recyclable materials.

### RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Manager, Waste Management - Chris Horsey who can be contacted on 9847 4816 and Julie Ryland, Strategy Manager who can be contacted on 9847 6773.

STEPHEN FEDOROW  
Director - Community and Environment  
Community and Environment Division

STEVEN HEAD  
General Manager  
Office of the General Manager

### Attachments:

1. SSROC MOU - Joint Procurement of Recycled Material - *This attachment should be dealt with in confidential session, under Section 10A (2) (c) of the Local Government Act, 1993. This report contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business. (SSROC have requested that the MOU be Confidential )*

File Reference: F2010/00678-02  
Document Number: D07942084

**4 LOCAL GOVERNMENT REMUNERATION TRIBUNAL - 2020 REPORT AND DETERMINATION - MAYOR AND COUNCILLOR FEES - 2020/21 FINANCIAL YEAR**

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**EXECUTIVE SUMMARY**

- Sections 248(2) and 249(3) of the Local Government Act provide respectively for Council to once each year fix the annual fee payable to Councillors and the additional annual fee payable to the Mayor.
- The annual fees must be fixed in accordance with the relevant annual determination of the Local Government Remuneration Tribunal.
- The Tribunal's 2020 Determination is that there be no increase in the minimum and maximum fees applicable in Councillor and Mayoral fees for the 2020/21 financial year.
- In line with that Determination Councillors will continue to receive an annual fee of \$25,790 with the Mayor receiving an additional annual fee of \$68,530 for 2020/21.
- Sufficient funds have been allocated in the 2020/21 Budget to cover the fees payable to Councillors and the Mayor.

**RECOMMENDATION**

THAT:

1. As a consequence of the 2020 Report and Determination of the Local Government Remuneration Tribunal, Council note that it remains in the Metropolitan Medium Category of NSW councils for the period 1 July 2020 to 30 June 2021.
2. In accordance with Section 248 of the Local Government Act and having considered the 2020 Report and Determination of the Local Government Remuneration Tribunal, an annual fee of \$25,790 be paid to each Councillor for the period 1 July 2020 to 30 June 2021.
3. In accordance with Section 249 of the Local Government Act and having considered the 2020 Report and Determination of the Local Government Remuneration Tribunal, an additional annual fee of \$68,530 be paid to the Mayor for the period 1 July 2020 to 30 June 2021.



## PURPOSE

The purpose of this Report is to provide Council with the 2020 Report and Determination of the Local Government Remuneration Tribunal such that Council can determine the amount of the fee payable to each Councillor, and the additional fee payable to the Mayor, for the 2020/21 financial year.

## BACKGROUND

The Local Government Remuneration Tribunal is established under Chapter 9, Part 2, Division 4 of the Local Government Act. In this regard, Section 239 of the Act states:

- (1) *The Remuneration Tribunal must, at least once every 3 years:*
  - (a) *determine categories for councils and mayoral offices, and*
  - (b) *place each council and mayoral office into one of the categories it has determined.*
- (2) *The determination of categories by the Remuneration Tribunal is for the purpose of enabling the Remuneration Tribunal to determine the maximum and minimum amounts of fees to be paid to mayors and councillors in each of the categories so determined.*

Section 241 of the Act states:

*The Remuneration Tribunal must, not later than 1 May in each year, determine, in each of the categories determined under section 239, the maximum and minimum amounts of fees to be paid during the following year to councillors (other than mayors) and mayors.*

The Tribunal has completed its 2020 Report and Determination recommending the fees payable to councillors and mayors for the 2020/21 financial year – see copy attached.

## DISCUSSION

Section 239 of the LG Act requires the Tribunal to determine the categories of councils and mayoral offices at least once every 3 years. The Tribunal last undertook a significant review of the categories and the allocation of councils into each of those categories in 2017. In accordance with the LG Act the Tribunal undertook a review of the categories and allocation of councils into each of those categories as part of the 2020 review.

The Tribunal invited submissions on the proposed categorisation model, criteria for the allocation of councils into the categories, fees for the proposed categories and any other matters. In response to this review the Tribunal received 38 submissions from individual councils, a submission from LGNSW and a submission from Regional Cities NSW.

Following a review of the submission and consideration of all relevant matters, the Tribunal determined to retain a categorisation model which differentiates councils primarily on the basis of their geographic location, and other factors including population, the sphere of the council's economic influence and the degree of regional servicing.

For the Metropolitan group the Tribunal decided to retain the existing categories but has amended the population criteria applicable to Metropolitan Large and Metropolitan Medium. For the Non-Metropolitan group, the Tribunal has determined to: create two new categories - Major Strategic Area and Regional Centre; rename one category - Regional City to Major Regional City; and revise the criteria for some of the existing categories to account for the new categories.

In accordance with section 239 of the LG Act the categories of general-purpose councils are as follows:

#### **Metropolitan**

- Principal CBD; Major CBD; Metropolitan Large; Metropolitan Medium; and Metropolitan Small

#### **Non-metropolitan**

- Major Regional City; Major Strategic Area; Regional Strategic Area; Regional Centre; Regional Rural; and Rural

The review did not result in an amendment to the categorisation for Hornsby Shire Council and it will remain in the Metropolitan Medium category of NSW councils along with eight other Councils - Bayside, Campbelltown, Camden, Georges River, Ku-ring-gai, North Sydney, Randwick and Willoughby.

The Tribunal will next consider the model, the criteria applicable to each group and the allocation of councils in detail in 2023.

The Tribunal has also reviewed the key economic indicators, including the Consumer Price Index and Wage Price Index, and, given the current economic and social circumstances, has determined that there be no increase in the minimum and maximum fees applicable to each existing category.

#### **Impact on Council**

The fees determined by the Tribunal as being applicable to the Metropolitan Medium category of councils are:

<b>Councillor</b>	<b>Mayor</b>
Annual Fee Minimum - Maximum	Additional Fee Minimum - Maximum
\$13,820 - \$25,790	\$29,360 - \$68,530

In June 2019, when Council determined the fees payable to Councillors and the Mayor for the 2019/20 financial year, it resolved to pay fees at the maximum level. This was consistent with decisions in previous years. Should Council resolve to continue to pay fees at the maximum level for the 2020/21 period, this would maintain the current fee for Councillors and the Mayor.

#### **BUDGET**

Sufficient funds have been allocated in the 2020/21 Budget to cover the fees payable to Councillors and the Mayor.

#### **POLICY**

There are no policy implications associated with this Report.

#### **CONCLUSION**

It is considered appropriate that the maximum fee for the Metropolitan Medium category be paid to Hornsby Shire Councillors and the Mayor for the period 1 July 2020 to 30 June 2021. This would result in each Councillor receiving an annual fee of \$25,790 and the Mayor receiving an additional annual fee of \$68,530 for the 2020/21 financial year.


#### **RESPONSIBLE OFFICER**

The officer responsible for the preparation of this Report is the Manager, Governance and Customer Service – Robyn Abicair, who can be contacted on 9847 6608.

ROBYN ABICAIR  
Manager - Governance and Customer Service  
Corporate Support Division

GLEN MAGUS  
Director - Corporate Support  
Corporate Support Division

**Attachments:**

1.  Local Government Remuneration Tribunal Annual Report 2020

File Reference: F2004/09552-02

Document Number: D07919211

**5 INVESTMENTS AND BORROWINGS FOR MAY 2020 - STATUS FOR PERIOD ENDING 31 MAY 2020**

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**EXECUTIVE SUMMARY**

- This Report provides details of Council's investment performance for the period ending 31 May 2020 as well as the extent of its borrowings at the end of the same period.
- Council invests funds that are not, for the time being, required for any other purpose. The investments must be in accordance with relevant legislative requirements and Council's policies and the Chief Financial Officer must report monthly to Council on the details of funds invested.
- All of Council's investments have been made in accordance with the Local Government Act, the Local Government (General) Regulation and Council's Investment of Surplus Funds Policy and Investment Strategy.
- In respect of Council's cash and term deposit investments, the portfolio achieved an annualised return for May 2020 of 3.40% and year to date 1.99%.

**RECOMMENDATION**

THAT the contents of Director's Report No. CS18/20 be received and noted.

**PURPOSE**

The purpose of this Report is to advise Council of funds invested in accordance with Section 625 of the Local Government Act; to provide details as required by Clause 212(1) of the Local Government (General) Regulation and Council's Investment of Surplus Funds Policy; and to advise on the extent of Council's current borrowings.

**BACKGROUND**

Legislation requires that a report be submitted for Council's consideration each month detailing Council's investments and borrowings and highlighting the monthly and year to date performance of the investments. Initial investments and reallocation of funds are made, where appropriate, after consultation with Council's financial investment adviser and fund managers.

**DISCUSSION**

Council invests funds which are not, for the time being, required for any other purpose. Such investment must be in accordance with relevant legislative requirements and Council Policies, and the Chief Financial Officer must report monthly to Council on the details of the funds invested.

Council's investment performance for the month ending 31 May 2020 is detailed in the attached document. In summary, the portfolio achieved an annualised return for May 2020 of 3.40% and year to date 1.99%.

In respect of Council borrowings, the weighted average interest rate payable on outstanding loans taken out from June 2010 to date, based on the principal balances outstanding is 6.32%. The Borrowings Schedule as at 31 May 2020 is also attached for Council's information.

**BUDGET**

Revised budgeted income for 2019/20 is \$6,397,008 with an average budgeted monthly income of \$553,084. Net investment income for the month ended 31 May 2020 was \$729,588 which includes interest income of \$402,377 and a gain of \$327,211 from TCorp Managed Funds.

