



BUSINESS PAPER

GENERAL MEETING

**Wednesday 13 December 2023
at 6:30PM**



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AGENDA AND SUMMARY OF RECOMMENDATIONS

ACKNOWLEDGEMENT OF COUNTRY

Statement by the Chairperson:

"Council recognises the Traditional Owners of the lands of Hornsby Shire, the Darug and GuriNgai peoples, and pays respect to their Ancestors and Elders past and present and to their Heritage. We acknowledge and uphold their intrinsic connections and continuing relationships to Country."

PRESENT

NATIONAL ANTHEM

OPENING PRAYER/S

Reverend Andrew Kyrios of Cherrybrook Anglican Church, Cherrybrook will open the Meeting In Prayer.

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."

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 10.4 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.

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

Councillors are reminded of their Oath or Affirmation of Office made under section 233A of the Act and their obligations under the Council’s Code of Conduct to disclose and appropriately manage conflicts 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 8 November, 2023 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 GM42/23 CODE OF CONDUCT COMPLAINTS - ANNUAL REPORT

RECOMMENDATION

THAT the contents of General Manager's Report No. GM42/23 be received and noted.

CORPORATE SUPPORT DIVISION

Page Number 4

Item 2 CS73/23 CLASSIFICATION OF PUBLIC LAND AT MYRA STREET, WAHROONGA

RECOMMENDATION

THAT pursuant to Section 31 of the Local Government Act 1993, Lots 3, 4 and 5 DP1298140 adjoining 55 – 57 Myra Street, Wahroonga be classified as "Operational Land".

Page Number 7

Item 3 CS76/23 INVESTMENTS AND BORROWINGS FOR 2023/2024 - STATUS FOR THE PERIOD ENDING 31 OCTOBER 2023

RECOMMENDATION

THAT the contents of Director's Report No. CS76/23 be received and noted.

COMMUNITY AND ENVIRONMENT DIVISION

Page Number 10

Item 4 CE13/23 COUNCIL MANAGED CROWN LAND - DEVOLVED LAND

RECOMMENDATION

THAT Council:

1. Endorse the Crown Land Manager request for the nine sites, as shown in Attachment 1 to Director's Report No. CE13/23.
2. Request approval from the Minister administering the Crown Land Management Act to accept Council's request to become Crown Land Manager, as shown in Attachment 1 to Director's Report No. CE13/23.
3. Authorise the General Manager to approve the provision of any documentation required to support Council's request to become Crown Land Manager.

PLANNING AND COMPLIANCE DIVISION

Page Number 15

Item 5 PC29/23 REPORTING VARIATIONS TO DEVELOPMENT STANDARDS

RECOMMENDATION

THAT the contents of Director's Report No. PC29/23 be received and noted.

Page Number 19**Item 6 PC30/23 REPORT ON SUBMISSIONS – 7 CITY VIEW ROAD PLANNING PROPOSAL AND VOLUNTARY PLANNING AGREEMENT****RECOMMENDATION**

THAT:

1. Council endorse the 7 City View Road, Pennant Hills Planning Proposal as exhibited (attached to Director's Report No. PC30/23) and progress with finalisation of amendments to the *Hornsby Local Environmental Plan 2013*.
2. Council endorse the Voluntary Planning Agreement attached to Director's Report No. PC30/23 to facilitate dedication of four affordable housing units, an easement for public access and a monetary contribution of \$450,000 towards improvements in the Pennant Hills Town Centre.
3. Submitters be advised of Council's decision.

Page Number 27**Item 7 PC31/23 REPORT ON SUBMISSIONS – SENIORS HOUSING IN HERITAGE CONSERVATION AREAS – DRAFT DEVELOPMENT CONTROL PLAN AMENDMENTS****RECOMMENDATION**

THAT:

1. Council approve the Hornsby Development Control Plan amendments for Seniors Housing in Heritage Conservation Areas attached to Director's Report No. PC31/23.
2. Notification of the approval of the amendments be published on Council's website.
3. Submitters be advised of Council's decision.

Page Number 33**Item 8 PC32/23 REPORT ON SUBMISSIONS – ELECTRIC VEHICLE CHARGING – DEVELOPMENT CONTROL PLAN AMENDMENTS****RECOMMENDATION**

THAT:

1. Council approve the draft Electric Vehicle Charging amendments to the Hornsby Development Control Plan 2013 attached to Director's Report No. PC32/23.
2. Notification of the approval of the amendments be published on Council's website.
3. Submitters be advised of Council's decision.

Page Number 38**Item 9 PC33/23 LETTER FROM PLANNING MINISTER - HOUSING DELIVERY****RECOMMENDATION**

THAT:

1. Council note the letter from the Minister for Planning and Public Spaces requesting councils review their planning policies to increase housing supply and diversity.
2. Council write to the Minister for Planning and Public Spaces outlining Council's:
 - Current medium density housing project.
 - Proven track record of housing delivery via strategic planning initiatives and the timely assessment of planning applications.
 - Commitment to facilitate housing provision in accordance with the initiatives outline in the Hornsby Local Housing Strategy 2020.
 - Willingness to continue to investigate opportunities for appropriate housing delivery in the future in accordance with any revised housing targets.
 - Observation that the housing crisis is not limited to council zoning and application determination timeframes but that macro-economic factors also need to be addressed.
3. Council's letter to the Minister also note the recent announcement of planning reforms by the State Government appears to conflict with his request that councils plan for medium density housing locally and raise concerns that such an approach may not appropriately respond to constraints such as bushfire, flooding, vegetation and infrastructure capacity.

INFRASTRUCTURE AND MAJOR PROJECTS DIVISION

Nil

PUBLIC FORUM – NON AGENDA ITEMS**QUESTIONS WITH NOTICE****MAYOR'S NOTES****Page Number 46****Item 10 MN13/23 MAYOR'S NOTES 01 NOVEMBER 2023 TO 30 NOVEMBER 2023**

NOTICES OF MOTION**Page Number 48****Item 11 NOM11/23 PROPOSAL TO CHANGE BROOKLYN PARKING RESTRICTIONS**

COUNCILLOR SALITRA TO MOVE

THAT Council:

1. Identify improvements to lighting, security and access to the Upper McKell carpark at Brooklyn for all users.
2. Discuss improvement options, including financial implications, at an informal workshop in early 2024.
3. Consider options for seeking grants to fund identified improvements.
4. In collaboration with river communities, develop an exceptional circumstances permit that allows qualified residents to park in 4P spaces under an Authorised Vehicle Excepted permit.
5. That Council seek any approvals possible from Crown Lands to enable these permits to be issued.
6. Roll back 4P timed parking spaces within the foreshore parking areas to a total of 30 spaces until viable alternative parking is implemented.
7. That approval for the roll-back of 4P parking space be sought via Council's Traffic Committee without delay.

Page Number 50**Item 12 NOM12/23 PAVED FOOTPATH CONSTRUCTION NEW LINE ROAD, CHERRYBROOK**

COUNCILLOR GREENWOOD TO MOVE

That Council:

1. Acknowledges the need for a safe, reliable and connected paved footpath for the public to access the western side of New Line Road between County Drive and Franklin Road, Cherrybrook.
2. Investigates the construction of a paved footpath along the western side of New Line Road between County Drive and Franklin Road, Cherrybrook.
3. Reports the outcomes of this investigation and discussions with Transport for NSW at an Informal workshop for consideration of inclusion in Councils Delivery Program/Operational Plan 2024/25.

Page Number 52

Item 13 NOM13/23 VETERAN EMPLOYMENT SERVICES

COUNCILLOR GREENWOOD TO MOVE

That Council:

1. Make contact with the Veteran Employment Program (VEP) and investigate the opportunities for Council to have a collaborative relationship with VEP by linking, supporting and employing veterans within its Hornsby local government area.
2. Report back the outcome of this contact to an Informal Workshop of Council prior to the end of March 2024.

SUPPLEMENTARY AGENDA

MATTERS OF URGENCY

1 CODE OF CONDUCT COMPLAINTS - ANNUAL REPORT

EXECUTIVE SUMMARY

- Clause 11.1 of Council's Procedures for the Administration of the Code of Conduct requires the Complaints Coordinator to report annually to Council on Code of Conduct complaints made about Councillors and/or the General Manager.
- Five (5) Code of Conduct complaints were received about Councillors and/or the General Manager in the year to 30 September 2023. It was determined by the independent conduct reviewers that no action be taken on any of the matters.

RECOMMENDATION

THAT the contents of General Manager's Report No. GM42/23 be received and noted.

PURPOSE

The purpose of this Report is to meet the requirements of Council's Procedures for the Administration of the Code of Conduct (Procedures) in respect of the receipt of Code of Conduct complaints during the period 1 October 2022 to 30 September 2023.

BACKGROUND

Clause 11.1 of Council's Procedures for the Administration of the Code of Conduct states:

The Complaints Coordinator must arrange for the following statistics to be reported to the Council within 3 months of the end of September of each year:

- a) *The total number of codes of conduct complaints made about Councillors and the General Manager under the code of conduct in the year to September (the reporting period).*
- b) *The number of codes of conduct complaints referred to a conduct reviewer during the reporting period.*
- c) *The number of codes of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage and the outcome of those complaints.*
- d) *The number of codes of conduct complaints investigated by a conduct reviewer during the reporting period.*
- e) *Without identifying particular matters, the outcome of investigations completed under these procedures during the reporting period.*
- f) *The number of matters reviewed by the Office of Local Government (OLG) during the reporting period and, without identifying particular matters, the outcome of the reviews.*
- g) *The total cost of dealing with code of conduct complaints made about Councillors and the General Manager during the reporting period, including staff costs.*

DISCUSSION

There were five (5) Code of Conduct complaint made against Councillors and/or the General Manager in the period from 1 October 2022 to 30 September 2023. Statistics in relation to this matter, as required by the Office of Local Government, are shown in the summary table below:

Total number of code of conduct complaints made about Councillors and the General Manager under the code of conduct in the year to September (the reporting period).	5
Number of code of conduct complaints referred to a conduct reviewer during the reporting period.	5
Number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage during the reporting period and the outcome of those complaints.	4
Outcome – Take no action.	4
Outcome – Resolve the complaint by alternative and appropriate strategies.	0
Number of code of conduct complaints investigated by a conduct reviewer during the reporting period.	0

Without identifying particular matters, the outcome of investigations completed under these procedures during the reporting period.	0
Number of matters reviewed by the Office of Local Government (OLG) during the reporting period and, without identifying particular matters, the outcome of the reviews.	1 – No action confirmed
Total cost of dealing with code of conduct complaints made about Councillors and the General Manager during the reporting period, including staff costs.	\$14,665 (excl GST)

ITEM 1**BUDGET**

There are no budgetary implications associated with this Report.

POLICY

There are no policy implications associated with this Report.

CONCLUSION

Council's consideration of this Report ensures the requirements of Council's Procedures for the Administration of the Code of Conduct are met.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Risk and Audit Manager (and Council's Complaints Coordinator) – Scott Allen, who can be contacted on 9847 6609.

