

23 December 2016

Lynne Sheridan,
Director, Codes and Approvals Pathways
Housing Policy
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Email: lynne.sheridan@planning.nsw.gov.au

Dear Ms Sheridan

Submission – Medium Density Housing Code

Thank you for the opportunity to comment on the proposed Medium Density Housing Code amendment to the Codes SEPP and draft Medium Density Design Guide.

Council considered Group Manager's Report No. PL83/16 on the Draft Medium Density Housing Code at its meeting on 14 December 2016 and resolved:

1. *THAT Council forward a submission to the Department of Planning and Environment supporting the intent of promoting density housing but raising the concerns identified in Group Manager's Report No. PL83/16 including:*
2. *Implementation of the Medium Density Design Guide by way of State Environmental Planning Policy (Exempt and Complying Development) Codes 2008 is inconsistent with the draft North District Plan which identifies that councils are best placed to investigate opportunities for medium density housing.*
3. *Medium density development is better suited to the development application pathway to enable merit assessment when required.*
4. *The role of the Medium Density Design Guide should be similar to that of the NSW Apartment Design Guide and State Environmental Planning Policy No.65 Design Quality of Residential Apartment Development to respect local character.*
5. *Should the Department proceed to amend the Codes SEPP, provision should be made for councils to seek exemption where they can demonstrate that their local housing strategy has implemented the requirements of the District Plan and is consistent with the design intent of the Medium Density Design Guide.*

A final copy of Council's submission and minutes of the Council meeting of 14 December 2016 are attached to this letter and form part of Council's submission.

Should you require further information or clarification of any matters raised in this submission, please contact me on 9846 6744.

Yours faithfully

A handwritten signature in black ink, appearing to read 'F Rayner', with a long horizontal flourish extending to the right.

Fletcher Rayner
Manager
Strategic Planning Branch

Attach: *Group Manager's Report PL83/16 – Draft Medium Density Housing Code*
Minutes of General Meeting Held at Council Chambers, Hornsby on Wednesday 14 December 2016

MINUTES OF GENERAL MEETING

Held at COUNCIL CHAMBERS, HORNSBY
on Wednesday 14 December 2016
at 6:34PM



PRESENT

Councillors Russell (Chairman), Anisse, Azizi, Browne, Cox, Gallagher, Hutchence, and Tilbury.

NATIONAL ANTHEM

OPENING PRAYER

Father Robert Borg, from Our Lady of the Rosary Cathedral, Waitara opened the meeting in prayer.

ACKNOWLEDGEMENT OF RELIGIOUS DIVERSITY

Statement by the Chairman:

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

ABORIGINAL RECOGNITION

Statement by the Chairman:

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

AUDIO RECORDING OF COUNCIL MEETING

Statement by the Chairman:

"I advise all present that tonight's meeting is being 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 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

RESOLVED ON THE MOTION OF COUNCILLOR GALLAGHER, seconded by COUNCILLOR HUTCHENCE,

THAT the apology and request for leave of absence from Councillors Berman and Singh in respect of an inability to attend the General Meeting on 14 December 2016 be accepted and leave of absence be granted.

FOR: COUNCILLORS AZIZI, ANISSE, BROWNE, COX, GALLAGHER, HUTCHENCE, RUSSELL AND TILBURY

AGAINST: NIL

POLITICAL DONATIONS DISCLOSURE

Statement by the Chairman:

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

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

COUNCILLOR ANISSE declared a Less Than Significant Non-Pecuniary Interest in relation to Item 7 - PL73/16 - Development Application - Dwelling House - 8A Kirkham Street, Beecroft. Refer to that Item for details

COUNCILLOR AZIZI declared a Less Than Significant Non-Pecuniary Interest in relation to Item 7 - PL73/16 - Development Application - Dwelling House - 8A Kirkham Street, Beecroft. Refer to that Item for details.

COUNCILLOR ANISSE declared a Pecuniary Interest in relation to Item 18 - MM9/16 - Mayoral Minute - South Dural Planning Proposal. Refer to that Item for details

COUNCILLOR BROWNE declared a Less Than Significant Non-Pecuniary Interest in relation to Item 18 - MM9/16 - Mayoral Minute - South Dural Planning Proposal. Refer to that Item for details

COUNCILLOR COX declared a Less Than Significant Non-Pecuniary Interest in relation to Item 18 - MM9/16 - Mayoral Minute - South Dural Planning Proposal. Refer to that Item for details

COUNCILLOR HUTCHENCE declared a Less Than Significant Non-Pecuniary Interest in relation to Item 18 - MM9/16 - Mayoral Minute - South Dural Planning Proposal. Refer to that Item for details

COUNCILLOR RUSSELL declared a Less Than Significant Non-Pecuniary Interest in Item 18 - MM9/16 - Mayoral Minute - South Dural Planning Proposal. Refer to that Item for details

CONFIRMATION OF MINUTES

RESOLVED ON THE MOTION OF COUNCILLOR BROWNE, seconded by COUNCILLOR HUTCHENCE,

THAT the Minutes of the General Meeting held on Wednesday 9 November 2016 be confirmed, a copy having been distributed to all Councillors.

FOR: COUNCILLORS AZIZI, ANISSE, BROWNE, COX, GALLAGHER, HUTCHENCE, RUSSELL AND TILBURY

AGAINST: NIL

PETITIONS

COUNCILLOR TILBURY tabled a petition, with approximately 850 signatures in relation to Item 11 – PL77/16 - Further Report - Development Application - Subdivision Of Four Allotments Into Four Lots - Water Recreation Structure - Calabash Point, Berowra Creek

PRESENTATIONS

Nil

RESCISSION MOTIONS

Nil

MAYORAL MINUTES

17 MM8/16 Undergrounding of Power Lines

(F2004/08619-04)

RESOLVED ON THE MOTION OF COUNCILLOR RUSSELL, seconded by COUNCILLOR HUTCHENCE

THAT Council:

1. Seek to meet with Ausgrid to discuss ways that Ausgrid can progressively place the power supply underground as part of their network maintenance and renewal strategy, with an initial focus on Peats Ferry Road between Galston Road and the Asquith Town Centre.
2. Investigate appropriate amendments to the Hornsby Development Control Plan 2013 that aim to ensure that all new subdivisions and high density developments include underground cabling or the future provision for this.