Budgeted investment income year to date at May 2020 is \$5,863,923. Total investment income year to date at 31 May 2020 is \$5,447,367 which includes a year to date net loss of \$127,400 from TCorp Managed Funds and a one-off receipt of \$319,902 in relation to a class action against Standard and Poor's for compensation of losses incurred on structured investment products during the global financial crisis.



Approximately 30% of the investment income received by Council relates to externally restricted funds (e.g. Section 7.11 and Section 7.12 development contribution funds) and is required to be allocated to those funds. All investments have been made in accordance with the Local Government Act, the Local Government (General) Regulation and Council's Investment of Surplus Funds Policy and Investment Strategy.

Current market instability caused by uncertainty over current external factors have led to a cut in the cash rate in March 2020. The consequence of this rate cut will have an impact on the reinvestment of term deposit rates. While the returns from TCorp Managed Funds are presently experiencing significant market volatility due to Covid-19 Pandemic, this product has a 7-year investment horizon and will therefore reflect marked to market valuations on a monthly basis. Advice from Council's Independent Investment Advisor, Prudential Investment Services is to hold this investment for the 7-year timeframe as originally planned. This is due to the anticipated net positive performance returns that will be gained over the long term for this investment.

DUNCAN CHELL  
Chief Financial Officer  
Corporate Support Division

GLEN MAGUS  
Director - Corporate Support  
Corporate Support Division

**Attachments:**

1.  HSC Investment Summary Report 31 May 2020
2.  HSC Borrowings Schedule 31 May 2020

File Reference: F2004/06987-02  
Document Number: D07928376

**6 REPORT ON EXHIBITION OF DRAFT HORNSBY SECTION 7.11 DEVELOPMENT CONTRIBUTIONS PLAN**

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**EXECUTIVE SUMMARY**

- A new draft *Hornsby Section 7.11 Development Contributions Plan 2020-2030 (Section 7.11 Plan)* was prepared following the transfer of lands south of the M2 motorway to the City of Parramatta Council.
- The new Plan includes updated terminology and references and a new works schedule that includes projects identified through strategic planning studies and/or Council's operational and delivery plan.
- The draft *Section 7.11 Plan* was placed on public exhibition from 22 April 2010 to 25 May 2020. Two submissions were received.
- One submission raises concern that the Plan does not include a levy for acquisition of additional open space land, within Byles Creek in particular, and questions the removal of the Byles Creek bushwalking track project from the works schedule.
- The other submission raises concern about the different infrastructure needs, VPAs and the amount of money allocated to bushwalking trails.
- The issues raised in the submissions are addressed in this report. No changes are recommended to the Section 7.11 Plan in response to submissions.
- It is recommended that Council adopt the draft *Hornsby Section 7.11 Development Contributions Plan 2020-2030* attached to this Report.

**RECOMMENDATION**

THAT:

1. Council adopt the draft *Hornsby Section 7.11 Development Contributions Plan 2020-2030*, attached to Director's Report No. PL11/20.
2. Adoption of the *Hornsby Section 7.11 Development Contributions Plan* be notified on the Council website.
3. Submitters be informed of Council's decision.

## PURPOSE

The purpose of this Report is update Council on the public exhibition of the draft *Section 7.11 Plan*.

## BACKGROUND

At its meeting on 8 April 2020, Council considered Director's Report No. PL6/20 presenting a new draft *Section 7.11 Development Contributions Plan* and resolved that:

1. *Council exhibit the draft Hornsby Section 7.11 Development Contributions Plan 2020-2030 attached to Director's Report No. PL6/20 for a period of 28 days in accordance with Clause 28 of the Environmental Planning and Assessment Regulation 2000.*
2. *Following the exhibition, a Councillor Workshop be held which considers the submissions received, discusses the priorities in light of COVID-19 and the sharing of projects across the Wards of Hornsby Shire in line with Section 7.11 Development Contribution requirements.*
3. *Following the exhibition and workshop, a further report be submitted for Council's consideration.*

In accordance with Council's resolution, the draft *Section 7.11 Plan* was exhibited from 22 April 2020 to 25 May 2020 and a Councillor Workshop held on 3 June 2020. This report actions Part 3 of Council's resolution.

## DISCUSSION

This report discusses the public exhibition of the draft *Section 7.11 Plan*, the submission received and the post-exhibition Councillor Workshop.

### Public Exhibition

In accordance with Clause 28 of the *Environmental Planning and Assessment Regulation 2000*, the draft *Section 7.11 Plan* was exhibited on the Council website, with submissions open from 22 April 2020 to 25 May 2020.

In addition, due to the local papers no longer being published as a result of COVID19 crisis, a public notice was placed in *The Daily Telegraph* which has broad coverage across the Sydney metropolitan area. The advertisement provided information that the draft *Section 7.11 Plan* could be viewed on Council's website.

Two submissions were received on the exhibition of the draft *Section 7.11 Plan*. The first submission, by Byles Creek Valley Union, was made during the exhibition period. The second submission, by a member of the community, was received after the close of the exhibition by public address at a Council meeting. The issues raised in submissions are discussed below.

### **Byles Creek**

The Byles Creek Valley Union raises concern that the draft *Section 7.11 Plan* does not include a levy for acquisition of additional open space land, within Byles Creek in particular. The submission also questions why the Byles Creek bushwalking track project has been removed from the works schedule when the walking track is not complete and cannot be until additional land is acquired.

The submission requests that the draft *Section 7.11 Plan* be amended to include the acquisition of land in Byles Creek to enable the completion of the Byles Creek walking track.

### **Comment:**



Acquisition of land within Byles Creek does not have a nexus to new development under the *Section 7.11 Plan* and therefore, future development cannot be levied for this purpose. Land zoned for acquisition within Byles Creek has been identified to meet the needs of the existing population and Council is separately reviewing its Acquisition Strategy for Byles Creek.

The current *Section 94 Development Contributions Plan* includes a project in the works schedule – OS-024 Byles Creek, Pennant Hills – Extend and upgrade bushwalking tracks. This project was completed, with existing informal tracks upgraded in several sections south of Britannia Street, Pennant Hills. The project has therefore been removed from the works schedule in the draft Plan.

**Recommendation:**

No amendments be made to the draft *Section 7.11 Plan* in response to the submission concerning Byles Creek.

**Hornsby Quarry and Westleigh**

The submission raises concern that the draft *Section 7.11 Plan* allocates substantial funds for projects in relation the Hornsby Quarry and Westleigh.

**Comment:**

The works identified under the draft Plan are principally upgrades and embellishments to existing tracks and trails to support the future demand of recreational users. The works are to provide track head information and improve the quality and condition of the trails for recreational user experience.

**Recommendation:**

No amendments be made to the draft *Section 7.11 Plan* in response to the submission concerning Hornsby Quarry and Westleigh projects.

**Value uplift**

The submission raises concern about the different infrastructure needs in a town centre situation, such as Hornsby Town Centre, as compared to a more suburban situation. It suggests that the land value uplift of a development in the different areas should have different values per m<sup>2</sup> for the same increase in Floor Space Ratio.

**Comment:**

The draft *Section 7.11 Plan* has been prepared in accordance with the EP&A Act. Section 7.11 of the EP&A Act provides that consent may be granted to a development application or a complying development certificate subject to a condition of consent, but only if the consent authority is satisfied that the development subject to that consent will, or is likely to, require the provision of, or increase, in public amenities and public services within the area.

Accordingly, Section 7.11 only facilitates the imposition of conditions of consent requiring monetary contributions or dedication of land. It does not facilitate the rezoning of land wherein there may be an uplift in underlying land value. Accordingly, it is beyond the power of the *Section 7.11 Plan* to include a mechanism to capture any uplift in land value.

**Recommendation:**

No amendment be made to the draft *Section 7.11 Plan* as a consent authority would not have statutory power to apply any value capture provisions via a condition of development consent. Council's Local Strategic Planning Statement includes an action (LA7) to investigate value sharing models and options that can deliver social infrastructure and other community benefits.

### **Voluntary Planning Agreements**

The submission notes that where Voluntary Planning Agreements (VPAs) arise from Planning Proposals, the provision of local infrastructure should provide for better enforcement mechanisms in such situations to ensure public open space and other community facilities are publicly accessible, that VPAs should have a maximum density requirement per hectare and not be permitted to replace the contributions levied under Section 7.11 or Section 7.12 Plans.

#### **Comment:**

The draft *Section 7.11 Plan* has no statutory purpose in the context of a Planning Proposal as contributions pursuant to the Plan may only be imposed via a condition of consent relating to a development application or complying development certificate. The terms of any proposed VPA are at the sole discretion of the elected Council by agreement with a developer and in accordance with the requirements of Sections 7.9 to 7.10 of the EP&A Act and Part 4 Division 1A of the Environmental Planning and Assessment Regulation 2000.

In addition, Section 7.4 of the EP&A Act specifically envisages that a VPA may exclude (wholly or in part) the application of Section 7.11 or Section 7.12. It is a matter for the elected Council to consider the terms of a proposed VPA and the resultant public benefit of entering into such an agreement.

#### **Recommendation:**

No amendment be made to the draft *Section 7.11 Plan* in response to the submission on VPAs.

### **Councillor Workshop**

In accordance with Council's resolution, a post-exhibition workshop was held on 3 June 2020 to consider the submission received and discuss the priorities in light of COVID-19 and the sharing of projects across Wards in line with Section 7.11 contributions requirements.