SCOTT ALLEN
Risk and Audit Manager
Office of the General Manager

STEVEN HEAD
General Manager
Office of the General Manager

Attachments:

There are no attachments for this report.

File Reference: F2005/00156

Document Number: D08731222

2 CLASSIFICATION OF PUBLIC LAND AT MYRA STREET, WAHROONGA

EXECUTIVE SUMMARY

- On 12 July 2023 Council approved the purchase of Lots 3,4 and 5 DP1298140 being part of 55 – 57 Myra Street, Wahroonga.
- The land adjoins an existing shared path and was purchased for the purpose of road widening.
- The classification of the land as Operational will permit the dedication of the parcels as road.
- On 12 July 2023 Council also approved a public notice of the intention to classify the property as “Operational Land”.
- The required public notice has been exhibited and no objections were received.
- Council is requested to approve the classification of the land.

RECOMMENDATION

THAT pursuant to Section 31 of the Local Government Act 1993, Lots 3, 4 and 5 DP1298140 adjoining 55 – 57 Myra Street, Wahroonga be classified as “Operational Land”.

PURPOSE

The purpose of this Report is to seek Council approval for the classification of three small parcels of land adjoining 55 – 57 Myra Street, Wahroonga as “Operational Land”.

BACKGROUND

Council recently acquired three small parcels of land for the purpose of widening the existing shared path, adjoining a residential property at 55 – 57 Myra Street, Wahroonga.

Council approved the purchase at the General Meeting held on 12 July 2023 (refer to Confidential Directors Report No. CS43/23) and also authorised the publication of notice of Council’s intention to classify the parcels as “Operational Land” as required under the Local Government Act 1993 (the Act).

DISCUSSION

The Act requires that, apart from public roads which are held under the Roads Act, all land owned by Council must be classified as either “Community” or “Operational” Land.

Section 31(2) of the Act requires Council to classify land within three months of purchase otherwise the property is deemed to be “Community Land”.

At the time of purchase the land is not classified, however classification as “Operational Land” is required prior to dedicating the land as public road.

Section 34 of the Act requires Council to give at least 28 days public notice of a proposed resolution to classify a property “Operational Land”. The required public notice was given on Council’s website to comply with this requirement. Plans of the land were also on public exhibition during this period.

No objections were received, and Council is now able to classify the property as “Operational Land”.

BUDGET

There are no budgetary implications associated with this Report.

POLICY

There are no policy implications associated with this Report.

CONCLUSION

Classification of the property as “Operational Land” will enable Council to dedicate the land as road for the purpose of the shared path.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Property Asset Manager, Jen O’Leary, who can be contacted on - 9847 6236.

JEN O’LEARY
Property Asset Manager
Corporate Support Division

GLEN MAGUS
Director - Corporate Support
Corporate Support Division

Attachments:

There are no attachments for this report.

File Reference: F2021/00169

Document Number: D08754390

ITEM 2

3 INVESTMENTS AND BORROWINGS FOR 2023/2024 - STATUS FOR THE PERIOD ENDING 31 OCTOBER 2023

EXECUTIVE SUMMARY

- This Report provides details of Council's investment performance for the period ending 31 October 2023 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 made 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 requirements of 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 October 2023 of 3.55% which includes a negative yield of -9.07% from TCorp Managed Funds. On a financial year to date basis the portfolio achieved an annualised return of 4.04% which includes a negative yield of -2.43% from TCorp Managed Funds.

RECOMMENDATION

THAT the contents of Director's Report No. CS76/23 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 October 2023 is detailed in the attached document. In summary, the portfolio achieved an annualised return for October 2023 of 3.55%. On a financial year to date basis the portfolio achieved an annualised return of 4.04% which includes a negative yield of -2.43% from TCorp Managed Funds.

It is noted that for the month ending 31 October 2023 Council has exceeded the 50% policy limit on having terms to maturity of between 2 to 5 years. It is expected that this will be resolved in the coming months as investments within this bracket move towards a maturity date of between 1 to 2 years. No additional investments are being entered into with a term of greater than 2 years while this rebalancing takes place.

The Borrowings Schedule as at 31 October 2023 is attached for Council's information, noting that Council became debt free on 1 July 2023 with no loans entered into since. The Borrowings Schedule also discloses future lease repayments for various items of plant and equipment.

BUDGET

Budgeted investment income for the year is \$9,823,719 with an average budgeted monthly income of \$818,643. Net investment income for the month ended 31 October 2023 was \$929,334, which includes an unrealised loss of -\$179,488 from TCorp Managed Funds.

Budgeted investment income year to date at 31 October 2023 was \$3,274,576. Total investment income year to date at 31 October 2023 was \$4,148,518 which includes a year-to-date unrealised net loss of -\$184,126 from TCorp Managed Funds.

Approximately 50.82% of the investment income received by Council relates to externally restricted funds (e.g., Stronger Communities Grant funding and 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.

The returns from TCorp Managed Funds are presently experiencing significant market volatility due to external economic conditions. It is noted that this product has a 7-year investment horizon and will, therefore, reflect marked to market valuations monthly. Advice provided by Council's independent investment advisor, Prudential Investment Services, is to hold this investment for the 7-year timeframe

originally planned. This is due to the anticipated net positive performance returns that will be gained over the long term for this investment.

CONCLUSION

The investment of Council funds and the extent of its borrowings as of 31 October 2023 is detailed in the documents attached to this Report. Council's consideration of the Report and its attachments ensures that the relevant legislative requirements and Council protocols have been met in respect of those investments and borrowings.



RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Chief Financial Officer – Duncan Chell - who can be contacted on 9847 6822.

DUNCAN CHELL
Chief Financial Officer
Corporate Support Division

GLEN MAGUS
Director - Corporate Support
Corporate Support Division

Attachments:

1.  HSC Investments Summary Report October 2023
2.  HSC Borrowings Summary Report October 2023

File Reference: F2004/06987-02

Document Number: D08765132

4 COUNCIL MANAGED CROWN LAND - DEVOLVED LAND

EXECUTIVE SUMMARY

- The *Crown Land Management Act 2016* was enacted on 1 July 2018.
- The Act authorises Council as the appointed Crown Land Manager to manage Crown land as if it were public land under the *Local Government Act 1993*.
- As Crown Land Manager, Council assigned land categories to the Crown land as per Section 36 of the *LG Act*, for the Minister's review.
- The Crown office has recommended Council consider becoming Crown Land Manager for eighteen (18) reserves which are currently devolved to Council.
- This report seeks Council's resolution to endorse Council's request to become Crown Land Manager for nine (9) Crown land reserves, and retain the remaining nine (9) as land devolved to Council, shown at Attachment 1.

RECOMMENDATION

THAT Council:

1. Endorse the Crown Land Manager request for the nine sites, as shown in Attachment 1 to Director's Report No. CE13/23.
2. Request approval from the Minister administering the Crown Land Management Act to accept Council's request to become Crown Land Manager, as shown in Attachment 1 to Director's Report No. CE13/23.
3. Authorise the General Manager to approve the provision of any documentation required to support Council's request to become Crown Land Manager.

PURPOSE

The purpose of this Report is to seek Council's endorsement to request approval from the Minister administering the *Crown Land Management Act 2016 (CLM Act)* to:

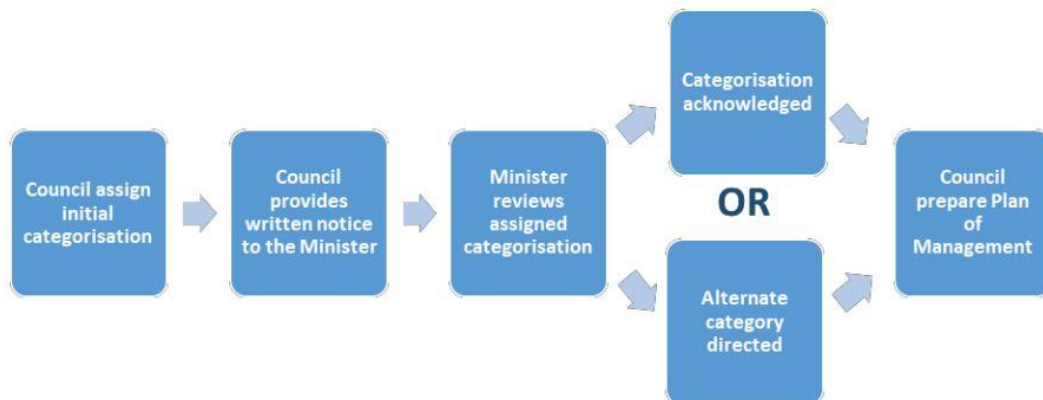
- Accept Council's request to become the Crown Land Manager for nine (9) reserves which were previously Devolved to Council for management.
- Accept the proposed categorisation mapping and justification for the nine (9) reserves.

Shown at Attachment 1.

BACKGROUND

The *CLM Act* was enacted on 1 July 2018. Since this time, Council has become the Crown Land Manager for 90 former reserve trust lands, most of which Council already managed. Under Section 3.23 of the *CLM Act*, Council Crown Land Managers must assign one or more community land categories to Crown land in accordance with the *Local Government Act 1993 (LG Act)*. The process of assigning land categories does not propose any change of use.

The below diagram outlines the process for assigning land categories to Crown land and the eventual development of Plans of Management.



Council assigned an initial land category to Crown land as per Section 36 of the *LG Act* where Hornsby Council is the Crown Land Manager. These initial categorisations were endorsed by Council on 14 April 2021, and the categorisations were submitted to the Minister for approval on 10 May 2021.

On 24 December 2021, The Crown advised Council eighteen (18) reserves were Devolved to Council and therefore Council was not the Crown Land Manager. The Crown advised they were supportive of Council becoming the Crown Land Manager for all eighteen (18) reserves.

A Plan of Management is not required for reserves which are devolved to Council.

DISCUSSION

Council commenced a detailed review of the eighteen (18) reserves which are Devolved to Council, considering the implications for Council in:

1. Becoming Crown Land Manager.
2. Leaving the reserves as Devolved to Council.
3. Resigning from any management responsibility.

The advantages to Council in becoming Crown Land Manager for these reserves is:

- Council currently manages the site consistent with being a Crown Land Manager.
- If Council is appointed the Crown Land Manager, these reserves would be managed under the same legislation (*Crown Land Management Act 2016*) as the other Crown Land reserves where Council is the appointed Crown Land Manager, instead of as a public reserve under section 48 of the *Local Government Act 1993*.
- Crown Land Managers can issue leases and licences over the reserve, whereas Devolved Managers must seek approval from the Crown.
- Crown Land Managers can authorise management activities of the reserve (e.g., construction of a new amenities block) without Crown approval. Whereas Devolved Managers must seek approval from the Crown.
- Regulatory activity and compliance action as well as the use of other Acts (such as the Impounding Act 1993 or the Environmental Planning and Assessment Act 1979) where their use is permitted under the LG Act, may also be undertaken.
- A Plan of Management is developed to ensure management of the site consistent with other community land.