FOR: COUNCILLORS AZIZI, ANISSE, BROWNE, COX, GALLAGHER, HUTCHENCE, RUSSELL AND TILBURY

AGAINST: NIL

18 MM9/16 Mayoral Minute - South Dural Planning Proposal

(PP/1/2013)

Note: COUNCILLOR ANISSE declared a Pecuniary Interest in this Item under Clause 52 of Council's Code of Meeting Practice (see Declarations of Interest in these Minutes). The nature of the interest was stated by COUNCILLOR ANISSE on the Declaration of Interest form as "Family residence at 245 New Line Road, Dural, which is in the South Dural Precinct". COUNCILLOR ANISSE was not present at, or in sight of, the meeting when the item was being discussed or voted on.

Note: COUNCILLOR BROWNE declared a Less Than Significant Non-Pecuniary Interest in this Item under Clause 51A of Council's Code of Meeting Practice (see Declarations of Interest in these

Minutes). The nature of the interest was stated by COUNCILLOR BROWNE on the Declaration of Interest form as "I am a member of the same organisation that a number of local residents that could be affected by this Mayoral Minute." and the explanation of why the interest does not require further action in the circumstances was "I would not be affected in making a decision."

Note: COUNCILLOR COX declared a less than significant non-pecuniary interest in this Item under Clause 51A of Council's Code of Meeting Practice (see Declarations of Interest in these Minutes). The nature of the interest was stated by COUNCILLOR COX on the Declaration of Interest form as "I am a member of the same organisation as some of the persons affected by this item." and the explanation of why the interest does not require further action in the circumstances was "the interest has no bearing on my decision in this item."

Note: COUNCILLOR HUTCHENCE declared a less than significant non-pecuniary interest in this Item under Clause 51A of Council's Code of Meeting Practice (see Declarations of Interest in these Minutes). The nature of the interest was stated by COUNCILLOR HUTCHENCE on the Declaration of Interest form as "I am a member of an organisation where members have expressed views both for and against the proposal." and the explanation of why the interest does not require further action in the circumstances was "has no impact on my decision and I do not recall meeting or talking with them previous to this issue being raised."

Note: COUNCILLOR RUSSELL declared a Less Than Significant Non-Pecuniary Interest in this Item under Clause 51A of Council's Code of Meeting Practice (see Declarations of Interest in these Minutes). The nature of the interest was stated by COUNCILLOR RUSSELL on the Declaration of Interest form as "I am a member of the Liberal Party to which some land owners in South Dural also belong." and the explanation of why the interest does not require further action in the circumstances was "This association does not interfere with my decision to move this Mayoral Minute."

RESOLVED ON THE MOTION OF COUNCILLOR RUSSELL seconded by COUNCILLOR HUTCHENCE

THAT:

1. Council write to the Honourable Duncan Gay, Minister for Roads, Maritime and Freight requesting an urgent response to confirm the NSW Government's position concerning the commitment of State funds for upgrades to the regional road network in accordance with the business plan for the South Dural Planning Proposal and timing of delivery for any such funds.
2. Should the State Government not support the funding model in the business plan, confirmation be sought concerning the Government's plans and timeframe for upgrading New Line Road and Old Northern Road to meet existing conditions and projected background growth.

FOR: COUNCILLORS AZIZI, BROWNE, COX, GALLAGHER, HUTCHENCE, RUSSELL AND TILBURY

AGAINST: NIL

ITEMS PASSED BY EXCEPTION / CALL FOR SPEAKERS ON AGENDA ITEMS

THE MAYOR ANNOUNCED his intention to deal with the balance of the Business Paper by the exception method and announced the items.

Items 1, 2, 6, 7, 11 and 16 were withdrawn for discussion.

RESOLVED ON THE MOTION OF COUNCILLOR COX, seconded by COUNCILLOR ANISSE,
THAT the recommendations in respect of items 3, 4, 5, 8, 9, 10, 12, 13 and 14 be adopted

FOR: COUNCILLORS ANISSE, AZIZI, BROWNE, COX, GALLAGHER, HUTCHENCE,
RUSSELL AND TILBURY

AGAINST: NIL

For the sake of clarity, the above items are recorded in Agenda sequence.

Note: Item 15 was called over and noted.

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

Note: Persons wishing to address Council on Non Agenda items were permitted to speak after all items on the Agenda in respect of which there was a speaker from the public were finalised by Council. Their names are recorded in the Minutes under the heading "Public Forum – Non Agenda Items."

GENERAL BUSINESS

OFFICE OF THE GENERAL MANAGER

1 GM4/16 Code Of Conduct Complaints - Annual Report

(F2006/00554)

Mr Peter Waite, of Pennant Hills addressed Council regarding this item.

RESOLVED ON THE MOTION OF COUNCILLOR TILBURY, seconded by COUNCILLOR BROWNE

THAT the contents of General Manager's Report No. GM4/16 be received and noted.

FOR: COUNCILLORS AZIZI, ANISSE, BROWNE, COX, GALLAGHER, HUTCHENCE,
RUSSELL AND TILBURY

AGAINST: NIL

CORPORATE SUPPORT DIVISION

2 CS48/16 Outstanding Council Resolutions - Period Until 31 August 2016

(F2005/00112)

RESOLVED ON THE MOTION OF COUNCILLOR HUTCHENCE, seconded by COUNCILLOR BROWNE

THAT:

- A. The contents of Deputy General Manager's Report No. CS48/16 be received and noted.
- B. In respect of the outstanding resolution for Notice of Motion No. NOM3/16 - Community Infrastructure Serving Beecroft and Cheltenham:
 - 1. Council progress the upgrade works to the Beecroft Station Gardens and car parking/landscape improvements to the Beecroft Community Centre.
 - 2. Up to \$600,000 of the funds arising from the sale of 179 Beecroft Road, Cheltenham be allocated to complete the Stage 2 works for Beecroft Station Gardens.
 - 3. Council investigate options for the development of a public domain plan for the Beecroft Town Centre.

FOR: COUNCILLORS AZIZI, ANISSE, BROWNE, COX, GALLAGHER, HUTCHENCE, RUSSELL AND TILBURY

AGAINST: NIL

3 CS49/16 Investments and Borrowings for 2016/17 - Results for Period Ending 31 October 2016

(F2004/06987-02)

RESOLVED ON THE MOTION OF COUNCILLOR COX, seconded by COUNCILLOR ANISSE

THAT the contents of Deputy General Manager's Report No. CS49/16 be received and noted.