At the workshop it was noted that the Catchment boundaries under the contributions plan are necessarily different to Ward boundaries, based on where growth is forecast across the Shire. The projects within the works schedule align to support the new development.

The draft *Section 7.11 Development Contributions Plan* was prepared in advance of the Prime Minister activating the Australian Health Sector Emergency Response Plan for Novel Coronavirus. Recent COVID 19 legislation amendments were discussed at the workshop, including the Planning Minister's new powers to issue directions to councils concerning pooling of funds and the timing of payments.

In addition, Council is required to prepare a program of works that can be delivered in the short term (2 years) and submit it to the Minister of Planning by 3 July 2020. Adoption of the new *Section 7.11 Plan* is critical to the delivery of the projects and the program to be submitted to the Minister.

### **BUDGET**

The cost of consultant input into the preparation of the contributions plan and review of submissions has been met within the Strategic Land Use Planning Branch annual operating income.

### **POLICY**

The *Hornsby Section 7.11 Development Contributions Plan 2020-2030* will repeal and supersede the current *Hornsby Section 94 Development Contributions Plan 2014-2024*. Should Council resolve to adopt the draft plan, a public notice of Council's decision will be placed on the Council website.

## CONCLUSION

The draft *Hornsby Section 7.11 Development Contributions Plan 2020-2030* was prepared to update the terminology, references and exemptions relating to levying development contributions and to provide an updated works program for the period 2020-2030, based on the revised Local Government Area boundary following the transfer of lands south of the M2 motorway to the City of Parramatta Council.

The draft *Section 7.11 Plan* was exhibited on Council's website from 22 April 2020 to 25 May 2020. A public notice was also placed in *The Daily Telegraph* advising of the exhibition of the Plan.

Two submissions were received on draft *Section 7.11 Plan*, which have been addressed in this Report. No further changes are proposed to the Plan.

This Report recommends that the draft *Hornsby Section 7.11 Development Contributions Plan 2020-2030* attached to this report be adopted, that the decision be notified on Council's website and that the submitters be informed of Council's decision.

## RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Manager, Strategic Landuse Planning – Katherine Vickery - who can be contacted on 9847 6744.

KATHERINE VICKERY  
Manager - Strategic Landuse Planning  
Planning and Compliance Division

JAMES FARRINGTON  
Director - Planning and Compliance  
Planning and Compliance Division

## Attachments:

1.  Hornsby Section 7.11 Development Contributions Plan 2020-2030

File Reference: F2010/00015-04

Document Number: D07911781

## **7 PLANNING PROPOSAL - 805 - 821 OLD NORTHERN ROAD, DURAL**

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### **EXECUTIVE SUMMARY**

- Council has received an owner-initiated Planning Proposal seeking to amend Schedule 1 of the *Hornsby Local Environmental Plan (HLEP) 2013* to permit a service station as an additional permitted land use on the site.
- In accordance with Council practice, the proposal was placed on preliminary (non-statutory) exhibition from 23 April 2020 to 11 May 2020. Council received 30 submissions raising objections to the proposal. Submissions from The Hills Shire Council and Transport for NSW outline matters to be addressed should the proposal progress.
- Concerns are raised with respect to traffic, road infrastructure, uncertainty regarding impacts on trees, inconsistencies with the North District Plan, Section 9.1 Ministerial Directions, the Hornsby Local Strategic Planning Statement and potential inconsistencies with other local strategic studies undergoing preparation.
- No clear community benefit has been identified to justify changes to planning controls to permit a service station on the site and the Local Planning Panel has reviewed the proposal advising it does not support progression of the Planning Proposal.

### **RECOMMENDATION**

THAT:

1. Council not support the progression of the Planning Proposal to permit a service station as an additional permitted use under Schedule 1 of the *Hornsby Local Environmental Plan 2013* at Nos. 805-821 Old Northern Road, Dural for the following reasons:
  - 1.1. No clear community benefit has been identified to justify changes to planning controls.
  - 1.2. Inconsistency with the Greater Sydney Regional Plan and the North District Plan.
  - 1.3. Inconsistency with Section 9.1 Ministerial Directions.
  - 1.4. Inconsistency with the Hornsby Local Strategic Planning Statement.
  - 1.5. Progression of a planning proposal prior to completion of Rural Lands Study and Employment Lands Study is premature.
  - 1.6. The proposal will have unacceptable impacts on the road network.
  - 1.7. There are potential impacts on trees due to required road works.
2. The proponent and submitters be advised of Council's decision.

## PURPOSE

The purpose of this Report is to present an owner-initiated Planning Proposal for property Nos. 805-821 Old Northern Road, Dural for Council to determine whether the proposal should be supported for progression to the Department of Planning, Industry and Environment for a gateway determination.

## BACKGROUND

On 24 January 2020, an informal pre-lodgement meeting was held to discuss the possible lodgement of a Planning Proposal for a service station on the site. At the meeting, Council officers discussed the strategic work being undertaken by Council, including the Local Strategic Planning Statement (now endorsed), the Rural Lands Study, Employment Lands Study and the Economic Development and Tourism Study.

At the meeting, the proponent was advised that progression of a planning proposal before the various studies are completed and endorsed by Council may not be supported. Other general requirements for lodgement, documentation required and the option for arranging a formal pre-lodgement meeting to obtain more formal advice from Council were discussed.

The Planning Proposal was lodged with Council on 6 April 2020.

## DISCUSSION

This report considers the merits of the Planning Proposal (attached) in relation to State and local planning policies and the potential impacts of the proposal. Preliminary consultation and submissions received are also summarised.

### 1. The Site

The site is identified as Lot 3 DP 576771, Nos. 805-821 Old Northern Road, Dural. The site is located on the southern side of Old Northern Road, to the west of the roundabout intersection of Old Northern Road with New Line Road.

The site is an irregular shaped allotment with an area of 1.613 hectares. The site has a frontage of 73 metres to Old Northern Road and a depth of approximately 200 metres. The site experiences a gradual fall from Old Northern Road to the rear southern boundary.

The site contains vegetation adjacent to Old Northern Road which forms part of a heritage item of local significance. The remainder of the site is clear of vegetation. The site is affected by a road widening easement and is identified for acquisition. The site contains two non-habitable sheds of metal construction, which are accessed from a driveway from Old Northern Road.

The site adjoins a property owned by Sydney Water containing a large water tank to the east (273-275 Old Northern Road), a holiday park on the eastern boundary within the southern half of the site (269 New Line Road) and a rural property at the southern and western boundary which contains a dwelling-house (795-803 Old Northern Road). The site is located within the vicinity of Round Corner (commercial uses) to the west and the Dural Service Centre (commercial/industrial uses) to the east.

There are no recent applications for development of the site, however the site (combined with the western adjoining property, No. 795-803) was subject to a Site Compatibility Certificate application for a seniors living development which was refused by the Sydney North Planning Panel in March 2019.

Other service stations located in the vicinity of the site include:

- 532 Old Northern Road, Dural (located approx. 600m north-west of the site)
- 582 Old Northern Road, Dural (located approx. 200m north-east of the site)

- 592-596 Old Northern Road, Dural (located approx. 500m north-east of the site)
- 917-923 Old Northern Road, Dural (located approx. 1.5km north of the site)

## 2. The Proposal

The proposal seeks changes to the *Hornsby Local Environmental Plan 2013* (HLEP) by:

- Amending Schedule 1 – Additional Permitted Uses, to prescribe that development for the purpose of a service station is permitted with consent on Lot 3, DP 576771, Nos. 805-821 Old Northern Road, Dural.
- Amending the Additional Permitted Uses map to reflect the proposed additional permitted use on the site.

The concept plans submitted with the application include a car canopy with four petrol bowsers, a shop (240 square metres), a vehicle workshop (720 square metres) and car parking spaces for 24 vehicles. The vehicular access into the site from Old Northern Road would be via a new driveway on the eastern side of the site and exit via a separate driveway on the western side of the site.

The proposal identifies that no trees are proposed to be removed, however one tree within the road reserve is recommended for removal due to poor health and safety concerns.

The proposal specifies that it does not seek to preclude the permitted residential use on the site.

Supporting documentation and technical studies submitted along with the Planning Proposal include:

- Arborist Assessment (McArdle Arboricultural Consultancy, 27 March 2020)
- Traffic and Parking Impact Report (Motion Traffic Engineers, February 2020)
- Carpark and Driveway Certification, (Motion Traffic Engineers, March 2020)
- Concept Site Plan, (Arrowfield Design, 23 March 2020)
- Survey plan, (Iredale and Associates, 5 February 2020)

The Planning Proposal is attached to this report and the above listed documents can be viewed at: [hornsby.nsw.gov.au/property/build/policies/planning-proposals/Planning-Proposal-for-805-821-Old-Northern-Road,-Dural](https://hornsby.nsw.gov.au/property/build/policies/planning-proposals/Planning-Proposal-for-805-821-Old-Northern-Road,-Dural)

It should be noted that the concept plans have been submitted to seek to demonstrate that the proposed use could reasonably be accommodated on the site. Should the Planning Proposal be progressed, any service station development would not be limited to the design shown on the concept plans. Development would be the subject of a future development application.

## 3. Strategic and Statutory Context

Relevant policies and legislation are discussed below.