Other considerations for Council becoming Crown Land Manager for these reserves is:

- If Council becomes the Crown Land Manager, Council is unable to resign from this management responsibility.
- If Council becomes the Crown Land Manager and contamination is found later, Council may be responsible for any compensation claims.
- If a Native Title claim is made over the reserve, this claim must be investigated by Council rather than the Crown.
- Becoming Crown Land Manager will increase Council's management responsibility and may include maintenance costs for sites where currently no ongoing works occur. In some cases, these parcels of land are bounded by NSW National Park estate and it would be more logical for these areas to be managed consistently as part of the national park.

A list of all eighteen (18) reserves and the justification for becoming Crown Land Manager or retaining the land as Devolved to Council can be found at Attachment 1.

Taking the above positive and negative impacts into consideration, there is merit in Council becoming the Crown Land Manager for nine (9) of the reserves. These reserves are:

1. Brooklyn Cemetery.
2. Forsters Reserve.
3. Glenorie Park.
4. Jordan Close Playground.
5. Jack Thompson Reserve.
6. Observatory Park.
7. Oakleigh Park.

8. Western Crescent Park.
9. Wisemans Ferry Cemetery.

It is recommended Council retains the existing Devolved Land management land status for the sites listed below and investigations be undertaken to determine if future land management can be transferred to a more appropriate agency such as NSW National Parks and Wildlife Service:

1. Sir Edward Hallstrom Fauna Reserve.
2. Epping Bushland.
3. 70-76X Crosslands Road.
4. Foxglove Road Bushland.
5. Beaumont Road Bushland.
6. Glenview Road Bushland.
7. Downes St Access Track.
8. 81 Thorn Street.
9. R45642 (multiple bushland reserves across the Hornsby Shire).

CONSULTATION

An internal Project Control Group comprising of representatives from Parks, Trees and Recreation, Strategy and Place, Natural Resources and Property was established to guide the Crown Land review process. The Building Services Team and Health Team were also consulted regarding the two (2) cemetery sites, as they undertake works on these sites.

Additionally, Council staff liaised with officers of Department of Industry – Crown Lands, who provided in principal support for Council's request.

BUDGET

For all nine (9) reserves Council is requesting to become the Crown Land Manager for, Council is currently actively managing and therefore funds have already been allocated in Council's Operational Budget. Therefore, there is no budget impact associated by changing these nine (9) reserves from being Devolved to Council to Council being the appointed Crown Land Manager.

POLICY

The *Crown Land Management Act 2016* was enacted on 1 July 2018. For reserves where Council is the Crown Land Manager, Council can manage the reserves under the Crown Land Management Act. For reserves where the land is Devolved to Council, Council can manage the reserves under the *Local Government Act 1993* and cannot issue leases and licences over the land. A Plan of Management is required for Crown Land where Council is the Crown Land Manager.

CONCLUSION

Council officers assigned land categories for 90 Crown reserves which most closely related to their current use in accordance with the land categories of the *LG Act*.

Following the Crown's review of our assigned land categories, the Crown recommended Council consider becoming the Crown Land Manager for eighteen (18) reserves which are currently devolved to Council. Following a detailed review of all eighteen (18) reserves, it was revealed there is merit in

Council becoming the Crown Land Manager for nine (9) reserves and retaining the other nine (9) reserves as being devolved to Council.

This report seeks Council's endorsement to become Crown Land Manager for the nine (9) sites listed in Attachment 1.


RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Manager Parks, Trees and Recreation – David Sheils, who can be contacted on 9847 6792.

DAVID SHEILS
Manager - Parks Trees and Recreation
Community and Environment Division

STEPHEN FEDOROW
Director - Community and Environment
Community and Environment Division

Attachments:

1.  Crown Land Devolved to Council

File Reference: F2020/00240

Document Number: D08735145

5 REPORTING VARIATIONS TO DEVELOPMENT STANDARDS

EXECUTIVE SUMMARY

- In accordance with Department of Planning and Environment *Planning Circular PS 20-002* (now repealed), until the end of October 2023, Council is required to report variations to development standards for development applications approved under delegated authority, which relied upon Clause 4.6 (Exceptions to development standards) of the *Hornsby Local Environmental Plan 2013 (HLEP)*.
- In September 2023, the State Government introduced changes to Clause 4.6 to seek to address issues with the Clause including its complexity, cost burdens for proponents, and resourcing implications for councils and the courts. The changes apply to development applications lodged after 1 November 2023.
- As part of the reforms, from 1 November 2023 councils no longer need to submit quarterly reports to the Department detailing variation requests. This information will be extracted directly from the NSW Planning Portal to reduce the administrative burden on councils.
- Council's consideration of this report ensures Council's obligation to monitor variations to development standards is complied with for the final reporting period from July to the end of October 2023.

RECOMMENDATION

THAT the contents of Director's Report No. PC29/23 be received and noted.

PURPOSE

The purpose of this report is to advise Council of determined development applications under delegated authority involving a Clause 4.6 variation to a development standard for the period 1 July to 31 October 2023.

DISCUSSION

Clause 4.6 (variation to development standards) of the Hornsby Local Environmental Plan 2013 provides flexibility in the application of planning controls by allowing the consent authority to approve development applications that may not strictly meet the requirements of the subject development standard but are consistent with the objectives of the development standard and the objectives of the zone.

In these instances, varying a development standard may be allowed by the consent authority when there are sufficient environmental planning grounds to justify contravening the standard. The concurrence of the Secretary of the Department of Planning and Environment must be obtained before consent for development that contravenes a development standard is granted. However, in many cases this concurrence may be assumed by Council.

In 2008, the Department published Planning Circular PS08-014 Reporting variations to development standards. The Circular outlined the procedural and reporting requirements councils must implement with respect to their use of the Secretary's assumed concurrence. The requirements include measures to increase the transparency and accountability in Clause 4.6 decisions, including reporting of decisions, online information on the councils' use of the Secretary's assumed concurrence and quarterly reporting of clause 4.6 variations to the Department.

Monitoring of variations to development standards is important to provide the Department and councils with an overview of the manner in which established development standards are being varied and whether the assumed concurrence is being used as intended. This enables Council and the Department to determine whether development standards are appropriate, or whether changes are required.

Planning Circular PS 20-002 Variations to Development Standards was published by the Department in May 2020. The Circular retained all the same procedural and reporting requirements as the previous Circular, and further included the requirement for all council reports to be submitted to the Department through the Planning Portal.

The *Circular* provides that councils are required to report on a quarterly basis and adopt the following measures:

1. Establish a register of development applications determined with variations in standards under Clause 4.6.
2. Require all development applications where there has been a variation greater than 10% in standards to be determined by the Hornsby Local Planning Panel.
3. Provide a report to Council on the development applications determined where there had been a variation in standards under Clause 4.6.
4. Make the register of the development applications determined with variations in standards under Clause 4.6 available to the public on Council's website.

In September 2023, the State Government introduced changes to Clause 4.6 to seek to address issues with the Clause including its complexity, cost burdens for proponents, and resourcing

implications for councils and the courts. The changes apply to development applications lodged after 1 November 2023.

As part of the reforms, from 1 November 2023 councils no longer need to submit quarterly reports to the Department detailing variation requests. This information will be extracted directly from the NSW Planning Portal to reduce the administrative burden on councils.

Council's consideration of this report ensures Council's obligation to monitor variations to development standards is complied with for the final reporting period to the end of October 2023. Attached to this report is a list of development applications determined between 1 July to 31 October 2023. A copy of the attachment to this report is also reproduced on Council's website.

BUDGET

There are no budget implications.

POLICY

This report addresses Council's reporting obligations for development applications determined where there has been a variation in standards under Clause 4.6.

Planning Circular PS 20-002 has now been repealed, so from November 2023 it is no longer necessary to report variations to the elected council on a quarterly basis. This information is now available on the NSW Planning Portal.

The ongoing implementation of the NSW Government's Planning Portal provides opportunities for reporting on variations to be integrated as part of the development assessment process. The Department will continue to monitor the volume and nature of variations across NSW using this information to inform regular policy review.

CONCLUSION

Council is required to monitor the manner in which development standards are being varied. This assists in determining whether changes are required to relevant standards. This report provides advice to Council on standards varied under delegated authority which relied upon Clause 4.6 of the HLEP during the reporting period from 1 July to 31 October 2023.

RESPONSIBLE OFFICER


The officer responsible for the preparation of this report is the Director of Planning and Compliance Division – James Farrington, who can be contacted on 9847 6750.

JAMES FARRINGTON

Director - Planning and Compliance

Planning and Compliance Division

Attachments:

1.  Clause 4.6 Return - July - OCTOBER 2023

File Reference: F2022/00271

Document Number: D08762759

ITEM 5

6 REPORT ON SUBMISSIONS – 7 CITY VIEW ROAD PLANNING PROPOSAL AND VOLUNTARY PLANNING AGREEMENT

EXECUTIVE SUMMARY

- At its meeting on 9 August 2023, Council resolved to endorse progression of a Planning Proposal and draft Voluntary Planning Agreement for 7 City View Road, Pennant Hills.
- The Planning Proposal seeks to amend planning controls in the *Hornsby Local Environmental Plan 2013* (Hornsby LEP) for the site to facilitate a mixed use development of apartments, seniors housing and office space.
- The associated draft Voluntary Planning Agreement includes the dedication of four affordable housing units to Council in perpetuity, granting of an easement for public access across the site and a contribution of \$450,000 towards improvements in the Pennant Hills Town Centre.
- On 1 September 2023, the Department of Planning and Environment issued a determination authorising Council to proceed with exhibition of the Planning Proposal, subject to a minor change to update zone names. The Planning Proposal was subsequently amended and exhibited alongside the draft Planning Agreement from 15 September to 20 October 2023.
- A total of three public authority submissions and six community submissions were received during the exhibition. Two community submissions are supportive of the Proposal and others raise concerns or objections. Issues raised include traffic, pedestrian access and view impacts. No objections were received to the draft Voluntary Planning Agreement.
- Key issues raised in submissions are addressed in this report. No changes are proposed in response to submissions. It is recommended that Council endorse the Planning Proposal and Planning Agreement attached to this report.

RECOMMENDATION

THAT:

1. Council endorse the 7 City View Road, Pennant Hills Planning Proposal as exhibited (attached to Director's Report No. PC30/23) and progress with finalisation of amendments to the *Hornsby Local Environmental Plan 2013*.
2. Council endorse the Voluntary Planning Agreement attached to Director's Report No. PC30/23 to facilitate dedication of four affordable housing units, an easement for public access and a monetary contribution of \$450,000 towards improvements in the Pennant Hills Town Centre.
3. Submitters be advised of Council's decision.

ITEM 6

PURPOSE

The purpose of this report is to address matters raised in submissions received during the exhibition of the 7 City View Road, Pennant Hills Planning Proposal and associated draft Voluntary Planning Agreement.