FOR: COUNCILLORS AZIZI, ANISSE, BROWNE, COX, GALLAGHER, HUTCHENCE, RUSSELL AND TILBURY

AGAINST: NIL

ENVIRONMENT AND HUMAN SERVICES DIVISION

4 EH11/16 Proposal to Enter into Biobanking Agreements at Waitara Creek

(F2015/00348)

RESOLVED ON THE MOTION OF COUNCILLOR COX , seconded by COUNCILLOR ANISSE

THAT:

1. Council submit proposed Biobanking agreements to the Office of Environment and Heritage for land known as Waitara Creek Bushland, Galston Park Bushland and Arcadia Park Bushland as outlined in Attachments 1, 2 and 3 to Group Manager's Report No. EH11/16.
2. The General Manager be authorised to enter into negotiations with Lend Lease Bouygues Joint Venture/NorthConnex, The NSW Department of Education and other interested parties to finalise the transfer and retirement of Biobanking credits generated for Waitara Creek Bushland, Galston Park Bushland and Arcadia Park Bushland.
3. The General Manager be authorised to execute any documents in relation to Biobanking agreements for Waitara Creek Bushland, Galston Park Bushland and Arcadia Park Bushland as deemed appropriate by Council's legal advisors.

FOR: COUNCILLORS AZIZI, ANISSE, BROWNE, COX, GALLAGHER, HUTCHENCE, RUSSELL AND TILBURY

AGAINST: NIL

5 EH13/16 Proposed New Leases - Council's Pre-School and Kindergarten Portfolio

(F2016/00073)

RESOLVED ON THE MOTION OF COUNCILLOR COX , seconded by COUNCILLOR ANISSE

THAT:

1. In respect of KU Berowra, KU Galston, KU Grevillia, Jack and Jill Kindergarten, Larool Preschool and North Epping Kindergarten, Council delegate authority to the Acting General Manager to undertake further detailed negotiations and execute appropriate lease documents and any other related documents deemed appropriate by Council's legal advisors for leases of a maximum term of 10 years (including any option periods), generally in accordance with the Heads of Agreement included in Confidential Attachment 2 to Group Manager's Report No. EH13/16.
2. In respect of Norwood Community Preschool and Cherrybrook Community Kindergarten, Council delegate authority to the Acting General Manager to undertake further detailed negotiations and execute appropriate lease documents and any other related documents deemed appropriate by Council's legal advisors for leases of a maximum term of 10 years (including any option periods) generally reflective of the market valuations received and

agreements reached with the other kindergartens.

3. Council seek consent from the Minister for Crown Lands to those leases on Crown Land at Asquith and Hornsby Heights.

FOR: COUNCILLORS AZIZI, ANISSE, BROWNE, COX, GALLAGHER, HUTCHENCE,
RUSSELL AND TILBURY

AGAINST: NIL

PLANNING DIVISION

6 PL70/16 Development Application - Addition of Two Silos to an Existing Concrete Batching Plant - 23 Sefton Road, Thornleigh

(DA/938/2016)

Mr Mark Ireland, of Thornleigh addressed Council regarding this item.

Mr Loui Gavallaro, of Thornleigh addressed Council regarding this item.

RESOLVED ON THE MOTION OF COUNCILLOR BROWNE, seconded by COUNCILLOR HUTCHENCE

THAT Council assume the concurrence of the Secretary of the Department of Planning and Environment pursuant to Clause 4.6 of the Hornsby Local Environmental Plan 2013 and approve Development Application No. DA/938/2016 for the addition of two silos to an existing concrete batching plant at Lot 1 DP 590251, No. 23 Sefton Road, Thornleigh, subject to the conditions of consent detailed in Schedule 1 of Group Manager's Report No. PL70/16 and amendment to condition No. 14 as follows:

14. Hours of Operation

The hours of operation of the premises, including deliveries, maintenance works and other noise generating activities, are restricted to those times listed below:

Monday to Friday	7 am to 6 pm
Saturday	8 am to 1 pm
Sunday and Public Holidays	No work

FOR: COUNCILLORS AZIZI, ANISSE, BROWNE, COX, GALLAGHER, HUTCHENCE,
RUSSELL AND TILBURY

AGAINST: NIL

(DA/802/2016)

Note: COUNCILLOR AZIZI declared a Less Than Significant Non-Pecuniary Interest in this Item under Clause 51A of Council's Code of Meeting Practice (see Declarations of Interest in these Minutes). The nature of the interest was stated by COUNCILLOR AZIZI on the Declaration of Interest form as "Adjoining property to the proposed DA site has hired a planner who has worked for my husband." and the explanation of why the interest does not require further action in the circumstances was "It is a remote connection and will not have impact on my decision."

Note: COUNCILLOR ANISSE declared a Less Than Significant Non-Pecuniary Interest in this Item under Clause 51A of Council's Code of Meeting Practice (see Declarations of Interest in these Minutes). The nature of the interest was stated by COUNCILLOR ANISSE on the Declaration of Interest form as "The adjoining land owners' (objectors) planner, Think Planners, is known to me professionally." and the explanation of why the interest does not require further action in the circumstances was "We do not discuss the contents of this application."

Mr Adam Byrnes, on behalf of the Applicant addressed Council regarding this item.

RESOLVED ON THE MOTION OF COUNCILLOR HUTCHENCE, seconded by COUNCILLOR AZIZI

THAT consideration of Development Application No. DA/802/2016 for construction of a dwelling house at Lot 9 DP1089650, No. 8A Kirkham Street, Beecroft be deferred to enable an onsite meeting to be arranged by the Group Manager Planning for available Councillors, Council officers, the applicant and submitters to discuss the implications of the Development Application and issues raised in submissions including bulk and scale, privacy, heritage, stormwater management, vehicular access and parking.

**FOR: COUNCILLORS AZIZI, ANISSE, BROWNE, COX, GALLAGHER, HUTCHENCE,
RUSSELL AND TILBURY**

AGAINST: NIL

**8 PL75/16 Development Application - Residential Flat Building Comprising 36
Units - Nos 3, 5 and 5A Citrus Avenue, Hornsby**

(DA/725/2016)

RESOLVED ON THE MOTION OF COUNCILLOR COX , seconded by COUNCILLOR ANISSE

THAT Development Application No. DA/725/2016 for demolition of existing structures and construction of a five storey residential flat building comprising 36 units and basement car park at Lot 2 DP 882305, Lot 17 DP 7071, Lot 1 DP 882305 Nos. 3, 5 and 5A Citrus Avenue, Hornsby be

approved subject to the conditions of consent detailed in Schedule 1 of Group Manager's Report No. PL75/16.