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

*A Metropolis of Three Cities – the Greater Sydney Region Plan* has been prepared by the NSW State Government to guide land use planning decisions for the next 40 years (to 2056). The North District Plan is a guide for implementing the Greater Sydney Region Plan at a District level and is a bridge between regional and local planning.

The plans set strategies and actions for accommodating Sydney's future population growth and identifies key targets such as dwelling numbers, infrastructure planning, liability, sustainability and productivity.

The site is located within the land identified as the Metropolitan Rural Area (MRA). Objective 29 of the Greater Sydney Region Plan seeks to ensure that the environmental, social and economic values in rural areas are protected and enhanced. Under Planning Priority N18: Better Managing Rural Areas of the North District Plan, there are two actions that Council is required to consider in land use planning that are relevant to the proposal:

*Action 69. Maintain or enhance the values of the Metropolitan Rural Area using place-based planning to deliver targeted environmental, social and economic outcomes.*

*Action 70. Limit Urban Development to within the Urban Area.*

Council is currently preparing a Rural Lands Study that will address the above actions through a place-based planning approach (see below under the heading Draft Rural Lands Study). The proposed service station on a rural zoned property would not enhance the values of the rural area and does not give effect to the North District Plan and its actions for managing rural areas.

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

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

The planning proposal has been considered against the following Directions relevant to the proposal:

#### *Direction 1.2 – Rural Zones*

The objective of this Direction is to protect the agricultural production value of rural land. The Direction prescribes that a planning proposal not rezone land from a rural to a residential, business, industrial, village or tourist zone and not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).

Although the proposal does not propose a rezoning, it proposes a business use in a rural zone. Concern is raised that the proposal is inconsistent with this Direction and its objectives to protect the agricultural production value of rural land.

#### *Direction 2.1 - Environmental Protection Zones*

The objective of this direction is to protect and conserve environmentally sensitive areas. The direction prescribes that a planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas; and must not reduce the environmental protection zones or standards that apply in a LEP.

The site does not contain land zoned for Environmental protection, is not located within the vicinity of land zoned for Environmental Protection and not identified as being an environmentally sensitive area. The proposal is consistent with this direction.

#### *Direction 2.3 - Heritage Conservation*

This Direction seeks to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. It prescribes that a planning proposal must contain provisions that facilitate the conservation of items of heritage significance to the area.

The trees within the front portion of the site form part of a heritage item (No.448 - roadside trees, located east of Round Corner shops to reservoirs on Old Northern Road, Glenhaven), listed under Schedule 5 of the HLEP.

The proposal indicates that the heritage listed trees would not be adversely impacted by the proposal. However, in response to requirements of Transport for NSW (TfNSW) and Council's assessment of the traffic implications, road works including a deceleration lane would be required to be constructed for the proposal, which would likely result in the removal of the street trees.

The Direction prescribes that a planning proposal may be inconsistent with the Direction if it is demonstrated that the potential inconsistency is of minor significance. Further information would be required to assess the impact to trees as a result of the required road works to determine whether the impact is of minor significance. This would include an updated arboricultural report and a heritage impact statement.

#### *Direction 2.6 – Remediation of Contaminated Land*

The objective of this Direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered. The Direction prescribes that a change of use/zoning cannot be made unless the planning proposal authority has considered whether the land is contaminated and any suitable mitigation measures if required.

The site is located in a rural zone and a review of Council's files and air photos indicates that the site has been previously used for agriculture. The *Managing Land Contamination: Planning Guidelines – SEPP 55 Remediation of Land* indicate that agricultural activities may result in land contamination.

A Preliminary Hazard Analysis would be required to consider the potential contamination of the site and determine whether further investigation is required to ensure the site is appropriate for the proposed use and consistency with this Direction.

#### *Direction 4.4 - Planning for Bushfire*

The objective of the Direction is to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land use and encouraging sound management of bushfire prone areas. This Direction applies to planning proposals that will affect, or are in proximity to, bushfire prone land.

The site is not identified as bushfire prone land, however is located approximately 150m north of land identified as a bushfire risk buffer zone. Should a gateway determination be issued, the NSW Rural Fires Service would be consulted prior to undertaking community consultation to determine whether the proposal is acceptable with respect to bushfire risk and whether further information, such as a bushfire risk assessment is required.

#### *Direction 6.3 – Site Specific Provisions*

The objective of this Direction is to discourage unnecessarily restrictive site-specific planning controls. This Direction prescribes that to allow a development proposal to be carried out, the zone should be amended to allow the use, the site should be rezoned to a zone which allows the use, or the use should be permitted on the land without imposing additional development standards or requirements to those already permitted in the zone.

It is unlikely that a service station would be recommended for inclusion as a permitted land use in rural zones. However, this matter would need further consideration, including consideration of the outcomes of the Rural Lands Study (see discussion below under the heading Draft Rural Lands Study).



Rezoning of the site to a business zone (in which service stations are currently permitted in the HLEP) would not be appropriate, as this would provide greater opportunities for development of a range of commercial activities within an otherwise rural area. Allowing a service station as an additional permitted land use would provide certainty of the future use and it is unlikely additional development standards would be required. However, site specific DCP controls may be required for matters relating to site access, setbacks and design.

### ***Hornsby Community Strategic Plan - Your Vision Your Future 2028***

The Hornsby Community Strategic Plan 'Your Vision Your Future 2028' is a 10-year vision that identifies the main priorities and aspirations for the future of Hornsby Shire and is Council's long-term plan to deliver the best possible services for the Shire.

The proposal is not consistent with the relevant outcomes and indicators, being to protect and care for the natural environment, revitalise commercial centres and a road network which provides for efficient traffic flows. The proposal has the potential to impact on trees, represents an out-of-centre commercial use and raises traffic concerns on an already congested road network.

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

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

Relevant actions in the LSPS include:

- Action SA11: Finalise the Rural Lands Study.
- Action LA2: Focus future housing opportunities on the Hornsby Town Centre.
- SA12: Continue to partner with the Greater Sydney Commission to advocate for changes to State planning policy to deliver an appropriate outcome for seniors housing that will protect rural lands.

Once the Rural Lands Study is finalised and adopted by Council, it will inform future amendments to the LSPS which may include new actions relating to managing rural lands. The action to concentrate future housing opportunities in the Hornsby Town Centre will protect the character of low-density residential areas and rural lands.

Council's action relating to seniors housing (SA12) is to advocate for changes the *State Environmental Planning Policy – Housing for seniors or People with a Disability* to ensure that seniors living developments under the SEPP are not approved on rural land. The change would ensure consistency of the policy with the Greater Sydney Regional Plan and North District Plan to protect the values of the metropolitan rural area.

A site-specific planning proposal for a service station on rural zoned is generally inconsistent with the LSPS actions.

### ***Accelerated LEP Review Studies***

As part of the Accelerated LEP Review, there a number of strategies Council is undertaking in various stages of completion. The strategies, once completed and endorsed by Council, will inform future amendments to the LSPS and planning controls including the HLEP and DCP. The Rural Lands Study and Employment Lands Study are the strategies most relevant to this proposal and are outlined below:

*Draft Rural Lands Study*

The Rural Lands Study is being prepared to set the strategic direction for the rural lands within Hornsby Shire. It will address actions in the North District Plan to use place-based planning to maintain and enhance the values of the area and deliver targeted environmental, social and environmental outcomes.

The place-based planning approach involves the identification of landscape areas and a character statement for each. A landscape area is a place with shared characteristics such as landform, vegetation, land uses and other unique qualities. The place-based approach enables the Study to make recommendations specific to each landscape area, having regard to the unique landscape qualities and opportunities.

SGS Economics and Planning in partnership with RMCG have been engaged by Council to prepare the Rural Lands Study. As part of the preliminary stages of the Study, 13 draft landscape areas were identified with a draft character statement for each. These draft landscape areas were exhibited to the community in late 2019 to obtain feedback on the appropriateness on the landscape area boundaries and character statements.

The site is located within the Georges Creek draft landscape area, which comprises land within the suburbs of Dural and Glenhaven, bounded by Old Northern Road, New Line Road and Hastings Road. The draft character statement for Georges Creek was exhibited as follows:

*'The Georges Creek landscape area is bounded by Glenhaven Road and Old Northern Road. This landscape area is in the catchment of Georges Creek, a tributary to the Berowra Creek.*

*The landform in this location gently slopes down towards the creek valley, where vegetation becomes denser and often frames views.*

*The landform in this area is underlain with sandstone and has deep, yellow red soils with rocky outcrops. Here, remnant native vegetation is tall, however there is evidence of pressure from nearby residential and urban uses as significant land clearing has occurred and a hard boundary is seen between rural and urban uses on either side of the rural area boundary. Most rural landscape lots appear to be used for lifestyle purposes.'*

The feedback received during community consultation is being considered as work on the Rural Lands Study is nearing completion. The community feedback and further work on the Study will inform refinements to draft landscape areas and character statements, which will be outlined in the final draft Study.

The Planning Proposal was referred to the Rural Lands Study consultant team for comment as part of Council's evaluation of the proposal. The advice from the consultant team is based on work completed on the Study to date.

Matters raised in the consultant's evaluation of the Planning Proposal are summarised below:

- The proposal is not consistent with the desired character of the Georges Creek landscape area, as exhibited during the preliminary stage of the Rural Lands Study.
- A service station is typically a visually prominent use, with vehicle entrances and exits, tall structures, and large signage/lighting directly adjacent to the road reserve. The proposed development would be visually prominent, and not in keeping with the preliminary principles established as part of the Study to protect scenic and landscape values.