BACKGROUND

The Planning Proposal seeks to amend planning controls in the Hornsby LEP for Property No. 7 City View Road, Pennant Hills to facilitate a mixed use development of apartments, seniors housing and office space. This would be achieved through an amendment of the Hornsby LEP.

The LEP amendment would introduce a new Local Provision for the site to permit residential flat buildings, seniors housing and an increased FSR, where the development would result in the delivery of a minimum 0.5:1 floor space ratio for commercial uses.

The associated draft Voluntary Planning Agreement proposes the following community benefits:

- Four apartments, dedicated to Council for the purposes of affordable housing.
- An easement for access through the site from City View Road to Boundary Road.
- Monetary contribution of \$450,000 for Pennant Hills Town Centre improvements.

At its meeting on 9 August 2023, Council considered Director's Report No. PC19/23 concerning the Planning Proposal and associated draft Voluntary Planning agreement and resolved (in part) that:

1. *The City View Road Planning Proposal attached to Director's Report PC19/23 be submitted to the Department of Planning and Environment for a Gateway Determination.*
2. *The draft Voluntary Planning Agreement attached to Director's Report PC19/23 be placed on public exhibition for at least 28 days concurrently with the Planning Proposal.*

In accordance with Council's resolution, the Planning Proposal was submitted to the Department of Planning and Environment (DPE) for a Gateway Determination on 15 August 2023. The Department issued a Gateway Determination on 1 September 2023, permitting the Planning Proposal to proceed to public exhibition subject to correcting the names of land use zones that had changed since the Planning Proposal was initially lodged with Council.

Amendments to the Planning Proposal were made to address the Gateway condition and the amended Planning Proposal and draft Voluntary Planning Agreement were exhibited from 15 September to 20 October 2023.

DISCUSSION

This report discusses issues raised in submissions in response to the exhibition of the Planning Proposal.

1. Public exhibition and submissions

During the exhibition, six community submissions were received. Of those, two support the Planning Proposal. The submissions supporting the Planning Proposal and draft Voluntary Planning Agreement identify the following benefits:

- Affordable housing.
- Housing for seniors that is close to public transport and the Pennant Hills Town Centre.
- Contributions for improvements to the Pennant Hills Town Centre.

Public authority submissions were received from Transport for NSW (TfNSW), Sydney Water and DPE Environment and Heritage Group. These submissions did not oppose the Planning Proposal and provided information to be considered as part of a future development application.

Key matters raised in the submissions objecting to the Planning Proposal are discussed below.

Traffic impacts

Three submissions raise concerns that the Planning Proposal would worsen traffic conditions on local roads and the intersection of City View Road and Pennant Hills Road. One submission suggests that traffic considerations be considered as part of the commitment of the monetary contribution associated with the Voluntary Planning Agreement, specifically works near Fisher Avenue and Trebor Road.

Comment

The Planning Proposal is supported by a Transport Impact Assessment which was updated in February 2023 with traffic flow data and scenario testing. The assessment identifies that the intersection of City View Road and Pennant Hills Road would be impacted by increased traffic associated with the Planning Proposal. However, it anticipates that the intersection would continue to operate within its capacity.

The updated Traffic Impact Assessment was reviewed and commented on by TfNSW in its submission to the public exhibition. TfNSW submissions identifies that phase times and queue lengths could be addressed as part of a more refined traffic impact assessment prepared at the development application stage.

The monetary contribution associated with the Voluntary Planning Agreement is to be used for the provision of open space, community facilities and/or civic improvements within the Pennant Hills Town Centre. Contributions have not been allocated to specific projects. This would be considered as part of future project planning in the Centre.

Recommendation

That no changes be made to the Planning Proposal or Voluntary Planning Agreement in response to submissions commenting on impacts to traffic conditions.

Pedestrian access

Two submissions raise concerns regarding pedestrian access to and from the site, including the potential for conflicts near the proposed easement for access at Boundary Road and the use of existing ramps and driveways shared by other developments for pedestrian access to Pennant Hills Road.

Comment

The primary pedestrian access for the existing office building is on the northern side of the site, adjacent to an existing driveway that serves the site and neighbouring office and residential building. The concept designs supporting the Planning Proposal show that this would be the primary pedestrian access for a future development. A future development application would be required to justify this placement, including assessing risks and mitigation measures associated with the driveway.

Recommendation

That no changes be made to the Planning Proposal in response to submissions commenting on impacts to pedestrian access.

Height impacts

One submission raises concern that the Planning Proposal would result in impacts associated with a taller building, including view and privacy impacts. The submission also suggests that a future development should be restricted to the same height as the existing office building.

Comment

The Planning Proposal seeks to allow an increased FSR on the site if a development application includes a minimum of 0.5:1 FSR of commercial land uses. The Planning Proposal does not propose to increase permissible height limits on the site.

The concept designs supporting the Planning Proposal show a mixed-use building taller than the existing office building (five to seven stories, compared to three to six stories). However, this height could potentially be achieved without the Planning Proposal, under current planning controls should a development application for a hotel, office or other permissible use seek to take full advantage of the current height control.

Importantly, any future development application would need to consider Hornsby LEP and DCP controls related to height and associated impacts. Future development would be required to be orientated and designed to minimise potential privacy impacts on adjoining development.

Recommendation

That no changes be made to the Planning Proposal in response to the submission regarding height impacts.

Parking impacts

One submission raises concerns regarding the adequacy of onsite parking for residents and visitors associated with a future mixed-use building.

Comment

The Transport Impact Assessment prepared to support the application considers potential car parking requirements for the potential land use mix identified in the concept design. The Assessment identifies that the Hornsby DCP would require approximately 210 car park spaces based on the proposed land use mix and that the TfNSW's Guide to Traffic Generating Development 2002 would require 206 car park spaces. Accordingly, the concept design demonstrates that a future development would be able to be serviced by onsite carparking to meet the demands of workers, residents and visitors.

Any future development application would need to consider the car parking requirements of the Hornsby DCP based on the proposed land use mix.

Recommendation

That no changes be made to the Planning Proposal in response to the submission regarding car parking impacts.

Expansion of mixed use permissibility

One submission suggests that the remaining E3 Productivity Support zone adjacent to the site should be considered as a mixed-use precinct.

Comment

The Planning Proposal relates only to 7 City View Road, Pennant Hills. The impacts and opportunities of expanding mixed use permissibility more broadly have not been considered. It would be appropriate to consider this suggestion as part of the future Pennant Hills Town Centre review, which is scheduled to commence in 2026/27.

Recommendation

That no changes be made to the Planning Proposal in response to the submission relating to expansion of mixed-use permissibility. However, the upcoming Pennant Hills Town Centre Study should consider the expansion of mixed use permissibility for the precinct.

2. State Agency submissions

Notification was sent to government agencies in accordance with the Gateway Determination. Responses were received from Sydney Water, TfNSW and the DPE Environment and Heritage Group (EHG).

Sydney Water

Sydney Water raises no concerns with the Planning Proposal.

Transport for NSW

The TfNSW submission identifies that further modelling of the intersection of Pennant Hills Road and City View Road should be addressed as part of a future development application, as should pedestrian considerations and improvements. The submission also requests adequate setbacks to the rail corridor and consultation with the TfNSW at DA stage as the landowner of the adjacent rail land.

DPE Environment and Heritage Group

The submission from EHG recommends that a biodiversity assessment be prepared in accordance with Stage 1 and 2 of the Biodiversity Assessment Method 2020 (BAM), based on the footprint of the concept design supporting the Planning Proposal. It would be appropriate that this occur at DA stage once the design of the future development is finalised. Even if the concept plan were to be amended to a smaller footprint during the planning proposal process, the proponent cannot be held to that concept and a future development application could propose an alternative development outcome.

The Planning Proposal is supported by a Biodiversity Assessment Report (BAR) which identifies that a detailed Biodiversity Development Assessment Report (BDAR) would be required to support a future development application.

As outlined in Director's Report No. PC14/22 (13 July 2022), the following are recommended as part of a future development application, should the Planning Proposal be finalised:

- Biodiversity Development Assessment Report in accordance with s.7.7 of the BC Act, including a demonstration of the efforts to avoid or minimise impacts on biodiversity values.
- Arboricultural Impact Assessment must consider the impacts of basement construction and infrastructure on retained trees and their long-term viability, including a discussion on the potential for retention of large and mature trees on the site.
- Consideration of the objectives and prescriptive measures in the Trees, Vegetation and Biodiversity parts of HDCP.

3. Voluntary Planning Agreement

As discussed above, there were no objections or concerns raised as part of the exhibition of the draft Voluntary Planning Agreement. The Agreement has been updated post-exhibition to finalise particulars in clauses and insert details of the relevant parties, as well as inclusion of the indicative easement maps. It is recommended that, upon endorsing the Planning Proposal for finalisation, the Planning Agreement attached to this report also be endorsed to facilitate delivery of affordable housing units, an easement for public access and a monetary contribution toward Pennant Hills Town Centre improvements.

CONSULTATION

The Planning Proposal and draft Voluntary Planning Agreement were exhibited from 15 September 2023 to 20 October 2023 in accordance with:

- Hornsby Shire Community Engagement Plan 2021.
- *Local Environmental Plan Making Guidelines 2022.*
- Policy on Planning Agreements 2007.
- Section 7.5(1) of the Environmental *Planning and Assessment Act 1979.*
- The Gateway Determination.

The exhibition included:

- Advertisement in the Hornsby Ku-ring-gai Post, Bush Telegraph, Galston Glenorie Community News, Dooral Roundup and Living Heritage.
- Advertisement on Council's 'Your Say Hornsby' website.
- Advertisement in Council's electronic newsletter.
- Letters to affected landowners who own, adjoin or are in proximity to the site.
- Displays at the Hornsby and Pennant Hills local libraries.
- Consultation with public authorities including Transport for NSW, NSW Environment and Heritage Group, Sydney Water and Ausgrid.

BUDGET

The monetary contributions received from a finalised VPA would support Council's delivery of improvements in the Pennant Hills Town Centre, which is in proximity to 7 City View Road.

POLICY

The Gateway Determination authorises Council, as planning proposal authority, to exercise the functions of the local plan-making authority under section 3.36(2) of the EP&A Act. Council has authorisation to exercise its delegation of plan-making powers for this Planning Proposal, including the power to finalise the proposal.

CONCLUSION

The 7 City View Road, Pennant Hills Planning Proposal was publicly exhibited from 15 September 2023 to 30 October 2023. A total of six community and three public authority submissions were received. Key concerns raised in submissions are addressed in this report and no changes to the Planning Proposal are recommended.

It is recommended that Council endorse the 7 City View Road Pennant Hills Planning Proposal and Voluntary Planning Agreement attached to Director's Report No. PC30/23.




RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Manager of Strategic Land Use 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.  7 City View Road Planning Proposal
2.  Voluntary Planning Agreement - 7 City View Road
3.  VPA - Explanatory Note - 7 City View Road

File Reference: PP/1/2022
Document Number: D08769959

7 REPORT ON SUBMISSIONS – SENIORS HOUSING IN HERITAGE CONSERVATION AREAS – DRAFT DEVELOPMENT CONTROL PLAN AMENDMENTS

EXECUTIVE SUMMARY

- At its meeting on 11 October 2023, Council resolved to exhibit draft amendments to the Hornsby Development Control Plan 2013 to introduce new controls to require seniors housing developments to contribute positively to the significance and character of heritage conservation areas.
- The amendments were exhibited from 16 October 2023 to 6 November 2023 and seven submissions were received. The submissions are generally supportive or provide suggestions to strengthen the DCP amendments such as climate-sensitive building features, avoiding loss of vegetation, limiting the scale of development and stronger wording.
- Minor changes to the exhibited amendments are recommended in response to submissions.
- It is recommended that Council approve the amendments to the Hornsby DCP.

RECOMMENDATION

THAT:

1. Council approve the Hornsby Development Control Plan amendments for Seniors Housing in Heritage Conservation Areas attached to Director's Report No. PC31/23.
2. Notification of the approval of the amendments be published on Council's website.
3. Submitters be advised of Council's decision.

PURPOSE

The purpose of this report is to address matters raised in submissions received during the exhibition of draft amendments to the Hornsby Development Control Plan 2013 (Hornsby DCP). The amendments would introduce new controls to guide the development of seniors housing within heritage conservation areas (HCAs).

BACKGROUND

At its meeting on 11 October 2023, Council considered Director's Report No. PC26/23 seeking endorsement to exhibit draft amendments to the Hornsby DCP that would, in summary:

- Introduce new desired outcomes and prescriptive measures requiring seniors housing in HCAs to contribute positively to the significance and character of HCAs and be consistent with controls set out in Part 9 Heritage.
- Require development applications for seniors housing to include a detailed Heritage Impact Assessment.
- Introduce new prescriptive measures to guide the streetscape presentation, location of car parking and landscaping of seniors housing developments in HCAs.

Council resolved (in part) that:

1. *The draft Development Control Plan amendments for Seniors Housing in Heritage Conservation Areas attached to Director's Report No. PC26/23 be exhibited for a period of 28 days and in accordance with Council's Community Engagement Plan.*
2. *Following the exhibition, a report on submissions be presented to Council for consideration.*

In accordance with Council's resolution, the draft Hornsby DCP amendments were exhibited from 16 October 2023 to 6 November 2023. This report addresses the submissions received during the public exhibition.

DISCUSSION

The draft DCP amendments were exhibited from 16 October 2023 to 6 November 2023 via Council's 'Your Say Hornsby' website. During the exhibition, seven submissions were received. The submissions are generally supportive or provide suggestions to strengthen the DCP amendments such as climate-sensitive building features, loss of vegetation, limiting the scale of development and stronger wording.

Key matters raised in submissions are addressed below.

Climate-sensitive building features

One submission suggests the draft DCP amendments should include climate-sensitive features such as solar power generation, double glazing and sealed doors.

Comment

The draft DCP amendments have been prepared in response to the impending expiration of the State Government's moratorium on seniors housing in HCAs on 31 December 2023.

The State Government has prepared a draft Seniors Housing Design Guide to help inform design and assessment of seniors housing proposals. The design guide identifies objectives and design guidance for delivery of climate-appropriate seniors housing buildings. Once finalised, the draft Design Guide

will replace the existing Seniors Living: Urban Design Guidelines for Infill Development 2004 and will need to be considered for seniors housing developments prescribed in the Housing SEPP.

Further, Section 1C.2.8 Building Sustainability of the Hornsby DCP includes existing provisions for residential and non-residential buildings to meet State requirements for building sustainability which measures a development's energy and water usage, and thermal performance.

Recommendation

That no changes be made to the exhibited draft DCP amendments in response to the submission commenting on climate-sensitive building features.

Loss of vegetation

One submission suggests the DCP controls should include a mechanism to prevent the loss of existing tree canopy.

Comment

The Hornsby DCP has existing provisions that separately address preservation of trees and biodiversity, tree removal and vegetation on heritage items and within HCAs.

Section 1B.6 Tree and Vegetation Preservation and Section 1C.1.1 Biodiversity of the Hornsby DCP contain existing prescriptive measures for the preservation of trees and biodiversity on private properties. All development applications that include tree removal must demonstrate why removal is necessary and that any trees that cannot be retained are compensated with adequate replacement tree planting and landscaping.

Section 9.2.3 Gardens, Tree and Landscaping and Section 9.3.3 Gardens, Fences and Gates contains existing provisions to be considered when a development impacts existing trees and gardens located on heritage items or in HCAs.

Recommendation

That no changes be made to the exhibited draft DCP amendments in response to the submission commenting on the loss of tree canopy due to redevelopment of heritage properties.

Limits to density and height of seniors housing developments

Some submissions suggest various limitations to density and height for seniors housing developments including that:

- Building height controls should be strictly observed and applicable to the entirety of a property.
- There should be a limit to the number of dwellings within a seniors housing development and to the number of seniors housing developments within any HCA.

Comment

With the expiry of the State Government's moratorium, *State Environmental Planning Policy (Housing) 2021* (Housing SEPP) would no longer exclude seniors housing developments from being located in HCAs.

The Housing SEPP is the prevailing planning instrument for the development of housing for the elderly and people with a disability in NSW. The Housing SEPP includes development standards and design principles specific to meeting the housing needs of the elderly and people with a disability.

Of these development standards, specific requirements for minimum site area, building height and setbacks provide the framework for which a seniors development may be constructed. The draft DCP amendments seek to strengthen consideration of the character and context of Hornsby's HCAs.

However, in situations where there is an inconsistency between the Housing SEPP and local controls in terms of density or height, the provisions of the Housing SEPP prevail. Consequently, introducing local controls that further limit height, limit the number of dwellings within a seniors housing development or to exclude such developments from an HCA would have no effect.

Recommendation

That no changes be made to the exhibited draft DCP amendments in response to submissions suggesting further density and height limitations for seniors housing developments within HCAs.

Changes to language in the DCP controls

A submission from the Byles Creek Valley Union suggests the use of 'must' rather than 'should' to enforce compliance with the controls.

Comment

Council has previously considered and obtained advice on the terminology within the Hornsby DCP including the use of the term 'should' and 'must'. The *Environmental Planning and Assessment Act 1979* identifies that development controls in DCPs are not statutory requirements and they should provide guidance only and allow flexibly for reasonable alternative solutions that achieve the objectives of the controls. Therefore, it is appropriate to use the term 'should' instead of 'must' to reflect the status of DCPs and to ensure consistency with wording used throughout all chapters in the Hornsby DCP.

Recommendation

That no changes be made to the exhibited draft DCP amendments in response to the submission to strengthen the language used for seniors housing provisions within HCAs.

Additional wording in controls

A submission from the Beecroft Cheltenham Civic Trust suggests the desired outcomes and prescriptive measures should specify that intrusive elements are avoided or neutralised.

Comment

The existing prescriptive controls in Part 9 of the DCP arguably should already ensure the avoidance of intrusive elements for any type of development in Heritage Conservation Areas. The additional prescriptive measures proposed for Part 9 seek to ensure they apply specifically to seniors housing. A more thorough review of the heritage elements of the Hornsby DCP is scheduled to commence in the coming months as part of the Comprehensive Heritage Review.

A new desired outcome and prescriptive measure is also proposed in Part 7.2 Community Housing of the DCP. It would be appropriate that the additional desired outcome Part 7.2.1 b. be amended as suggested in the submission to specify that intrusive elements are avoided.

Recommendation

That the following change be made to the exhibited DCP amendments for desired outcome Part 7.2.1 b. to read (additional text in bold):

Development in heritage conservation areas that contributes positively to the area's heritage significance **and avoids intrusive elements.**

CONSULTATION

In accordance with the consultation strategy outlined in Director's Report No. PC26/23, the draft DCP amendments were exhibited from 16 October 2023 to 6 November 2023 through advertisement on Council's 'Your Say Hornsby' website, and notification letters were sent to relevant historical societies and civic trusts. Seven submissions were received and have been addressed in this report.

BUDGET

There are no budgetary implications associated with this report.

POLICY

The State Government's Housing SEPP facilitates the development of seniors housing on a range of land use zones, including the R2 Low Density Residential zone. The R2 Low Density Residential zone is present in the majority of Hornsby Shire's HCAs.

The State Government's moratorium on the application of the Housing SEPP's seniors housing provisions in HCAs is due to expire on 31 December 2023. Consequently, the proposed draft amendments to the Hornsby DCP have been prepared to seek to minimise the impact of seniors housing development in HCAs.

Subject to Council's endorsement, the draft amendments would be incorporated into the Hornsby DCP and come into force once published on Council's website.

CONCLUSION

Amendments to the Hornsby DCP were exhibited between 16 October 2023 and 6 November 2023 to introduce new controls for seniors housing development in HCAs. A total of seven submissions have been received which are generally supportive or provide suggestions to strengthen the DCP amendments such as climate-sensitive building features, loss of vegetation, limiting the scale of development and stronger wording.

The matters raised have been addressed in this report and minor changes to the DCP amendments are recommended in response to submissions.

It is recommended that Council approve the Seniors Housing in Heritage Conservation Area DCP controls (as amended) attached to this report.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Manager of Strategic Land Use 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.  Seniors Housing in Heritage Conservation Areas - DCP Amendments

File Reference: F2004/09011

Document Number: D08770231

ITEM 7

8 REPORT ON SUBMISSIONS – ELECTRIC VEHICLE CHARGING – DEVELOPMENT CONTROL PLAN AMENDMENTS

EXECUTIVE SUMMARY

- At its meeting on 11 October 2023, Council resolved to exhibit draft amendments to the Hornsby Development Control Plan 2013 to introduce new controls that require electric vehicle (EV) charging connection points for new residential and commercial developments.
- The amendments were exhibited from 16 October 2023 to 6 November 2023 and seven submissions were received. The submissions are generally supportive or provide suggestions or comments on kerbside and public EV charging, electricity generation and storage and minimum connection points.
- The comments and suggestions are addressed in this report and no changes to the exhibited DCP amendments are recommended in response to submissions.
- It is recommended that Council approve the amendments to the Hornsby DCP.

RECOMMENDATION

THAT:

1. Council approve the draft Electric Vehicle Charging amendments to the Hornsby Development Control Plan 2013 attached to Director's Report No. PC32/23.
2. Notification of the approval of the amendments be published on Council's website.
3. Submitters be advised of Council's decision.

PURPOSE

The purpose of this report is to address matters raised in submissions received during the exhibition of draft Electric Vehicle Charging amendments to the Hornsby Development Control Plan 2013 (Hornsby DCP).

BACKGROUND

At its meeting on 11 October 2023, Council considered Director's Report No. PC25/23 seeking endorsement to exhibit draft amendments to the Hornsby DCP for Electric Vehicle Charging to:

- Introduce a new desired outcome to encourage and support the use of electric vehicles.
- Prescribe EV connection rates for low, medium and high-density residential developments, including seniors independent living and boarding house developments.
- Prescribe EV connection rates for commercial developments.
- Prescribe charging and parking requirements for electric bikes and mobility scooters in medium and high-density residential, mixed use and commercial developments.
- Require compliance with the National Construction Code minimum safety standards for EV connections.