FOR: COUNCILLORS AZIZI, ANISSE, BROWNE, COX, GALLAGHER, HUTCHENCE, RUSSELL AND TILBURY

AGAINST: NIL

9 PL76/16 Development Application - Industrial Building Comprising 17 Units, Signage, Strata Subdivision and First Use - 4 Gundah Road, Mount Kuring-gai

(DA/519/2016)

RESOLVED ON THE MOTION OF COUNCILLOR COX , seconded by COUNCILLOR ANISSE

THAT Council assume the concurrence of the Secretary of the Department of Planning and Environment pursuant to Clause 4.6 of the Hornsby Local Environmental Plan 2013 and approve Development Application No. DA/519/2016 for construction of an industrial building comprising 17 units, signage, strata subdivision and first use of units, at Lot 2 DP 733994, No. 4 Gundah Road, Mount Kuring-gai, as a deferred commencement pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979 subject to the conditions of consent detailed in Schedule 1 of Group Manager's Report No. PL76/16.

FOR: COUNCILLORS AZIZI, ANISSE, BROWNE, COX, GALLAGHER, HUTCHENCE, RUSSELL AND TILBURY

AGAINST: NIL

10 PL81/16 Development Application - Emergency Services Facility - Berowra Park (R33756), 14X Berowra Waters Road, Berowra

(DA/805/2016)

RESOLVED ON THE MOTION OF COUNCILLOR COX , seconded by COUNCILLOR ANISSE

THAT Development Application No. DA/805/2016 for construction of an emergency services facility for the NSW Rural Fire Service at Lot 7308 DP 116522, Berowra Park (R33756), No. 14X Berowra Waters Road, Berowra be approved subject to the agreement of the NSW Rural Fire Service to the imposition of conditions of consent detailed in Schedule 1 of Group Manager's Report No. PL81/16.

FOR: COUNCILLORS AZIZI, ANISSE, BROWNE, COX, GALLAGHER, HUTCHENCE, RUSSELL AND TILBURY

AGAINST: NIL

11 PL77/16 Further Report - Development Application - Subdivision Of Four Allotments Into Four Lots - Water Recreation Structure - Calabash Point, Berowra Creek

(DA/1009/2013)

Ms Lauren Gallaway, on behalf of Save Calabash Bay, addressed Council regarding this item

Mr Michael Bell OAM, on behalf of Dural and District Historical Society and Arcadia Galston Residents Association Incorporated, addressed Council regarding this item.

Ms Gail Meek, on behalf of Save Calabash Bay addressed Council regarding this item.

Ms Gunnel Watkins, of Collingridge Point addressed Council regarding this Item.

Ms Sharon Haworth, on behalf of Save Calabash Bay addressed Council regarding this Item.

Ms Sharon Berlet, of Berowra Waters addressed Council regarding this item.

Ms Jill Gleave, on behalf of Save Calabash Bay addressed Council regarding this item.

Mr David Quincey, of Berowra Waters addressed Council regarding this item.

Miss Annie Crowe, on behalf of Friends of Calabash Bay addressed Council regarding this item.

Mr John Moxham, of Berowra Waters addressed Council regarding this item.

Ms Kylie Yeend, of Berowra Waters addressed Council regarding this item.

Mr Graeme Plummer, of Berowra Waters addressed Council regarding this item.

Mr Dean Morris, on behalf of Berowra Waters Progress Association addressed Council regarding this item.

Mr Eric Stammer, of Berowra Waters addressed Council regarding this item.

Mr Keith Ewart, of Calabash Point addressed Council regarding this item.

Ms Baiba Neimanis, the owner, addressed Council regarding this item.

Mr Stephen Berry, the applicant, addressed Council regarding this Item.

MOVED ON THE MOTION OF CONCILLOR HUTCHENCE seconded BY COUNCILLOR COX

THAT Council seek the concurrence of the Secretary of the Department of Planning and Environment pursuant to State Environmental Planning Policy No. 1 – Development Standards and approve Development Application No. DA/1009/2013 for subdivision of four allotments into four lots and construction of two jetties and pontoons at Lot 1 and Lot 2 DP 882783, Lot 78 DP 752048 and Lot 163 DP 1113745, Calabash Point, Berowra Creek as a deferred commencement pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979 subject to the conditions of consent detailed in Schedule 1 of Group Manager's Report No. PL77/16.

A FORESHADOWED MOTION WAS MOVED BY COUNCILLOR TILBURY

THAT Council refuse Development Application No. DA/1009/2013 for subdivision of four allotments into four lots and construction of two jetties and pontoons at Lot 1 and Lot 2 DP 882783, Lot 78 DP 752048 and Lot 163 DP 1113745, Calabash Point, Berowra Creek on the following grounds.

1. The application is unsatisfactory in respect to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979 as the proposed subdivision would be inconsistent with the Hornsby Shire Local Environmental Plan objectives for the Environmental Protection E (River Settlement) Zone in respect to:
 - 1.1 The proposal would not protect the natural environment of the sensitive area of Calabash Bay.
 - 1.2 The proposal would not protect the scenic quality of Calabash Bay and is not within the environmental capacity of the area.
2. The application is unsatisfactory in respect to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979 as the proposed subdivision would be inconsistent with the Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No. 2 – 1997) strategy to retain existing vegetation to maintain riverine scenic quality.
3. The application is unsatisfactory in respect to Section 79C(1)(a)(ii) of the Environmental Planning and Assessment Act 1979 as the applicant has not adequately addressed the impacts of the proposal in respect to the coastal zone subject to Clause 5.5 of Hornsby Local Environmental Plan 2013 and the draft State Environmental Planning Policy Coastal Management 2016.
4. The application is unsatisfactory in respect to Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979 as the applicant has not adequately demonstrated the proposal is acceptable in respect to resident facilities at Berowra Waters:
 - 4.1 The proposal is uncertain as to boat mooring and car parking facilities at Berowra Waters as none have been specifically allocated to the proposed allotments.
 - 4.2 The proposal is uncertain as to the capacity of waste management facilities at Berowra Waters to accommodate waste generated by future dwellings on the proposed allotments.
5. The application is unsatisfactory in respect to Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979 as the applicant has not adequately demonstrated the site is suitable for the proposal in respect to:
 - 5.1 The proposed water access would require deepening of the channel to meet the navigable access requirement for a minimum 600mm water depth at Indian Spring Low Tide in accordance with Hornsby Development Control Plan 2013.
 - 5.2 The proposal is uncertain in respect to potential impacts on the marine habitat of Calabash Bay.
6. The application is unsatisfactory in respect to Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979 as the proposed subdivision is contrary to Council's planning controls for subdivision under Hornsby Local Environmental Plan 2013 and would

not be in the public interest.

THE MOTION MOVED BY COUNCILLOR HUTCHENCE seconded by COUNCILLOR COX WAS PUT AND CARRIED.