- Although the site is opposite the Round corner residential area (zoned R2 Low Density) on the northern side of Old Northern Road (within The Hills LGA), this area is situated among broader rural (RU6) land in The Hills Shire, and areas of RU2 Rural Landscape and E3 Environmental Protection zoned land in Hornsby Shire.
- A service station on the site would constitute development for an urban service outside a commercial centre. Service stations would be more appropriately located within commercial land in the nearby Round Corner, Dural service centre or other rural villages.
- Preserving non-urban breaks and avoiding ribbon development on major roads between villages will be key to retaining rural character and protecting scenic and landscape values. A service station on the site would not to maintain the break between rural villages and would compromise rural character.
- The proposal justifies land use for a service station by submitting that the lot size is too small to be used for agricultural purposes. Agricultural viability is based on a range of factors, not based on lot size alone. Land and soil capacity, local market conditions, land value and broader macro trends all affect viability.
- Land within the Metropolitan Rural Area should not be used as a place to transition land uses and locate overflow urban activities with a view to eventually transitioning the zoning and expanding the Greater Sydney Urban Area.
- A service station on the site would be for commercial purposes only, without any link to other activities encouraged under the RU2 zone. The proposed land use does not reinforce primary production and other compatible uses across the Hornsby rural area.

Given the extensive work being progressed, it would not be appropriate for a site-specific planning proposal to be progressed ahead of the completion of the Rural Lands Study, as the consistency of the proposal with the outcomes of the Study is unlikely based on the above comments.

#### *Draft Employment Lands Study*

The Employment Lands Study will consider the economic and employment issues and trends affecting Hornsby Shire will review the current areas zoned for business and industrial purposes and consider future land use needs. The Employment Lands Study is nearing completion. However, the recommendations and outcomes are not confirmed. Notwithstanding, the business and industrial zones that service stations are currently permitted in provide appropriate opportunities for the location of service stations.

#### ***Hornsby Local Environmental Plan 2013***

The proposal does not propose to change the zoning of the site from RU2 Rural Landscape. The objectives of the RU2 (Rural Landscape) zone are:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To maintain the rural landscape character of the land.*
- *To provide for a range of compatible land uses, including extensive agriculture.*
- *To encourage land uses that support primary industry, including low-scale and low-intensity tourist and visitor accommodation and the provision of farm produce direct to the public.*

- *To ensure that development does not unreasonably increase the demand for public infrastructure, services or facilities.*

There are a range of land uses permitted in the RU2 zone that are compatible with the zone objectives. These include (but are not limited to) aquaculture, animal boarding or training establishments, child care centres, community facilities, dwelling houses, eco-tourist facilities, extractive industries, farm buildings, garden centres, intensive livestock agriculture, intensive plant agriculture, roadside stalls bed and breakfast accommodation and farm stay accommodation. Service stations are prohibited.

The objectives of the SP2 (Infrastructure - Road) zone are:

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*

The SP2 land is identified on the HLEP Land Acquisition map for road widening. The road widening easement contains trees which are listed as a heritage item of local significance under Schedule 5 of the HLEP.

The Planning Proposal seeks to add the site to Schedule 1 – Additional Permitted Uses to permit a service station and for the associated LEP map to identify the same. This approach would not require a change to the zoning or other development standards. However, should a Gateway Determination be issued, the proposed amendment to Schedule 1 should not apply to that part of the land that is zoned SP2 (Infrastructure – Road).

#### ***Hornsby Development Control Plan***

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

The relevant Parts of the HDCP that would be applicable to the Planning Proposal are *Part 1 – General* and *Part 2 Rural*.

Part 1 - General identifies controls concerning the Built Environment (such as car parking and effluent disposal), Natural Environment (such as biodiversity and stormwater management) and hazards (such as bushfire and flooding).

Part 2 - Rural also applies to the subject land and identifies controls concerning the scale and design of rural dwellings/buildings and controls for rural land uses such as agriculture and tourism.

Should a gateway determination be issued, further consideration of any site specific HDCP controls for the service station would be required.

#### **4. Impacts of the Proposal**

The potential impacts of the Planning Proposal are discussed below, along with the supporting documentation and technical studies submitted by the proponent in support of the proposal.

##### ***Traffic***

The Traffic and Parking Impact Assessment Report provided by the proponent appears to have several inaccuracies and unjustified planning assumptions.

Old Northern Road has been incorrectly designated as a sub arterial road with two travel lanes each way for traffic. The correct designation of Old Northern Road is a classified undivided State arterial road. In the vicinity of the subject site, the road carriageway has only one lane in each direction and not two lanes as noted in the traffic consultant's report. Therefore, the capacity assumptions in the report are inaccurately overestimated. The report also incorrectly designates New Line Road as a sub arterial road and Kenthurst Road as a collector road. The correct designations are classified State arterial road and unclassified regional arterial road for New Line Road and Kenthurst Road respectively.

Further, the traffic volume data used in the Traffic Assessment Report to support the Planning Proposal is questioned as it is lower than observed traffic flows on Old Northern Road. The report does not indicate when this data was obtained. Data from the South Dural Planning Proposal (which did not proceed) indicated that, in 2016, the magnitude of traffic on Old Northern Road near the subject site was already at capacity or nearing capacity. The actual 2020 flows pre-Covid-19 lockdown are unlikely to be lower than the 2016 flows.

Based on the existing road configuration and carriageway capacity, operation of Old Northern Road at the site frontage is unsatisfactory and, contrary to the outcomes of the proponent's assessment, there is insufficient capacity to absorb additional traffic from the subject Planning Proposal.

It would not be appropriate to progress the Planning Proposal to permit a service station given that:

- Old Northern Rd is a single lane road already operating at capacity.
- Existing road infrastructure is insufficient to accommodate the added traffic that this proposal would generate.
- The proposed site is in an area that currently experiences congestion during peak periods.
- Redevelopment of the site for a service station would increase traffic generation which would consequently intensify traffic conflicts on Old Northern Road.

Should a Gateway Determination be issued, the proponent should be requested to provide the following additional information:

- Clarification of inaccuracies on capacity and traffic volumes and further information regarding date and time of the traffic count survey.
- The SIDRA model for existing conditions of the roundabout intersection of Old Northern Road and New Line Road, calibrated to reflect existing queue length and Level of Service during peak hours.
- Consideration of the updated and detailed trip generation surveys and study analysis of sample service stations undertaken in 2013 by the RMS.
- Modelling of the driveway (as an intersection with Old Northern Road) and consideration of the swept path of the largest vehicle that would be used.
- Justification for reducing traffic generation by 50% to account for passing trade.
- Concept plan to illustrate how a Left in/Left out only arrangement would be achieved.
- Strategic concept design plans showcasing geometric requirements, including relevant signage, line marking, deceleration and acceleration facilities required for the proposed arrangement and consideration of access requirements for both the current and future width of Old Northern Road.

- Review of intersection analysis and ensure that models and results reflect current traffic conditions e.g. queue length and delay at critical intersections.
- Design plan to demonstrate that the largest vehicle or fuel tanker that will service the site will be able to enter and exit in a forward direction and be contained within the westbound lane on Old Northern Road.
- Consideration of traffic impacts between vehicles (especially heavy vehicles) and pedestrians on Old Northern Road.
- Details of pedestrian access to the proposed site including the necessity of a pedestrian footpath on the south side of the Old Northern Road close to the proposed site.

### ***Heritage Trees***

The arboricultural assessment report submitted with the proposal identifies ten trees on the site, nine of which are located on the road frontage and one next to an existing shed on the site. The street trees identified in the arboricultural assessment are largely characteristic species of Sydney Turpentine Ironbark. There are pockets of remnant Sydney Turpentine Ironbark Forest on adjoining properties mainly in the roadside.

The nine trees located at the front of the property adjacent to Old Northern Road are located within the portion of the site zoned SP2 Infrastructure that is identified for acquisition for road widening. The trees form part of a row of trees along Old Northern Road, identified as a heritage item of local significance under the HLEP. The heritage listing applies to the SP2 Infrastructure zoned land along the roadside from the subject site to Nos. 705-717 Old Northern Road, approximately 600m to the west of the site.

The arboricultural assessment submitted with the proposal states that no trees are proposed to be removed to accommodate the service station (although tree No. 3 located to the east of the driveway entry is identified as being of poor health and is therefore recommended for removal).

Council's assessment of the proposal has involved consideration of the impact on trees. Although the concept plans show that driveways can be sited to avoid tree removal, further information would be required, including civil engineering plans, cross sections and construction method details to adequately assess the impact to the trees.

As part of Council's traffic assessment and advice from TfNSW received in response to the preliminary exhibition, the requirement for a deceleration and acceleration lane for access to the site has been identified. These works are likely to necessitate the removal of the roadside trees.

Should a Gateway Determination be issued, further information including an updated concept plan and a revised arboricultural assessment report would be required to assess the impact to trees as a result of the required road works. A heritage impact statement would also be required to address the potential removal of trees within the road widening easement. Information on the timing of the acquisition and road widening plans from TfNSW would also be required.

### ***Water course***

Council's mapping system indicates that the site contains a water course in the southern portion of the site, which forms the headwaters of Georges Creek. Concept plans for the site show that the service station would be contained within the northern portion of the site adjacent to Old Northern Road and would be more than 50 metres from the identified creek. Measures to control stormwater

and mitigate environmental impacts to the creek would need to be considered should the proposal progress.