Council resolved that:

1. *The draft Electric Vehicle Charging Hornsby Development Control Plan amendments attached to Director's Report No. PC25/23 be placed on public exhibition for a period of 28 days in accordance with Council's Community Engagement Plan.*
2. *Following the exhibition, a report on submissions be presented to Council for consideration.*

In accordance with Council's resolution, the draft Hornsby DCP amendments were exhibited from 16 October 2023 to 6 November 2023.

DISCUSSION

This report discusses submissions received in response to the exhibition of the draft Electric Vehicle Charging DCP amendments. A total of seven submissions were received from the community.

The submissions are generally supportive or include suggestions or comments. Key matters raised are discussed below.

Kerbside and public EV charging options

Some submissions suggest that Council should explore the following:

- Installation of kerbside EV charging infrastructure to service EV vehicle owners who may not have access to dedicated parking spaces.
- Installation of EV charging infrastructure on street light posts.
- Installation of EV charging infrastructure in existing and future Council-owned car parking facilities.

Comment

Council has an adopted *Electric Vehicle Charging Stations on Public Land Policy* which facilitates the provision, installation, management, maintenance and removal of EV charging stations on public land in Hornsby Shire. Under this policy, Council has approved two leases in Council car parks (Beecroft

and Dural Street, Hornsby) for the installation of public EV charging units. In addition, five EVC units are available on private land in commercial areas across the Shire.

State Environmental Planning Policy (Transport and Infrastructure) 2022 (Transport and Infrastructure SEPP) outlines provisions for the installation of an EV charging units on public lands. Section 2.124B of the SEPP permits with consent, the installation of an EV charging unit on public lands adjacent to a residential premises for non-commercial use by an owner/occupier of the adjacent residential premise. Section 2.124E of the SEPP permits the installation of EV charging units on existing electricity/lighting poles on behalf of electricity supply or public authority as exempt development.

The draft Electric Vehicle Charging Hornsby DCP amendments focus on the provision of electric vehicle charging infrastructure for various residential and commercial developments, and not on public lands within Hornsby Shire.

Although out of scope of these DCP amendments, Council will continue to investigate the installation of public EV charging units in Council car parks and on other public land, in accordance with Council's adopted Policy and the provisions of the Transport and Infrastructure SEPP.

Recommendation

Council continue to investigate the installation of public EV charging units in Council car parks and on other public land, in accordance with Council's adopted Policy and the provisions of the Transport and Infrastructure SEPP.

Electricity generation and storage

One submission suggests that development controls for electricity generation (solar panels), including associated provision for orientation, roof materials and landscaping, and electricity storage (batteries) should be considered alongside the proposed EV charging infrastructure controls.

Comment

State Environmental Planning Policy (Transport and Infrastructure) 2022 outlines provisions for the installation of solar energy systems and small-scale battery systems as either complying (Section 2.39 of the SEPP) or exempt development (Section 2.41 of the SEPP). To qualify as complying or exempt development, the location of the systems on a property or building must be considered, along with compliance with manufacturer's specifications, Australian Standards and installation by a person accredited by the Clean Energy Council.

Applications for residential buildings are required to be accompanied by a BASIX certificate that complies with the provisions of the *State Environmental Planning Policy (Sustainable Buildings) 2022* while non-residential buildings must demonstrate compliance with the energy efficiency provisions of the *Building Code of Australia*.

Section 1C.2.8 Building Sustainability of the Hornsby DCP also outlines desired outcomes and prescriptive measures to promote development that incorporates environmentally sustainable design and construction.

The preparation of new development controls for electricity generation and storage would have significant implications for all developments in Hornsby Shire. Further research and investigation would be required that is outside the scope of the current draft DCP amendments which is limited to EV charging infrastructure.

Recommendation

That no changes are made to the exhibited draft Hornsby DCP amendments in response to a submission requesting the introduction of associated development controls for electricity generation and storage.

Changes to the draft development controls

Some submissions include suggestions for amendments to controls including:

- EV ready connections should be available at each parking space for residential developments rather than one per dwelling.
- Multistorey residential developments should include a fast charger in common property that provides at least 50kW.
- The control requiring one shared EV connections for every 10 car spaces for commercial, business, office, retail, hotel, motel, hostel and co-living development should be increased to provide at minimum, an EV connection for half of all car parking spaces.

Comment

The exhibited draft DCP controls require a level of EV readiness in new developments. The rates reflect current uptake and encourage and support the use of electric vehicles by prescribing minimum rates of infrastructure to be provided in new developments, to avoid expensive retrofitting in the future. There is the flexibility for greater capacity for EV charging if owners or proponents feel it is necessary for more than one charging connection per dwelling or more connections in commercial parking spaces.

Recommendation

That no changes are made to the exhibited draft Hornsby DCP amendments in response to submissions requesting increased EV connection rates.

CONSULTATION

In accordance with the consultation strategy outlined in Director's Report No. PC25/23, the draft Hornsby DCP amendments were exhibited from 16 October 2023 to 6 November 2023 through advertisement on Council's 'Your Say Hornsby' website. Seven submissions were received and have been addressed in this report.

BUDGET

There are no budgetary implications associated with this report.

POLICY

The proposed draft amendments to the Hornsby DCP aim to introduce new controls to encourage and support the use of EVs. This is consistent with Action 2.2 of Council's adopted Climate Wise Action Plan to support the uptake of electric vehicles, including installation of public charging stations and investigation of planning controls to require charging infrastructure in new developments.

Subject to Council's endorsement, the draft amendments would be incorporated into the Hornsby DCP and come into force once published on Council's website.

CONCLUSION

Amendments to the Hornsby DCP were exhibited between 16 October 2023 and 6 November 2023 to introduce new controls that identify and require minimum EV charging connection points for new residential and commercial developments. A total of seven submissions were received.

The submissions are generally supportive or provide suggestions or comments on kerbside and public EV charging, electricity generation and storage and minimum connection points. The comments are addressed in this report and no changes to the draft amendments are proposed.

It is recommended that Council approve the Electric Vehicle Charging DCP amendments attached to this report.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Manager of Strategic Land Use 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.  Electric Vehicle Charging - DCP Amendments

File Reference: F2021/00318

Document Number: D08770482

9 LETTER FROM PLANNING MINISTER - HOUSING DELIVERY

EXECUTIVE SUMMARY

- On 30 October 2023, the Minister for Planning and Public Spaces wrote to councils regarding the need to allow for more housing in low and medium density zones across NSW to assist increase the supply and diversity of homes and to address the housing crisis.
- The Minister asks councils to review their policy settings and identify well-located areas where terraces, small unit blocks or well-designed mid-rise apartments can be permitted. The Minister also requests his letter be reported to a General Meeting of Council so Councillors are aware of the State Government's intentions.
- The Hornsby Local Housing Strategy 2020 provides the strategic direction for housing growth in Hornsby Shire including actions to meet State mandated housing targets. Of note, Council has already commenced a medium density housing project to identify appropriate locations for medium density dwellings such as terraces and townhouses.
- In addition to strategic work to facilitate housing delivery, Council has collaborated with the State Government as part of its fast-track assessment programs which have assisted reduce assessment times.
- Although Council has an important role in addressing the housing crisis, this is a complex problem requiring collaboration across all levels of government and it should be acknowledged that Council does not play a role in the construction and completion of housing or the provision of associated State infrastructure.
- Notwithstanding the Minister's request that councils undertake local planning for medium density housing, a month later on 28 November 2023, the Government announced changes to fast-track a greater diversity of homes like residential flat buildings of 3-6 storeys, terraces, townhouses, duplexes and smaller apartment blocks in suburbs where they are not currently allowed.
- It is recommended that Council note the letter from the Minister for Planning and Public Spaces and write to the Minister outlining Council's strategy for appropriate housing delivery and raising concerns about the recent announcement of planning reforms which appears to conflict with his request that councils plan for medium density housing locally.

RECOMMENDATION

THAT:

1. Council note the letter from the Minister for Planning and Public Spaces requesting councils review their planning policies to increase housing supply and diversity.
2. Council write to the Minister for Planning and Public Spaces outlining Council's:
 - Current medium density housing project.
 - Proven track record of housing delivery via strategic planning initiatives and the timely assessment of planning applications.
 - Commitment to facilitate housing provision in accordance with the initiatives outline in the Hornsby Local Housing Strategy 2020.
 - Willingness to continue to investigate opportunities for appropriate housing delivery in the future in accordance with any revised housing targets.
 - Observation that the housing crisis is not limited to council zoning and application determination timeframes but that macro-economic factors also need to be addressed.
3. Council's letter to the Minister also note the recent announcement of planning reforms by the State Government appears to conflict with his request that councils plan for medium density housing locally and raise concerns that such an approach may not appropriately respond to constraints such as bushfire, flooding, vegetation and infrastructure capacity.

PURPOSE

The purpose of this report is to table correspondence from The Hon. Paul Scully MP, Minister for Planning and Public Spaces concerning housing delivery and to seek endorsement to respond outlining Council's strategy for appropriate housing delivery in Hornsby Shire.

BACKGROUND

The Federal Government's National Housing Accord 2022 (the Accord) sets a target of 1.2 million new dwellings across Australia by 2029. The Accord seeks to address housing supply issues contributing to low rental vacancies, lack of affordable housing and housing shortages.

The housing targets under the Accord are divided between states and territories, with housing to be delivered in well located areas with services and amenities. In NSW, the Accord allocates 377,000 homes (75,000 homes each year) by 2029.

The housing targets under the Accord come at a time when NSW is experiencing a downturn in housing completion. Housing data compiled by the Department of Planning and Environment (DPE) indicates housing completions across the Greater Sydney region are 25.5% below the previous 5 year average to 2023. This downturn in dwelling completions constrains the goal of delivering the required number of dwellings.

State-wide reviews of the housing shortage focus on initiatives for greenfield housing development and infill housing, with programs for speeding up development assessment times, identifying priority precincts for rezonings and reviewing the rules for social and affordable housing.

On 30 October 2023, the Minister for Planning and Public Spaces, The Hon Paul Scully MP, wrote to NSW councils concerning housing delivery targets. The Minister's letter (copy attached) outlines the commitments under the Accord and notes that NSW is in a housing crisis and councils and the State Government need to work together to look at every opportunity to address this crisis. Further, the letter:

- Asks councils to begin work identifying well-located areas where more low and mid-rise homes (such as terraces, small unit blocks or well-designed mid-rise apartments) can be permitted.
- Suggests that limitations across residential zones constraining diversity of housing should be reviewed by councils. The limitations relate primarily to the majority of councils not allowing terraces, townhouses and manor homes in the R2 Low Density Residential zone.
- Advises that local government elections scheduled for 2024 should not delay this work or any planning functions undertaken by Council.
- Requests the letter be reported to a General Meeting of Council so Councillors are aware of the State Government's intentions.