FOR: COUNCILLORS ANISSE, BROWNE, COX, HUTCHENCE AND RUSSELL

AGAINST: COUNCILLORS AZIZI, GALLAGHER AND TILBURY

12 PL80/16 Former Plan for the Extension of Arianna Avenue, Normanhurst

(F2004/08579)

RESOLVED ON THE MOTION OF COUNCILLOR COX, seconded by COUNCILLOR ANISSE

THAT:

1. Council negotiate with the landowner of property No. 34 Hinemoa Avenue, Normanhurst when a development application for the redevelopment of the land is lodged to obtain a right of carriageway to provide vehicular access to the existing garage on property No. 17B Redgrave Road, Normanhurst.
2. The owners of the affected properties be advised of Council's resolution.

FOR: COUNCILLORS AZIZI, ANISSE, BROWNE, COX, GALLAGHER, HUTCHENCE, RUSSELL AND TILBURY

AGAINST: NIL

13 PL83/16 Draft Medium Density Housing Code

(F2015/00146)

RESOLVED ON THE MOTION OF COUNCILLOR COX , seconded by COUNCILLOR ANISSE

THAT Council forward a submission to the Department of Planning and Environment supporting the intent of promoting density housing but raising the concerns identified in Group Manager's Report No. PL83/16 including:

1. Implementation of the Medium Density Design Guide by way of State Environmental Planning Policy (Exempt and Complying Development) Codes 2008 is inconsistent with the draft North District Plan which identifies that councils are best placed to investigate opportunities for medium density housing.
2. Medium density development is better suited to the development application pathway to

enable merit assessment when required.

3. The role of the Medium Density Design Guide should be similar to that of the NSW Apartment Design Guide and State Environmental Planning Policy No.65 Design Quality of Residential Apartment Development to respect local character.
4. Should the Department proceed to amend the Codes SEPP, provision should be made for councils to seek exemption where they can demonstrate that their local housing strategy has implemented the requirements of the District Plan and is consistent with the design intent of the Medium Density Design Guide.

FOR: COUNCILLORS AZIZI, ANISSE, BROWNE, COX, GALLAGHER, HUTCHENCE,
RUSSELL AND TILBURY

AGAINST: NIL

INFRASTRUCTURE AND RECREATION DIVISION

14 IR31/16 Inclusive Playgrounds

(F2004/09976-02)

RESOLVED ON THE MOTION OF COUNCILLOR COX , seconded by COUNCILLOR ANISSE

THAT Council:

1. Provide in-principle support to ensuring accessible and inclusive design is the starting point for all new and refurbished playgrounds.
2. Consult with the local community and look to incorporate inclusive play opportunities wherever possible in new and renewal playground developments. For larger playground projects at destination parks staff will also engage specifically with disability service provider groups regarding design principles for inclusive design.

FOR: COUNCILLORS AZIZI, ANISSE, BROWNE, COX, GALLAGHER, HUTCHENCE,
RUSSELL AND TILBURY

AGAINST: NIL

CONFIDENTIAL ITEMS

Nil

PUBLIC FORUM – NON AGENDA ITEMS

Mr Robert Clayton, of Cherrybrook addressed Council regarding the Cherrybrook Railway Precinct Plan

QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

MAYOR'S NOTES

15 MN12/16 Mayor's Notes from 1 to 30 November 2016

(F2004/07053)

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.

Friday 4 November 2016 – On behalf of the Mayor, Deputy Mayor Councillor Hutchence attended Studio ARTES Magical Fantasy Ball at Hornsby RSL Club.

Sunday 6 November 2016 – The Mayor attended the Parish of St Therapon Ten Year Anniversary Ball at Curzon Hall, Marsfield.

Friday 11 November 2016 – The Mayor attended the Hornsby RSL Sub-Branch Remembrance Day Ceremony at Hornsby Cenotaph.

Tuesday 15 November 2016 – The Mayor hosted three Citizenship Ceremonies in the Council Chambers.

Thursday 17 November 2016 – The Mayor attended the launch of Kmart Hornsby's Wishing Tree at Kmart Hornsby.

Thursday 17 November 2016 – The Mayor attended Marian Street Theatre's 50th Birthday Celebration at Killara.

Friday 18 November 2016 – The Mayor attended Hornsby North Public School's 50th Anniversary Celebrations at the School.

Friday 18 November 2016 – On behalf of the Mayor, Councillor Browne attended the Hornsby Woodworking Men's Shed Christmas Party at Thornleigh.

Saturday 19 November 2016 – The Mayor attended the Screen on the Green Outdoor Movie Event "Cars" at Hornsby.

Saturday 19 November 2016 – The Mayor officially opened the Hornsby Art Prize Awards Night at Wallarobba Arts and Cultural Centre, Hornsby.

Thursday 24 November 2016 – The Mayor attended the Bendigo Bank Galston Community Event at the Galston Club.

Friday 25 November 2016 – The Mayor attended the Hornsby War Memorial Hall Committee Christmas Function at Hornsby RSL Club.

Saturday 26 November 2016 - On behalf of the Mayor, Councillor Browne attended the Bushcare/Nursery Volunteer Christmas Party at Roselea Community Centre, Carlingford.

Sunday 27 November 2016 – The Mayor attended the Berowra RSL Sub-Branch Annual Christmas

NOTICES OF MOTION

16 NOM8/16 Peats Ferry Road – Intersection with Dural Street - No Right Turn Restriction and Other Matters

(F2004/09962)

RESOLVED ON THE MOTION OF COUNCILLOR BROWNE, seconded by COUNCILLOR HUTCHENCE

THAT Council:

1. Refer the proposal to change the existing “No Right Turn, 7am - 9am, 3pm - 6pm Monday to Friday” in place in Peats Ferry Road at Dural Street to “No Right Turn, 6am – 10am, 3pm - 7 pm, Monday to Friday” to the Hornsby Shire Local Traffic Committee for a recommendation after the results of public consultation are known.
2. Investigate the imposition of “No Right Turn” bans into or out of Peats Ferry Road at Dural Street or Dural Lane after the Quarry Filling work has commenced and impacts can be evaluated.

FOR: COUNCILLORS ANISSE, AZIZI, BROWNE, COX, GALLAGHER, HUTCHENCE, RUSSELL AND TILBURY

AGAINST: NIL

SUPPLEMENTARY REPORTS

Nil

MATTERS OF URGENCY

Nil

QUESTIONS WITHOUT NOTICE

Nil

THE MEETING terminated at 10.04 pm.

These Minutes were confirmed at the meeting held on Wednesday 8 February, 2017, at which meeting the signature hereunder was subscribed.