## 5. Preliminary Notification

In accordance with the Hornsby Community Participation Plan, preliminary exhibition of owner imitated planning proposals is undertaken prior to consideration by Council or the Department of Planning, Industry and Environment (DPIE). The notification is not intended to fulfil the requirements of the *EP&A Act* for public exhibition, but rather to obtain feedback from the local community and relevant agencies to assist Council in deciding whether to support progression of the Planning Proposal to gateway determination.

Following lodgement of the planning proposal on 6 April 2020, the proposal was placed on preliminary (non-statutory) exhibition from 23 April 2020 until 11 May 2020. The proposal was available for viewing on Council's and a notice was placed in the Daily Telegraph. Letters were sent to over 600 property owners within Hornsby and The Hills Shire Council inviting comment on the proposal. Public authorities invited to comment as part of the preliminary notification included The Hills Shire Council, Transport for NSW (RMS), DPIE Water and Sydney Water.

In response, 30 community submissions were received objecting to the proposal, two of which were received after the exhibition closing date. Submissions were also received from Transport for NSW and The Hills Council. The issues are summarised below.

### ***Community Submissions***

Most submissions raise concern with traffic and infrastructure, noting that the proposal would exacerbate existing traffic congestion issues on Old Northern Road and that the existing road infrastructure is insufficient to accommodate the added traffic that this proposal would generate. Comments were made that the findings of the traffic report do not reflect the experience of residents who endure traffic congestion.

Other concerns and issues raised include:

- No demand for an additional service station.
- Not a suitable use in a rural zone.
- Site should be retained for agriculture.
- Impacts on rural character.
- Amenity and health and safety impacts.
- Potential for land contamination.
- Impacts on trees.
- Impact on property values.
- Setting a precedent for future planning proposals and land speculation.
- Inconsistent with Greater Sydney Regional Plan and North District Plan.
- Inconsistent with Ministerial Directions.
- Inconsistent with Hornsby's Local Strategic Planning Statement.
- Premature before the completion of the Rural Lands Study.

### **Public Authority Submissions**

Submissions from public authorities outline matters that should be addressed if the planning proposal was to proceed.

#### *Transport for NSW*

TfNSW advises that the existing road widening reservation identified as SP2 is to be retained. The site area to which Schedule 1 Additional Permitted uses applies should exclude the SP2 land.

Should a Gateway Determination be issued, strategic concept design plans would be required that demonstrate:

- Deceleration facilities entry treatment to facilitate safe and efficient entry of vehicles to the site without impacting on traffic flows on Old Northern Road.
- Upgrades to facilitate Left-in and left-out access.
- Signage and line marking.
- Swept paths to show that large vehicles will not be required to cross the road centre line.

#### *The Hills Shire Council*

The Hills Shire Council acknowledges that service stations support the operation of rural industries and activities and that an additional service station on the southern side of Old Northern Road would likely reduce the tendency for traffic travelling in a westerly direction to turn right across the road to the existing service station (located at 582 Old Northern Road, Dural). However, the submission requests that careful consideration be given to the potential amenity impacts on nearby residential dwellings, including those opposite the site on the northern side of Old Northern Road.

The submission notes that the comments are from technical officer level and have not been reported to the elected Hills Council for a formal view or resolution.

#### *Sydney Water*

Sydney Water was invited to comment on the proposal as the site adjoins a property owned by Sydney Water containing a water tank and the site is not connected to the sewer. Sydney Water advises that development does not require assessment by Sydney Water at this stage. Sydney Water would be consulted as part of any future exhibition should the proposal progress.

#### *DPIE Water*

DPIE water was invited to comment on the proposal as Council's mapping system indicates that the site contains a watercourse in the southern part of the site. Although DPIE Water did not make a submission as part of the preliminary exhibition, the Department would be consulted as part of any future exhibition should the proposal progress.

## **6. Local Planning Panel Advice**

The Planning Proposal was referred to the Local Planning Panel for advice, as prescribed by the Local Planning Panels Direction – Planning Proposals. The Direction requires the Local Planning Panel to provide advice on a Planning Proposal before Council considers whether to forward it to the Department of Planning, Industry and Environment for a Gateway Determination.

The Panel noted that Council's Rural Lands Study is currently under preparation and that Council's Local Strategic Planning Statement has recently been adopted. The outcomes of the Rural Lands Study are yet to be finalised. However, the Local Strategic Planning Statement is consistent with the



North District Plan in regard to managing rural land and enhancing the values of the metropolitan rural area using place-based planning.

Panel members considered the proposal and noted that:

- There is no clear community benefit to justify changes to planning controls.
- There is no strategic merit to support the proposal.
- The proposal is not consistent with the objectives of the site's existing RU2 Rural Landscape zone and would create a poor precedent by encouraging ribbon development outside of the nearby business and employment zones in Old Northern Road and New Line Road.

The Panel advised that it does not support the progression of the Planning Proposal to permit a service station as an additional permitted use (Panel advice attached).

### **STATUTORY CONSIDERATIONS**

The preparation of a Planning Proposal is the first step in the process of requesting changes to a planning instrument. Should Council resolve to proceed with the Proposal to Gateway Determination, the DPIE would confirm whether any technical studies are required and relevant parts of the Planning Proposal to be updated or amended prior to public exhibition.

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

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

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

### **BUDGET**

Costs associated with this Planning Proposal are covered through the application fee. The matter has no direct financial impact upon Council's adopted budget or forward estimates.

### **POLICY**

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

### **CONCLUSION**

This report presents an owner-initiated Planning Proposal for 805-821 Old Northern Road, Dural. The Planning Proposal seeks to amend Schedule 1 of the *Hornsby Local Environmental Plan 2013* to permit a service station as an additional permitted use. Preliminary exhibition of the proposal resulted in 30 community submissions objecting to the proposal.

Based on the assessment of the proposal including consideration of submissions and agency comments, further information would be required for Council to consider and evaluate the impacts of the proposal in terms of traffic, road infrastructure, heritage street trees, contamination, rural character and amenity.

Notwithstanding, it is considered that the proposal lacks strategic merit due to inconsistencies with the Greater Sydney Regional Plan, North District Plan, Section 9.1 Ministerial Directions and the Hornsby LSPS and should not be progressed.

No clear community benefit has been identified to justify changes to planning controls to permit a service station on the site. Furthermore, it would not be appropriate to support the progression of the planning proposal prior to the completion of the Rural Lands Study and Employment Land Use Study.

The Local Planning Panel has reviewed the proposal and advised that progression of the proposal is not supported.

Accordingly, it is recommended that Council not support the progression of the Planning Proposal for submission to the Department of Planning, Industry and Environment for Gateway Determination.



#### **RESPONSIBLE OFFICER**

The officer responsible for the preparation of this Report is Katherine Vickery, Manager Strategic Land Use Planning, who can be contacted on 9847 6744.

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#### **Attachments:**

1.  Planning Proposal – 805-821 Old Northern Road, Dural – March 2020
2.  Minutes – Local Planning Panel – 27 May 2020

File Reference: PP/2/2020  
Document Number: D07926656

## **8 LOCAL HOUSING STRATEGY**

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### **EXECUTIVE SUMMARY**

- This report presents a draft Hornsby Shire Housing Strategy 2020 for adoption for public exhibition, as required under the State Government's Accelerated LEP Review program.
- The Housing Strategy has been prepared in accordance with the Department of Planning, Industry and Environment (DPIE) guideline and template and sets out, in more detail than the Local Strategic Planning Statement (LSPS) the priorities, actions and capacity for housing.
- The North District Plan sets a 5-year housing target for Hornsby of 4,350 dwellings by 2021 and the Greater Sydney Commission has identified an indicative draft range for a 6-10-year housing target of between 3,800 – 4,200 dwellings by 2026.
- Due to the development activity which has occurred since the 2011 Housing Strategy, Council can meet the short-term target and is well on its way to meeting the 6-10-year target.
- In addition, the development of Government land around Cherrybrook Station and the Hornsby Town Centre review currently underway will investigate and provide opportunities for additional housing in the medium to longer term.
- The draft Housing Strategy does not identify rezonings or changes to planning controls, other than potential future planning studies outlined as actions in the LSPS.
- Council has requested exemptions from State-imposed policies such as Seniors Housing and Medium Density and will need to demonstrate how and where it is providing, or can in the future provide, adequate supply of these forms of housing.
- It is recommended that the draft Housing Strategy attached to this report be placed on public exhibition and a copy provided to DPIE to meet the requirements under the Accelerated LEP Review program.

### **RECOMMENDATION**

#### **THAT:**

1. The draft Hornsby Shire Housing Strategy 2020 attached to Director's Report No. PL15/20 be placed on public exhibition for a period of 28 days (subsequent to the finalisation of formatting and design in accordance with Council's style guide).
2. A copy of the draft Strategy be provided to the Department of Planning, Industry and Environment.
3. Following exhibition, a report on submissions be presented to Council for its consideration.

## PURPOSE

The purpose of this Report is to present a Local Housing Strategy for endorsement for exhibition, as part of the Accelerated LEP Review program.

## BACKGROUND

In March 2018, the North District Plan was released by the Greater Sydney Commission which provides a 20-year plan to manage growth while enhancing the liveability, sustainability and productivity of the North District.

At its meeting on 10 October 2018, Council endorsed the commencement of several technical studies under the (then) Department of Planning and Environment's Accelerated LEP Review Program. Under the Program, Council has been receiving \$2.5m (paid in instalments) to complete a range of technical studies, including the preparation of a Local Strategic Planning Statement.