This report presents an overview of the letter from the Minister for Planning and Public Spaces and outlines Council's response to delivering appropriate housing within Hornsby Shire.

DISCUSSION

In reviewing the request from the Minister, it is appropriate to consider Council's position concerning the issues raised including strategic planning, development assessment and other factors impacting housing supply.

1. Strategic Planning Initiatives

Hornsby Council has a proven track record of responding to State Government housing targets through the preparation of local housing strategies that respond to the character of the Shire, local conditions and community aspirations. Council's previous housing strategies in 1994, 1998 and 2010 have successfully delivered housing to meet housing targets in planned areas where infrastructure and services can be provided, ensuring the character and amenity of established low density residential areas is maintained.

Under the 2010 Housing Strategy, 4,416 dwellings were completed between 2016 and 2021 in line with State Government targets for the period. It is estimated that capacity remains for approximately 1,000 additional dwellings to be delivered under existing planning controls within the planned precincts.

The 2020 Local Housing Strategy sets out the vision and strategic direction for housing delivery over the next 20 years. As well as capacity under existing planning controls, the Strategy acknowledges the following mechanisms for ongoing delivery of housing within the Shire:

Medium Density Strategy

Earlier this year, Council commenced a project involving identification of well-located and serviced land with minimal constraints where medium density development could be permitted. Urban design, feasibility, waste servicing and vegetation considerations along with locational criteria are being evaluated.

This project is directly aligned with the Minister's request that Council immediately commence work to identify locations for low and mid-rise homes. It is anticipated the draft Medium Density Strategy will be formulated to be presented to Councillors in the first half of 2024 for endorsement for exhibition.

Hornsby Town Centre Masterplan

At its meeting in November 2023, Council adopted the Hornsby Town Centre Masterplan to redefine the Town Centre skyline to facilitate opportunities for 4,900 new dwellings in residential towers, varying in height up to 36 storeys and clustered around the train station and mall. The Masterplan also aims to provide 4,500 new jobs.

The adoption of the Masterplan demonstrates Council's commitment to guide the delivery of future housing obligations. Council is now seeking to work with State agencies including the Department of Planning and Environment and Transport for NSW to ensure the coordinated and timely delivery of State infrastructure to support anticipated growth.

Cherrybrook Station Precinct and Place Strategy

Council continues to engage with the Department of Planning and Environment on the delivery of the rezoned Cherrybrook Station Precinct and the current State-led rezoning process for the wider precinct. This project is anticipated to provide opportunities for approximately 1,500 dwellings to contribute to future housing obligations.

The project demonstrates the need for collaboration across State and local government to ensure a coordinated approach to housing delivery which balances the objective for additional dwellings with demands for infrastructure improvements such as road upgrades, open space provision and community facilities.

Pennant Hills

Council is currently participating in a working group with Transport for NSW on the preparation of a Pennant Hills Road Transport Plan as a pre-cursor to an upcoming review of the Pennant Hills Road

corridor and Pennant Hills Town Centre Review. Council's Pennant Hills Town Centre Review is scheduled to commence in the coming years and will look at providing opportunities for jobs and dwellings to contribute to future housing obligations.

2. Timely assessment of development applications

The Housing Strategy also acknowledges the important role of the approval process in housing delivery. Council has collaborated with the State Government as part of its fast-track assessment programs including the NSW Public Open Spaces Legacy Program. The initiatives Council has implemented under these programs have assisted reduce assessment times below agreed targets, ensuring the timely determination of applications. Council's average processing time frame for development applications as reported on the Department website was 75 days in July being the second fastest of the metro fringe councils.

3. Challenges to Housing Delivery

Although Council has an important role in addressing the housing crisis, this is a complex problem requiring collaboration across all levels of government and it should be acknowledged that Council does not play a role in the construction and completion of housing or the provision of associated State infrastructure.

Ultimately dwelling completions are delivered by the private construction sector and economic factors outside of Council's control drive the rate at which housing projects are completed, with recent national and global economic challenges contributing to under delivery of approved dwellings. Feedback from industry indicates that, in some instances, there is a reluctance to act on approvals due to broader market trends, economic conditions, escalating construction costs, supply-chain issues and other industry challenges.

Council records indicate that since 2020, at least 1,180 dwellings have been approved by Council but not yet delivered by the development industry. The significant number of undelivered dwellings highlights that although Council can identify a pipeline for future dwellings and ensure that rezonings and development applications are completed in a timely manner, this does not overcome the macro-economic considerations impacting the development industry.

4. Planning Reforms for Mid Rise Housing

Notwithstanding the Minister's letter requesting councils undertake local planning for medium density housing, on 28 November 2023, the Government announced changes to fast-track a greater diversity of homes like residential flat buildings of 3-6 storeys, terraces, townhouses, duplexes and smaller apartment blocks in suburbs where they are not currently allowed. The proposed changes are expected to create capacity for up to 112,000 new homes by 2029.

In making the announcement, the Minister noted the Government has previously written to councils asking them to review local policy settings to allow for more housing in low and medium density zones across their local government area. However, these reforms have been announced only a month after the Minister's letter, providing limited opportunity for councils to respond to the State Government's request and undertake any planning actions.

Details of the Government's proposed changes include allowing:

- Dual occupancies (two separate homes on a single lot), such as duplexes, in all R2 low density residential zones.

- Terraces, townhouses, manor homes and two storey apartment blocks near transport hubs and town centres in R2 low density residential zones.
- Mid-rise apartment blocks near transport hubs and town centres in R3 medium density zones and appropriate employment zones.

The Government proposes to introduce a State Environmental Planning Policy to enact these changes while simultaneously encouraging councils to add these types of dwellings to their own planning rules. The plans are anticipated to be placed on public exhibition for public feedback in early December.

Although the details of the legislation are yet to be released, the reforms appear to be in conflict with the Minister's request that councils plan for medium density housing locally. A State-wide approach to medium density housing provision raises concerns about potential impacts on local character and the ability for Council to plan for necessary infrastructure improvements where housing is dispersed throughout low density areas.

Council's experience with similar approaches to housing provision in the past has indicated that such strategies result in adverse environmental impacts including tree loss and significant community angst as there is no certainty where development will occur.

It is understood the changes will not apply to heritage conservation areas. However, the residential areas of the Shire are subject to significant bushfire risk with 38% of low-density zoned properties and 20% of medium density zoned properties bushfire prone. In addition, 10% of low-density zoned properties and 24% of medium density zoned properties are flood prone. A blanket approach to the delivery of medium density housing raises significant environmental and safety concerns for future occupants.

A further report will be presented to Council concerning the implications of the legislation for Hornsby Shire and progression of Council's medium density housing project when the draft legislation is exhibited.

Submission to the Minister

It is appropriate that Council note the letter from the Minister for Planning and Public Spaces requesting councils review their planning policies to increase housing supply and diversity. In response, it is recommended that Council write to the Minister outlining Council's:

- Current medium density housing project.
- Proven track record of housing delivery via strategic planning initiatives and the timely assessment of planning applications.
- Commitment to facilitate housing provision in accordance with the initiatives outline in the Hornsby Local Housing Strategy 2020.
- Willingness to continue to investigate opportunities for appropriate housing delivery in the future in accordance with any revised housing targets.
- Observation that the housing crisis is not limited to council zoning and application determination timeframes but that macro-economic factors also need to be addressed.

Council's letter to the Minister should also note the recent announcement of planning reforms by the State Government appears to conflict with his request that councils plan for medium density housing

locally and raise concerns that such an approach may not appropriately respond to constraints such as bushfire, flooding, vegetation and infrastructure capacity.

BUDGET

There are no budgetary implications associated with this report.

POLICY

As discussed in this report, the Local Housing Strategy 2020 identifies sufficient housing delivery to meet State government mandated targets. Council is on track to deliver dwellings in accordance with existing policy.

Council is already well placed to meet the request in the letter from the Minister to review policy settings for medium density, with the current Medium Density housing project commenced to identify opportunities for medium density dwellings in suitably located and serviced areas.

The draft Medium Density Strategy will be progressed to enable reporting to Council in the first half of 2024 for endorsement for exhibition. However, it will be appropriate to review options for progression of the Strategy in consideration of the implications of the recent State Government reforms for medium density housing.

CONCLUSION

The Minister for Planning and Public Spaces has requested that councils expedite planning to allow more housing in low and medium density zones across NSW to assist increase the supply and diversity of homes and to address the housing crisis.

Council has continued its commitment to respond to the growing demand for housing by progressing actions outlined in the Hornsby Local Housing Strategy endorsed by the Department of Planning and Environment in 2021. Specifically, of relevance to the Minister's request, Council is currently reviewing opportunities across the Shire to provide medium density housing that is well located and compatible with the local character.

It is recommended Council note the letter from the Minister for Planning and Public Spaces and write to the Minister outlining Council's strategy for appropriate housing delivery and raising concerns about the recent announcement of planning reforms which appears to be in conflict with his request that councils plan for medium density housing locally.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Director of Planning and Compliance – James Farrington - who can be contacted on 9847 6750.

KATHERINE VICKERY
Manager - Strategic Landuse Planning
Planning and Compliance Division

JAMES FARRINGTON
Director - Planning and Compliance
Planning and Compliance Division

Attachments:

There are no attachments for this report.

File Reference: F2020/00096

Document Number: D08774825

10 MAYOR'S NOTES 01 NOVEMBER 2023 TO 30 NOVEMBER 2023

Note: These are the functions that the Mayor, or his representative, has attended in addition to the normal Council Meetings, Workshops, Mayoral Interviews and other Council Committee Meetings.

Wednesday 1st November 2023 – The Mayor hosted four Citizenship Ceremonies in the Council Chambers at Hornsby Shire Council in Hornsby.

Friday 3rd November 2023 – The Mayor attended a Waste Site Facilities Tour, Hornsby.

Friday 3rd November 2023 – The Mayor attended the NSFA (Northern Suburbs Football Association) President's Dinner 2023, at the Kirribilli Club, Kirribilli.

Saturday 4th November 2023 – On behalf of the Mayor, Deputy Mayor, Councillor Waddell attended the Relay for Life 2023 Opening Ceremony, at Rolf Park, Hornsby Heights.

Saturday 4th November 2023 – The Mayor attended the Probus Social light-hearted evening party, at Club Berowra, Berowra.

Saturday 4th November 2023 – On behalf of the Mayor, Councillor Tilbury attended Brooklyn Community Theatre – It's my party, in Brooklyn.

Sunday 5th November 2023 – The Mayor attended The Hawksbury Creative Collective art exhibition, at Clarendon Station, Clarendon.

Sunday 5th November 2023 – The Mayor attended Asquith Men's Bowling Club Hornsby Shire Cup event, at Asquith Men's Bowling Club, Hornsby.

Sunday 5th November 2023 – On behalf of the Mayor, Councillor Pillamarri attended Hindu Council Deepavali Celebration 2023, in Riverstone Park, Riverstone.

Monday 6th November 2023 – The Mayor attended the Community Suicide Roundtable, at Storey Park, Hornsby.