CONFIRMED

CHAIRMAN

Hornsby Shire Council – Minutes of General Meeting of 14 December 2016

ACTING GENERAL MANAGER

CHAIRMAN

13 DRAFT MEDIUM DENSITY HOUSING CODE

EXECUTIVE SUMMARY

- On 10 February 2016, Council resolved to forward a submission to the Department of Planning and Environment supporting the intent of addressing the medium density controls but raising concern with the proposed delivery via *State Environmental Planning Policy (Exempt and Complying Development) Codes 2008*.
- The Department has recently released proposed amendments to the Codes SEPP and the Standard Instrument SEPP to enable medium density dwellings as complying development and a supporting Draft Medium Density Design Guide (MDDG).
- The Code SEPP would only apply to land zoned R3 Medium Density Residential in the Hornsby LGA and would enable street facing terraces (including subdivision) and manor houses (a type of 2 storey Residential Flat Building) as complying development.
- It is recommended that Council forward a submission to the Department of Planning and Environment supporting the intent of promoting medium density housing but raising concern with the proposed delivery via the Codes SEPP and MDDG.

RECOMMENDATION

1. THAT Council forward a submission to the Department of Planning and Environment supporting the intent of promoting density housing but raising the concerns identified in Group Manager's Report No. PL83/16 including:
2. Implementation of the Medium Density Design Guide by way of State Environmental Planning Policy (Exempt and Complying Development) Codes 2008 is inconsistent with the draft North District Plan which identifies that councils are best placed to investigate opportunities for medium density housing.
3. Medium density development is better suited to the development application pathway to enable merit assessment when required.
4. The role of the Medium Density Design Guide should be similar to that of the NSW Apartment Design Guide and State Environmental Planning Policy No.65 Design Quality of Residential Apartment Development to respect local character.
5. Should the Department proceed to amend the Codes SEPP, provision should be made for councils to seek exemption where they can demonstrate that their local housing strategy has implemented the requirements of the District Plan and is consistent with the design intent of the Medium Density design Guide.

PURPOSE

The purpose of this Report is to outline proposed medium density housing amendments to the *Exempt and Complying Codes* (the Codes SEPP), the *Standard Instrument Local Environmental Plan* (SI SEPP) and a *Draft Medium Density Design Guide*, identify implications for Hornsby Shire and provide recommendations for a submission to the Department of Planning and Environment.

BACKGROUND

The Codes SEPP sets out standards for particular types of development that can be carried out without the need for a development application. Small scale, low impact development such as decks and carports that meet particular standards can be undertaken as exempt development without the need for any form of approval.

For larger developments, including dwelling houses in certain areas, the Code SEPP sets out development standards and requirements for these to be undertaken as 'complying development' for which a complying development certificate (CDC) is issued. A CDC can be issued by Council or a private certifier. Neighbouring land owners are notified, but there is no provision for merit based submissions and no requirement to respond to merit issues.

In November 2015, the Department exhibited the *Missing Middle – Options for Low Rise Medium Density Housing as Complying Development* Discussion Paper. On 10 February 2016, Council considered Group Manager's Report No. PL3/16 and resolved:

THAT a submission be forwarded to the Department of Planning and Environment supporting the intent of addressing the medium density housing policy 'gap' but raising the concerns identified in Group Manager's Report No. PL3/16 including:

- *The delivery of medium density housing should be provided through the existing framework of local housing strategies based on dwelling targets established by District Plans.*
- *Medium density development is better suited to the development application pathway to enable merit assessment when required.*
- *Permissibility of medium density development should rely on LEPs with minimum design and quality standards further explored via an expanded SEPP 65 and Apartment Design Guideline.*
- *Medium density development would not be appropriate in existing low density areas or areas with steep land.*
- *If only applied in R3 Medium Density Zones, the proposed controls could be supported if amended to provide more generous setbacks to support greater building separation, landscaping and deep soil planting.*

The Department has released for comment an *Explanation of Intended Effect* for proposed Medium Density Housing Amendments to the *State Environmental Planning Policy (Exempt and Complying Development) Codes 2008* (Codes SEPP) and the *Standard Instrument Local Environmental Plan* (SI SEPP) and a *Draft Medium Density Design Guide* (MDDG).

The proposed SI SEPP amendments would clarify and expand the range of medium density dwelling types in the Standard Instrument LEP. The Codes SEPP amendments would introduce a limited range of medium density dwelling types as complying development in areas where that dwelling type or a prescribed similar form is permitted in an LEP.

Submissions on the draft medium density SEPP Amendments and the Design Guide will be received up until 12 December 2016. Accordingly, a copy of Council's submission report has been forwarded to the Department which will be updated pending Council's resolution.

DISCUSSION

This report outlines the proposed amendments to the Code SEPP, Standard Instrument SEPP and the MDDG and identifies the key implications for Hornsby Shire.

1. Complying Development

Complying development is a fast-tracked, streamlined form of combined planning and construction approval for specified types of development identified and enabled through the Codes SEPP. Complying development can only be undertaken if a set of prescribed numerical controls and development standards are fully satisfied. Approvals can be issued by councils or private certifiers (certifying authority).

At present, complying development cannot be carried out on certain land, such as heritage conservation areas, foreshore areas and environmentally sensitive areas (including National Parks and critical habitat). Complying development can be carried out on bushfire and flood prone land provided additional locational, materials and construction requirements and standards are met.

2. Proposed Missing Middle Code Amendments

The proposed medium density housing code amendments are summarised below:

2.1. Standard Instrument LEP Definitions

An amended definition for multi dwelling housing and two new land use terms are proposed to be added to the Standard Instrument dictionary:

- multi dwelling housing: means 3 or more dwellings (whether attached or detached) on one lot of land, each with direct access at ground level and no other dwellings are above or below (the underlined text is the only change from the current definition).
- manor house: means a building containing 3 or 4 dwellings on one lot of land, where: (a) each dwelling is attached to another dwelling by a common wall and/floor, and (b) the building contains no more than two storeys, excluding any basement storey.
- multi dwelling housing (terraces): means 3 or more dwellings (whether attached or detached) on one lot of land, each dwelling has a frontage to a public road and no other dwellings are above or below (a form of multi-dwelling housing).

Multi dwelling housing (terraces) will be a type of multi dwelling housing. Manor homes are a new development type and are intended to apply within any zone where multi dwelling housing or residential flat buildings are permitted. R4 zoned land is excluded as larger scale residential flat buildings are encouraged in this zone.

2.2. Proposed Medium Density Housing Code

The Codes SEPP amendments for medium density housing would only apply in areas where those dwelling types are permitted in the R1, R2, R3 or, RU5 zones by an LEP. The proposed complying dwelling types would be limited to 2 storeys and be of a similar scale to a dwelling house carried out under the General Housing Code.