Council's Local Strategic Planning Statement was adopted in February 2020 and published on the NSW Planning Portal in March 2020. The remaining LEP Review technical studies are at various stages of completion and will inform future amendments to Council's planning instruments.

All Councils in NSW are also required to prepare a Local Housing Strategy. Council's Housing Strategy must be delivered as part of the Accelerated LEP Review program. The purpose of a local housing strategy is to set out (in more detail than the Local Strategic Planning Statement) the priorities, actions and capacity for housing in a local area to demonstrate how housing supply targets will be met.

This report presents a draft Hornsby Shire Housing Strategy 2020 for endorsement for exhibition.

## DISCUSSION

The Department of Planning, Industry and Environment (DPIE) has prepared a guideline and template which must be used by all councils within Greater Sydney to prepare their housing strategies. The draft Hornsby Shire Housing Strategy 2020 attached to this report is structured in accordance with the DPIE template as follows:

1. *Introduction* – This section outlines the planning policy and context, a snapshot of Hornsby and Council's housing vision.
2. *The Evidence* – This section provides a demographic overview, analysis of demand and supply, opportunities and constraints and identifies housing supply gaps and areas with development capacity.
3. *The Priorities* – This section outlines Council's housing strategy objectives, the land use planning approach and how housing will be delivered over the next 20 years to 2036.
4. *Actions* – This section identifies the actions for implementation and monitoring and review of dwelling numbers.
5. *Questions for the community* – This section provides prompts for input on how Council should approach the provision of medium density housing and seniors housing.

## Vision and Objectives

Council's vision for housing was set out in the Affordable Housing Discussion Paper, informed by State Government requirements, Council goals and the Community Strategic Plan. The draft Housing Strategy outlines the vision being to *Support community well-being through the provision of housing*

*that is affordable and appropriate to household needs and preferences in terms of choice and location, while protecting and enhancing local surroundings and the natural environment.*

The objectives of the Housing Strategy align with key priorities and actions from the LSPS and include:

- Promoting design excellence to ensure new housing delivers high quality buildings and an urban realm that respects current and future desired local character, green spaces and landscaping.
- Ensuring new housing development minimizes environmental impact and promotes ecologically sustainable development.
- Protecting sensitive areas from development and ensure new housing does not detract or erode an area's local character.
- Identifying opportunities encourage housing diversity including medium density, rental housing, adaptable housing for the ageing and multi-unit housing in areas of limited choice and availability.
- Identifying sustainable locations for housing growth close to transport, which support the role of centres, have adequate infrastructure and maximise opportunities through collaboration.
- Ensuring housing growth aligns with the Region and District Plan priorities, planned infrastructure growth and will deliver the District Plan housing targets.

### **Housing Targets**

Over the last decade Sydney's population growth and housing affordability have become critical issues. All councils are required to prepare a local housing strategy to guide the quantity, location and type of future housing in their area. The requirement is set out in the Greater Sydney Region Plan: *A Metropolis of Three Cities* and the North District Plan released in March 2018.

Action 17 of the North District Plan requires Council to identify its short, medium- and long-term targets that will contribute to the North District's combined target of 92,000 new dwellings by 2036 as follows:

17. *Prepare local or district housing strategies that address the following:*
  - a) *The delivery of five-year housing supply targets for each local government area.*
  - b) *The delivery of 6–10-year (when agreed) housing supply targets for each local government area.*
  - c) *Capacity to contribute to the longer term 20-year strategic housing target for the District.*
  - d) *The housing strategy requirements outlined in Objective 10 of A Metropolis of Three Cities that include:*
    - i. *Creating capacity for more housing in the right locations.*
    - ii. *Supporting planning and delivery of growth areas and planned precincts as relevant to each local government area.*
    - iii. *Supporting investigation of opportunities for alignment with investment in regional and district infrastructure.*

iv. *Supporting the role of centres.*

The North District Plan sets out a 5-year housing target for Hornsby of 4,350 dwellings by 2021. Due to the development activity which has occurred since the 2011 Housing Strategy, Council is well-placed to meet the short-term target.

The North District Plan requires each Council to work with the Greater Sydney Commission and State agencies to identify 6-10-year housing targets, developed iteratively through the preparation of housing strategies.

Council's letter of support from the Greater Sydney Commission for its Local Strategic Planning Statement includes advisory notes on the implementation of the LSPS and identifies an indicative draft range for a 6-10-year housing target for the period 2021 to 2026 of 3,800 – 4,200 dwellings.

With existing capacity within zoned areas and the potential redevelopment of Government owned land around Cherrybrook Station, Council is well on its way to meeting the 6-10-year target. In addition, the Hornsby Town Centre review currently underway will investigate and provide opportunities for additional housing in the medium to longer (20 year) term.

<b>Timeframe</b>	<b>Target</b>	<b>Supply Pipeline</b>	<b>Significant Source of Supply</b>
Short-term: (to 2021)	4,350	4,459	2011 Housing Strategy precincts
Medium-term: (2021 – 2026)	3,800 - 2,200 (indicative draft)	3,776	2011 Housing Strategy precincts Infill development Government land at Cherrybrook Station
Long-term: (2026 – 2036)	to be confirmed	6,500 – 7,500	Hornsby Town Centre Potential future planning strategies identifies in LSPS (medium density, seniors housing, Pennant Hills Town Centre)

The draft Housing Strategy does not identify rezoning's or changes to planning controls, other than those outlined in the Local Strategic Planning Statement. Council has requested exemptions from State-imposed policies such as Seniors Housing and Medium Density. To gain potential exemptions, Council will need to demonstrate how and where it is providing, or can in the future provide, adequate supply of these forms of housing.

In considering areas for future housing in the longer term, there will be a focus on creating great places, rejuvenating areas and providing diverse housing choice, whilst avoiding the following areas:

- Heritage conservation areas.
- Areas with established tree canopy.
- Areas with high biodiversity and environmental value.
- Areas that are bush fire prone with high evacuation risk.
- Areas at high risk of flooding and inundation.

- Areas with limited transport, waste, water and road infrastructure.
- Areas with steep topography.

### **Next Steps**

Due to time constraints with reporting lead times, the formatting and design of the attached Housing Strategy is not complete. Figure names and numbers and the formatting of Appendix 1 would be finalised prior to exhibition.

An endorsed Housing Strategy is a deliverable under the Accelerated LEP Review program. It is recommended that the draft Housing Strategy attached to this report be placed on public exhibition (once the formatting and design is finalised) and a copy provided to DPIE. After exhibition, a further report should be presented to Council to review submissions received and outline any required changes prior to endorsement and finalisation.

### **CONSULTATION**

The draft Housing Strategy has been peer-reviewed by *.id The Population experts* who prepared the demographic and population forecast data on which the strategy is based.

The draft Housing Strategy would be placed on public exhibition for a period of 28 days through the following channels:

- Advertisement on Council's website noticeboard.
- Advertisement on Future Hornsby website.
- Council's eNewsletter.
- Emails to Future Hornsby database (users who registered for updates on the housing strategy or "all topics" under the Accelerated LEP Review).

### **BUDGET**

The costs associated with the preparation of the Housing Strategy are covered under the Accelerated LEP Review funding.

### **POLICY**

Sections 3.8 (4) and 3.9 of the EP&A Act require the review of the HLEP 2013 and the preparation of an LSPS to give effect to the North District Plan. Participation in the Accelerated LEP Review Program requires delivery of the work to meet funding milestones. The housing strategy is a key deliverable under the Accelerated LEP Review program.

### **CONCLUSION**

All Councils in NSW are required to prepare a Local Housing Strategy. Council's Housing Strategy must be delivered as part of the Accelerated LEP Review program.

A draft Hornsby Shire Housing Strategy 2020 has been prepared and structured in accordance with the DPIE housing guideline and template. The draft Strategy aligns with the LSPS priorities and actions in Council's LSPS and sets out (in more detail than the LSPS) the priorities, actions and capacity for housing in a local area to demonstrate how housing supply targets will be met.

It is recommended that the draft Housing Strategy attached to this report be placed on public exhibition and a copy provided to DPIE.

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**RESPONSIBLE OFFICER**

The officer responsible for the preparation of this Report is the Manager, Strategic Landuse Planning – Katherine Vickery - who can be contacted on 9847 6744.

**ITEM 8**

KATHERINE VICKERY  
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**Attachments:**

1.  draft Hornsby Local Housing Strategy 2020

File Reference: F2020/00096

Document Number: D07933472



## **9 SENIORS HOUSING DEMAND AND SUPPLY REVIEW**

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### **EXECUTIVE SUMMARY**

- For more than a decade, Hornsby Council has raised concerns that *State Environmental Planning Policy (Housing for Seniors or People with Disability) 2004* (Seniors SEPP) overrides Council's local planning controls and permits seniors housing in various locations, including heritage conservation areas and rural zoned land in some circumstances.
- Council is seeking the opportunity to undertake strategic planning and local place-based planning for its seniors and people with a disability, rather than the ad-hoc planning outcomes resulting from the Seniors SEPP.
- Council has requested an extension of the temporary exemption of the Seniors SEPP from application within Heritage Conservation Areas in the Shire and an immediate temporary exemption of the Seniors SEPP from application in our rural areas.
- The attached draft Seniors Housing Demand and Supply Review has been prepared to support Council's requests. The high-level analysis indicates that if Council was provided time to prepare its own local strategy for seniors housing, it would not be detrimental to supply.
- Such local strategy would need to look at the effective demand and appropriate locations for independent seniors living units and aged care facilities, as well as other housing options outside age-segregated seniors living.