Tuesday 7th November 2023 – The Mayor attended the Year 12 Graduation Ceremony, being at Al-Faisal College, Austral.

Thursday 9th November 2023 – The Mayor attended the Year 12 Graduation Ceremony, being at Al-Faisal College, Auburn.

Friday 10th November 2023 – The Mayor attended Brooklyn Public School Remembrance Day Memorial, in Brooklyn.

Friday 10th November and Sunday 12th November 2023 – The Mayor attended the District 201N5 Convention, by the Lions club at ANZ Stadium, Olympic Park.

Saturday 11th November 2023 – The Mayor attended Commemoration of Remembrance Day at RSL Hornsby Sub Branch, at The Hornsby Cenotaph, Hornsby.

Saturday 11th November 2023 – On behalf of the Mayor, Councillor Greenwood attended the Katina Ceremony, at Thornleigh Community Centre, Thornleigh.

Saturday 11th November 2023 – On behalf of the Mayor, Deputy Mayor, Councillor Waddell attended a Remembrance Day event, at Galston memorial, Galston.

Wednesday 15th November 2023 – The Mayor attended Wisdom on the Water, at Berowra Waters Inn, Berowra.

Saturday 18th November 2023 – The Mayor attended Hornsby Park Site Tour, Hornsby Park, Hornsby.

Saturday 18th November 2023 – The Mayor attended Hornsby Swim Club 60th Anniversary Celebration, at Hornsby Aquatic Centre, Hornsby.

Saturday 18th November 2023 – The Mayor attended India Club Iconic Diwali Celebration, in Castle Hill.

Sunday 19th November 2023 – The Mayor attended Remembrance Day Service with the Hind Council of Australia, at ANZAC Jawan Cenotaph, Cherrybrook.

Monday 20th November 2023 – The Mayor attended The Robert and Jeanne Szeto Pet-CT Centre Official Launch, at Sydney Adventist Hospital, Wahroonga.

Wednesday 22nd November 2023 – The Mayor hosted four Citizenship Ceremonies in the Council Chambers at Hornsby Shire Council in Hornsby.

Thursday 23rd November 2023 – The Mayor attended the State-wide Mutual 30th Birthday Cruise, at King Street Wharf, Darling Harbour.

Friday 24th November 2023 – The Mayor attended the Hornsby Fountain Relaunch, at Westfield Hornsby, Hornsby.

Saturday 25th November 2023 – On behalf of the Mayor, Councillor Pillamarri attended the 2023 Bushcare and Nursery Christmas Part, at Club Berowra, Berowra.

Saturday 25th November 2023 – On behalf of the Mayor, Deputy Mayor, Councillor Waddell attended the Community Achievement Awards Gala Presentation, at Sydney Masonic Centre, Sydney.

Wednesday 29th November 2023 – The Mayor attended Pacific Berowra Christian School Art Exhibition, at Pacific Berowra Christian School, Berowra.

Wednesday 29th November 2023 – The Mayor attended Wideview Public School Presentation Day, at Wideview Public School, Berowra Heights.

Thursday 30th November 2023 – The Mayor attended the Annual General Meeting for Inala, in Cherrybrook.

File Reference: F2004/07053

Document Number: D08773115

11 PROPOSAL TO CHANGE BROOKLYN PARKING RESTRICTIONS

COUNCILLOR SALITRA TO MOVE

THAT Council:

1. Identify improvements to lighting, security and access to the Upper McKell carpark at Brooklyn for all users.
2. Discuss improvement options, including financial implications, at an informal workshop in early 2024.
3. Consider options for seeking grants to fund identified improvements.
4. In collaboration with river communities, develop an exceptional circumstances permit that allows qualified residents to park in 4P spaces under an Authorised Vehicle Excepted permit.
5. That Council seek any approvals possible from Crown Lands to enable these permits to be issued.
6. Roll back 4P timed parking spaces within the foreshore parking areas to a total of 30 spaces until viable alternative parking is implemented.
7. That approval for the roll-back of 4P parking space be sought via Council's Traffic Committee without delay.

Note from Councillor

In November 2023 Council introduced 4P timed parking from 6am-6pm to the foreshore areas at the Lower McKell and Dangar Road wharf carparks; in accordance with the decision made at Council's 12 April 2023 General Meeting.

It is appreciated that Council staff require time to monitor and assess the impact these changes have made. However, during the community consultations and more recently since the implementation of timed parking in these areas, residents have explained their differing circumstances that mean the changes have had an adverse effect on the liveability of their home on the river, due to having to park in the Upper McKell overflow car park.

According to residents, this makes an already difficult commute home, more challenging. Likewise, some business owners have communicated the change to 4P parking is detrimental to their customer's needs and therefore, their business.

Considering these changes were implemented towards the end of this year, it is noted that any review of the changes cannot occur until early February 2024 when council reconvenes. From that point, additional time will be required to implement any revised changes in accordance with due process.

This leaves residents who do not feel safe or are not easily able to traverse the steps or slip road to Upper McKell, to deal with the adverse impacts of having to park there or at further locations, for many months. This includes residents with health or mobility issue that do not qualify for a disability permit, parents with young children, a shift worker who cannot move their car by 10am the next morning, or an emergency service worker or volunteer who needs quick access to their car.

According to the community consultation report regarding parking changes in September and October 2022 presented at the 12 April 2023 General Meeting, only 22.63% (105) of respondents supported restricting parking to 4 hours, with 60.99% (283) stating a 6am - 6pm start and finish time was not appropriate (Attachment to Report No. GM1/23).

It appears the majority of resident and some business owner's feedback to Council and Councillors since implementation suggests the parking changes are not working as anticipated; with the 4P timed parking not aligning with the working habits of river residents, customer needs for some businesses and visitors who come for the day.

Points 1 to 3 ask Council to investigate and find funding for accessibility and safety improvements for Upper McKell parking. This will benefit river and Brooklyn residents, visitors to Brooklyn and will support local businesses with additional easy-to-access untimed parking for customers.

Points 4 and 5 ask Council to develop permits for river residents who have exceptional circumstances and require parking in close proximity to the ferry or their mooring, but do not qualify for a disability permit. This will benefit younger and older residents who struggle with the steps and hill to Upper McKell.

Points 6 and 7 ask Council to help alleviate pressures from the reduction in longer stay parking, by reducing the quantity of 4P car parking spaces until a viable alternative is identified and implemented.

This motion does not attempt to describe the criteria of what would be considered an exceptional circumstance, nor does it attempt to suggest where the reduced timed parking would be located along the foreshore as these would best be identified by council in conjunction with stakeholders.

This motion recognises there is merit in allowing some turn-over of parking along the river foreshore in Brooklyn to benefit all stakeholders, but these changes should be reduced until there is a viable, safe and accessible alternative area for existing long-term users to park.

By working towards alleviating some of the additional difficulties for residents and business owners caused by the 4P timed parking, a more collaborative relationship between stakeholders might be achieved.

Attachments:

There are no attachments for this report.

File Reference: F2019/00117

Document Number: D08782377

12 PAVED FOOTPATH CONSTRUCTION NEW LINE ROAD, CHERRYBROOK**COUNCILLOR GREENWOOD TO MOVE**

That Council:

1. Acknowledges the need for a safe, reliable and connected paved footpath for the public to access the western side of New Line Road between County Drive and Franklin Road, Cherrybrook.
2. Investigates the construction of a paved footpath along the western side of New Line Road between County Drive and Franklin Road, Cherrybrook.
3. Reports the outcomes of this investigation and discussions with Transport for NSW at an Informal workshop for consideration of inclusion in Councils Delivery Program/Operational Plan 2024/25.

Note from Councillor:

The *Hornsby Shire's Community Strategic Plan 2022-2023 (the Plan)* identified one of the top ten issues for Shire residents is transport, which included the provision for better options for walking.

Included in this *Plan's vision* is its key theme 'Productive', which recognises roads and footpaths need to be safe, reliable and connected to key destinations for people to move around the Shire. The plan of action under the Productive theme is to deliver, maintain and promote new footpaths, cycleways and shared paths for increased walkability and active transport.

Over the past two years, Cherrybrook residents have consistently raised concerns and requested action regarding the unpaved grass footpath, between 151 New Line Road and the County Drive intersection, on New Line Road, Cherrybrook. Approximately 200 metres in length, this grassy footpath has the appearance of a large grassy verge and is bookended by a paved footpath, which stops at the connection with Franklin Road, and then joins another paved footpath which curves around the corner of County Drive and New Line Road. In comparison, a complete paved footpath runs the southern length of New Line Road opposite the unpaved section.

A substantial number of local Cherrybrook residents use this unpaved grass footpath on a daily basis. In 2022, Council undertook laying a road base mixture as a temporary measure however weather conditions caused this measure to disintegrate rapidly so that only a small remnant remains near 151 New Line Road. The unpaved grass footpath referred to is unsafe and often difficult to navigate in inclement weather for pedestrians. This stretch of grass verge also lends itself to a potential accident if vehicles mount and park on the unpaved footpath due to its grass verge appearance. As the footpath opposite this section is already completely paved and the upper and lower ends of the unpaved section are also paved, providing a paved 200 metre connection between them would not in

itself be seen as a catalyst for pedestrians to cross New Line Road.

Attachments:

There are no attachments for this report.

File Reference: F2004/09982

Document Number: D08782488

ITEM 12

13 VETERAN EMPLOYMENT SERVICES**COUNCILLOR GREENWOOD TO MOVE**

That Council:

1. Make contact with the Veteran Employment Program (VEP) and investigate the opportunities for Council to have a collaborative relationship with VEP by linking, supporting and employing veterans within its Hornsby local government area.
2. Report back the outcome of this contact to an Informal Workshop of Council prior to the end of March 2024.

Note from Councillor:

Australia Bureau of Statistics census data, as at September 2023, shows that 707 veterans reside in the Hornsby Local Government Area (LGA). Due to their military experience, veterans are usually highly disciplined, mature, with comprehensive time-management and a range of other skills as a result of their ADF deployment.

In May 2016, the Veterans Employment Program (VEP) was launched to help veterans find suitable, sustainable and meaningful employment within the NSW Government Sector. In order to develop the VEP, the NSW Office for Veterans Affairs led research to analyse how Australian Defence Force (ADF) employees' skills and experience match those required for public sector jobs. This comprehensive research found that ADF skills and experience are highly transferrable to government workplaces across a broad range of fields. There are roles in NSW Government to cater to all levels of skill and experience, ranging from entry level to executive positions.

With approximately 1,200 people separating from the ADF in NSW each year, the NSW Government is committed to capitalising on this large and highly skilled recruitment pool. The VEP developed a Rank to Grade Guide (LGR2G) in partnership with the Office of Local Government, LGNSW and the United Services Union to help hiring managers and veterans understand how Australian Defence Force skills and experience align with public sector jobs.

At present, sixteen Councils in NSW have successfully signed with VEP to form a partnership in employing veterans across a wide range of roles.

Attachments:

There are no attachments for this report.

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