The following development types and subdivision requirements are proposed for inclusion in the Codes SEPP with a comment in relation to their relevance to the HLEP.

DWELLING TYPE	SUBDIVISION	COMMENT
Two Dwellings side by side (attached or detached)	Torrens title subdivision as complying development where there is no common property	Not permitted by HLEP
Dual Occupancy (attached – one over the other)	Strata title only	Not permitted by HLEP
Multi dwelling housing (terraces)	Torrens title subdivision as complying development where there is no common property	Permitted in R3 zone only
Manor house	Strata title only	Permitted in R3 zone only

The Code already permits strata subdivision of multi dwelling housing for which a complying development certificate has already been granted. The amendments propose to allow for the concurrent Torrens title subdivision and dwelling house consent where the proposal does not include the creation of any street, road or lane.

2.3. Medium Density Design Guide

The development standards for complying development would be contained within the Codes SEPP and MDDG. The role of the MDDG is to provide further explanation of the complying development standards and guidance on good design.

When preparing an application for a complying medium density housing development, an applicant would be required to consider the following parts of the MDDG:

- Part 2 as a reference for good design
- Part 3 for the design criteria that must be met

Any medium density complying development application would be required to include a Design Verification Statement to confirm the development is consistent with the principles of the MDDG.

It is also proposed that the MDDG would be used for development applications. Should councils choose, they may adopt the MDDG by reference within its DCP.

3. Issues

The Department is seeking feedback on the specific development types and standards proposed by the SEPP Code and Design Guide. Accordingly, it is recommended that Council's submission be based on the following key issues:

3.1. District Planning Context

On 21 November 2016, the Greater Sydney Commission released the draft North District Plan for community consultation. The draft Plan requires that councils consider housing mix and affordability in housing strategies.

Whilst LGA specific housing targets are identified, the draft Plan does not identify a specific mix of low, medium or high density housing to be achieved. In the absence of a target or guidance on the take up of medium density housing, the objectives of the amendments may not be achieved,

particularly as the proposed Code amendments apply differently to each council based on the permissibility of land uses within their LEP.

Local councils would be required to amend their LEPs to give effect to the District Plans and Regional Plan for Sydney. As detailed in Part 4.3.4 of the Draft North District Plan, councils are in the best position to investigate opportunities for medium density development through local housing strategies developed in consultation with their community.

Recommendation:

- Implementation of the Medium Density Design Guide by way of the Codes SEPP is inconsistent with the draft North District Plan which identifies that councils are best placed to investigate opportunities for medium density housing.

3.2. Purpose of Codes SEPP and Design Guide

The role of the Codes SEPP was originally envisaged to enable minor, low impact development as complying development, where approval by an accredited certifier would not require merit assessment. Unlike SEPP 65 and the Apartment Design Guide, the proposal to introduce medium density housing and the supporting design guide, would override local planning controls and provide no provision for the preservation of local character.

The approval pathway for the proposed types of complying development would require compliance with the Codes SEPP, MDDG and preparation of a design verification statement. This complex approval pathway demonstrates that the proposed development types are not low impact and would be better suited to the merit assessment pathway.

Furthermore, accredited certifiers generally have backgrounds in building surveying and would likely have limited experience in the assessment of the proposed dwelling types. Medium density development typically involves a merit assessment of compliance with local controls, amenity, privacy, design quality, servicing and traffic impact that involve the input of a broad range of professionals. A complying pathway would only require a single accredited certifier to assess these complex issues.

Recommendation:

- Medium density development is better suited to the development application pathway to enable merit assessment of complex planning and design issues.
- The role of the Medium Density Design Guide should be similar to that of the Apartment Design Guide and SEPP 65 to preserve local character.

3.3. Subdivision and complying development

The proposed amendments seek to allow the concurrent Torrens title subdivision and dwelling house approval without a minimum parent lot requirement. Whilst the HLEP does not specify a minimum allotment size for development in the R3 zone, the HDCP does require a minimum 30m lot to undertake multi dwelling housing or a residential flat building.

Two typical 1950's to 1960's lots would achieve a site frontage of just over 30m with site depths ranging from 42m to 51m. Therefore, most medium density development in Hornsby Shire are based on parent allotments of approximately 1,200 to 1,500 sq.m which is sufficient to address common and private open space, setbacks, basement parking and high quality landscaping with deep soil zones.

Should the SEPP amendments proceed, it would be appropriate that the dwelling types are based on a minimum parent lot determined by the local council. This would enable councils who currently do

not apply a minimum lot size for certain types of development (as per model Clause 4.1B), to set appropriate requirements within their LEPs suitable for both complying and merit based assessment.

Recommendation:

- The Codes SEPP should not override the minimum lot size requirements within Standard Instruments LEPs.

3.4. Relationship to Local Environmental Plans

The Medium Density Housing Code amendments will only apply to land zoned R3 Medium Density Residential within the Hornsby LGA which accounts for 56ha or approximately 1% of all residentially zoned land (this figure includes land in Epping and Carlingford now in the City of Parramatta). Most R3 zoned land is already developed, with potential remaining in the medium density housing precincts of Hornsby North, Asquith and Mount Colah.

The HLEP is one of the few environmental planning instruments in NSW that permits residential flat buildings (RFBs) in the R3 Zone. As the highest and best use, lower yield housing types are less attractive to developers who mainly seek to develop two storey walk up flats. Within this context, the introduction of code assessable terraces and manor homes within the R3 zone is unlikely to increase take-up when more profitable development options exist.

However, for councils who permit dual occupancy development within their R1 and R2 zones, the SEPP will have broad implications on their zoning hierarchy. To ensure that the impact of the amendments equally apply to councils, they should only apply to development within the R3 zone which would provide councils with the scope to consider expanding this zone in future housing strategies.

Recommendation:

- The Department should consider restricting complying development to the R3 Medium Density Zone with mandated uses to support expansion of code assessable medium density housing.

3.5. Development Standards and Controls

The proposed amendments would introduce a one size fits all approach to inner, middle and outer ring suburbs. Council's previous submission indicated that the controls could be supported if amended to provide more generous side setbacks to support greater building separation, landscape, deep soil planning and consideration of slope.

The following minimum development standards need to be met for multi dwelling housing (terraces), manor homes and subdivision to be considered as complying development. A comparison with the requirements of Council's HDCP is provided below.