### **RECOMMENDATION**

THAT:

1. The draft Seniors Housing Demand and Supply Review attached to Director's Report No. PL16/20 be submitted to the Department of Planning, Industry and Environment to support Council's requests concerning the application of *State Environmental Planning Policy (Housing for Seniors or People with Disability) 2004* to rural land and Heritage Conservation Areas within Hornsby Shire.
2. The draft Seniors Housing Demand and Supply Review be placed on public exhibition after being reformatted and designed in accordance with Council's style guide.
3. Consultation with seniors housing providers be undertaken on supply and demand generally as outlined in the Review and on demand for different levels of care in aged care facilities.
4. A further report be prepared for Council's consideration concerning the response from Department of Planning, Industry and Environment, the community and seniors housing providers.

## PURPOSE

The purpose of this Report is to present a Seniors Housing Demand and Supply Review to assist advocacy on *State Environmental Planning Policy (Housing for Seniors or People with Disability) 2004* (Seniors Housing SEPP) including its application in our rural areas and Heritage Conservation Areas.

## BACKGROUND

For more than a decade, Hornsby Council has raised concerns that the Seniors SEPP overrides Council's local planning controls and permits seniors housing developments in various locations, including low density heritage conservation areas and rural zoned land in some circumstances.

The strategic planning framework for the Greater Sydney Region has fundamentally changed since the Seniors SEPP was introduced in 2004. In March 2018, the Greater Sydney Region Plan and North District Plan were finalised. These plans have culminated in all councils adopting Local Strategic Planning Statements, prepared in consultation with local communities having regard to unique environmental, social and economic opportunities and constraints.

Council has requested exemptions from the Seniors SEPP and the opportunity to prepare its own strategy for seniors housing in appropriate locations to best meet the needs of our community.

At its meeting on 8 April 2020, Council considered a report on the Greater Sydney Commission's investigation into seniors housing in rural areas, which notes there is adequate supply of seniors housing in Hornsby Shire generally.

Council's recent representations to the Minister for Planning and Public Spaces have included requests for:

- An urgent review of the Seniors SEPP in response to the recommendations within the Greater Sydney Commission's report *Investigation into the cumulative impacts of Seniors Housing in the rural areas of The Hills and Hornsby local government areas*.
- An immediate temporary suspension of the Seniors SEPP from the rural areas of Hornsby local government area.
- An extension to the temporary exemption of the Seniors SEPP from application in Hornsby Shire's Heritage Conservation Areas to enable an evidence-based, endorsed position to be formed by Council.

This report presents a draft Seniors Housing Demand and Supply Review to support these requests, prepared under the Accelerated LEP Review program as a component of Council's Housing Strategy.

## DISCUSSION

The Seniors Housing Demand and Supply Review attached to this report provides a high-level analysis of supply numbers and underlying demand. The Review is structured as follows:

1. *Introduction* – This section outlines the background, objectives, methodology, references and definitions.
2. *Seniors Population and Housing Projections* – This section outlines population projections and overall *housing* statistics.
3. *Residential Aged Care Facilities* – This section looks specifically at aged care facilities, trends, existing and future supply and projected needs.

4. *Seniors Independent Living Units* – This section looks specifically at self-contained seniors housing, or *independent* living units, trends, existing and future supply and projected needs.
5. *Locations* – This section discusses the application of the Seniors SEPP in our rural lands and Heritage Conservation Areas, existing supply and considerations for housing within these areas.
6. *Housing Choice* – This section discusses other needs and preferences of seniors, housing choice and considerations for future land use planning options.

### **Preliminary Findings**

At a high level, the supply/demand numbers indicate that there will be sufficient supply for projected demand for both seniors housing (independent living) and residential aged care facilities. In fact, Hornsby Shire is accommodating demand both from within the Shire and the surrounding area.

This is based on underlying demand (the theoretical need for seniors housing based on demographic projections and government policy). The preparation of a separate planning strategy for seniors housing would need to more closely investigate effective demand (the size, type, levels of care that people are able to access, waiting times, etc). A strategy would also look at qualitative aspects of housing supply including the preferences of our residents for the different housing types. However, at this stage, the purpose of the Seniors Housing Demand review is to demonstrate to the State Government that, if Council was provided time to do the strategic work and prepare its own strategy for seniors housing, it would not be detrimental to supply.

Importantly, the statistics show that up to 80-90% of our population aged over 65 will never live in seniors housing or residential aged care facilities. Therefore, planning for our growing 65+ population and the preparation of a planning strategy for seniors housing should consider other choices to meet the needs and preferences of the majority of the cohort.

### **Next Steps**

It is recommended that the draft Seniors Housing Demand and Supply Review be submitted to the Department of Planning, Industry and Environment to support Council's requests concerning the application of the Seniors SEPP and highlight that, should Council be provided the time to do the strategic work and prepare a local strategy for seniors housing, it would not be detrimental to supply.

It is also recommended that the Seniors Housing Demand and Supply Review be publicly exhibited to seek community feedback, including input from aged care housing providers within the Shire on the different types and levels of care and what would be required in a local strategy to adequately supply seniors housing, residential aged and other options outside age-segregated seniors living. The draft Review would be reformatted and designed in accordance with Council's style guide prior to being placed on public exhibition.

Depending on the response from DPIE and the community, Council could resolve to prepare a separate local Seniors Housing Strategy based on local place-based planning for its seniors and people with a disability and tailored to the locations, types, built form and levels of care most needed by our community.

### **CONSULTATION**

The draft Seniors Housing Demand and Supply Review would be placed on public exhibition for a period of 28 days through the following channels:

- Advertisement on Council's website noticeboard.

- Advertisement on Future Hornsby website.
- Council's eNewsletter.
- Emails to Future Hornsby database (users who registered for updates on the housing strategy or "all topics" under the Accelerated LEP Review).
- Letters and phone calls to known seniors housing and aged care providers within the Shire.

#### **BUDGET**

The costs associated with the Seniors Housing Supply and Demand Review are covered under the Accelerated LEP Review funding. The preparation of a planning strategy for seniors housing would require funding to be allocated.

#### **POLICY**

The Seniors Housing Supply and Demand Review was prepared to inform the Housing Strategy and to assist advocacy on the application of the Seniors SEPP within Hornsby Shire. It is not a policy in itself and the preparation of a separate planning strategy for seniors housing would need to more closely investigate effective demand (the size, type, levels of care, etc that people are able to access, waiting times, etc).

#### **CONCLUSION**

Hornsby Council has consistently raised concerns that *State Environmental Planning Policy (Housing for Seniors or People with Disability) 2004* (Seniors SEPP) overrides Council's local planning controls and permits seniors housing developments in various locations, including low density heritage conservation areas and rural zoned land in some circumstances.

The Seniors Housing Demand and Supply Review attached to this report indicates that there is sufficient supply for projected demand for both seniors housing (independent living) and residential aged care facilities and Hornsby Shire is accommodating demand both from within the Shire and the surrounding area.

It is recommended the Review be submitted to DPIE to support its requests concerning the application of the Seniors SEPP and highlight that, if Council was provided time to do the strategic work and prepare its own strategy for seniors housing, it would not be detrimental to supply.

It is also recommended that the Review be publicly exhibited to seek community input and that a further report be prepared for Council's consideration on the response from DPIE and on public submissions and input from seniors housing providers.


#### **RESPONSIBLE OFFICER**

The officer responsible for the preparation of this Report is the Manager, Strategic Landuse Planning – Katherine Vickery - who can be contacted on 9847 6744.

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**Attachments:**

1.  draft Seniors Housing Supply and Demand Review 2020

File Reference: F2004/09011

Document Number: D07933477

**10 WAR ON WEEDS WORKSHOP**

At the General Meeting held on 10 June 2020, Council resolved that this matter be deferred to the General Meeting to be held on 08 July 2020.

**COUNCILLOR MARR TO MOVE**

That a Councillor workshop be held to discuss Council's approach to the management of weeds on both Council and adjacent land, including land owned privately or managed by state agencies.

It will include options on:

- Education and awareness to inform people about important environmental elements.
- Managing environmental degradation.
- Youth and community engagement.
- Working with other land owners.
- Methods of addressing weeds including seeds, spreading from one area to another, and efficient and effective methods of weed removal and environmental remediation.

**Note from Councillor**

Hornsby Shire Council area is rightly called The Bushland Shire. It is held in high regard due to its natural surroundings and Council's positive attitude and work to improve the natural environment and stakeholder's perception of it.

This has made Hornsby Shire a destination for travellers and residents alike due to its natural environment. There is ample opportunity for improvement and expansion in tourism that will have a positive effect on the local economy and residents. Council and staff should be commended on its environmental achievements such as our ambitious tree planting program, most of which are native.

A weed is a plant in the wrong environment that has a negative effect on that and adjacent and surrounding environments. Unfortunately, many very visible areas along roads, rail, tracks, behind houses and so on have large infestation of weeds that appears to be increasing and is having a negative effect on the visual ambiance of our natural area. The weeds travel downhill via various methods and infect lower areas including waterways.

**Workshop elements should include but not be limited to:**

- What is the weed situation?
- Mobile quick response volunteer teams.
- Dumping.

- Regular bulletins on weeds and local infestations.
- Methods of engaging and using the untrained.

**Attachments:**

There are no attachments for this report.

File Reference: F2009/00401

Document Number: D07925242