Manor Homes			
Description	Codes SEPP / MDDG		Hornsby DCP
Min lot size for each dwelling	600m ² 15m wide		NA 30m wide
Maximum Height of building	8.5m		10.5m
Maximum Gross Floor Area (each lot)	>600m ² – 700m ²	0.6:1	Not applicable. An FRS control is not applied and yield is informed by

	>700m ² -900m ² >900m ²	0.5:1 0.4:1	building envelope controls.
Landscaped area	>600m ² – 700m ² >700m ² -900m ² >900m ² -1500m ² >1500m ² Min width 1.5m	30% 35% 40% 45%	Min width of 4m and min dimension of 2m Soil depth of 1m
Landscaped area forward of building line	50% minimum		6m minimum deep soil from front boundary.
Primary Road Setback	Average of dwellings within 40m, or >600m ² -900m ² >900m ² -1500m ² >1500m ²	 4.5m 6.5m 10m	7.6m to local roads and 9m to main roads.
Secondary Road Setback	>600m ² -1500m ² >1500m ²	3m 5m	Town house: 6m – can be reduced to 3m where the dwelling is oriented to the front / rear property boundary RFB: 6m, can be reduced to 3m for a maximum 1/3 of the building length.
Side Setback	Front half of the lot up to 15m – 0.9m Rear half of the lot or a distance <15m from the front boundary: Building envelope defined by 45deg plane projected from a height 3.0m above the boundary.		Town house: - can be reduce to 3m where the dwelling is oriented to the front / rear property boundary. RFB: 6m, can be reduced to 3, for a maximum 1/3 of the building length.
Common Wall	There are no side setback controls that relate to a common wall		NA
Rear Setback	Where the part of a development has a height of building less than 4.5: Lot Area >600m ² -1500m ²	 Setback 6m	6m

	<p>>1500m²</p> <p>Where the part of a development has a height of building 4.5m or more:</p> <p>Lot Area</p> <p>>600m²-1500m²</p> <p>>1500m²</p>	<p>15m</p> <p>Setback</p> <p>10m</p> <p>15m</p>	
Rear setback for lots with rear lanes	Dwelling house and ancillary development may abut the rear boundary for a maximum 5% of the length of that boundary.		

Multi Dwelling Housing (Attached)			
Description	Codes SEPP / MDDG		Hornsby DCP
Min lot size for each dwelling	200m ² 6m wide		NA 30m
Maximum height of building	9.0m		10.5m
Maximum Gross Floor Area (each lot)	200-300m ² >300m ² -400m ² >400m ² -500m ² >500m ²	0.80:1 0.75:1 0.65:1 0.60:1	Not applicable. An FSR control is not applied and yield is informed by building envelope controls
Landscaped area	200-300m ² >300m ² -400m ² >400m ² -500m ² >500m ² Min width 1.5m	20% 25% 30% 35%	Min width of 4m and min dimension of 2m Soil depth of 1m
Landscaped area forward of building line	25% minimum		6m minimum deep soil from front boundary
Primary Road Setback	Average of dwellings within 40m, or 200-300m ² >300m ² -900m ² >900m ² -1500m ² >1500m ²	3.5m 4.5m 6.5m 10m	7.6 to local roads and 9m to main roads

Secondary Road Setback	200-900m ² >900m ² -1500m ² >1500m ²	2m 3m 5m	Town house: 6m – can be reduced to 3m where the dwelling is oriented to the front / rear property boundary RFB: 6m, can be reduced to 3m for a maximum 1/3 of the building length.
Side Setback	Front half of the lot up to 15m – 1.2m, or if there is a boundary wall on an adjoining lot – 0m Rear half of the lot, or a distance >15m from the front boundary; Building envelope defined by 45° plane projected from a height 3.6m above the boundary.		Town house: 6m – can be reduced to 3m where the dwelling is oriented to the front / rear property boundary RFB: 6m, can be reduced to 3m for a maximum 1/3 of the building length.
Common Wall	There are no side setback controls that relate to a common wall		NA
Rear Setback	Where the part of a development has a height of building less than 4.5: Lot Area >200m ² -600m ² >600m ² -1500m ² >1500m ² Where the part of a development has a height of building less than 4.5 or more: Lot Area >200m ² -1500m ² >1500m ²	Setback 3m 6m 15m Setback 10m 15m	6m
Rear setback for lots with rear lanes	Dwelling house and ancillary development may abut the rear boundary for a maximum width of 7m.		NA

In addition to the above tables, development must comply with the design criteria listed in Part 3.2 and 3.4 of the MDDG which provide more detailed design and siting requirements.

The Codes SEPP and MDDG go some way towards improving the design controls and are generally consistent with the integrated housing requirements of Growth Centre Precincts. However, the controls are not well suited to existing middle ring suburbs and would be inconsistent with Council's approach of encouraging medium density housing within a landscape setting.

Hornsby Council is currently preparing a medium density housing strategy that seeks to introduce the same medium density development types proposed by the SEPP Code. Should the draft Plans proceed, Council would need to align its medium density housing controls to ensure consistency with the Codes SEPP, similar to the approach already applied for dwelling houses and apartments.

Should the Department proceed with the Codes SEPP, provision should be made for councils to seek exemption where they can demonstrate that their local housing strategy has implemented the requirements of the District Plan and makes appropriate provision for a diversity of dwelling types.

Recommendation:

- Should the Department proceed to amend the Codes SEPP, provision should be made for councils to seek exemption where they can demonstrate that their local housing strategy has implemented the requirements of the District Plan and is consistent with the design intent of the MDDG.

BUDGET

There are no budgetary implications associated with this Report.

POLICY

There are no policy implications associated with this Report

CONCLUSION

The proposal to address the 'missing middle' with respect to medium density housing controls is supported in principle. Rather than implementing state wide controls via the Codes SEPP, it is recommended that the delivery of medium density housing be considered as part of District Plans which are currently on exhibition and would require councils to prepare future housing strategies update their LEPs.

The location of new medium and high density development should be addressed through local planning strategies where local communities have the opportunity to be consulted and participate in the plan making process. Consistent with previous decisions to repeal State planning policies that imposed inappropriate development in low density areas, the current framework of only permitting detached dwellings and granny flats as complying development should remain.

Whilst the proposed SEPP amendments and design guide have come some way to identifying a standard suite of complying controls, they are not well suited to middle ring infill areas. A better approach would be to align the MDDG so that it applies in the same way that SEPP 65 and the Apartment Design Guide operate. This would avoid the one size fits all approach and would ensure that all councils and local communities are equally impacted and given the opportunity to prepare their own medium density housing strategies.

It is recommended that a submission be made to the DP&E supporting the intent of promoting medium density housing but raising concern with the proposed delivery via the Codes SEPP and MDDG.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Manager, Strategic Planning, Fletcher Rayner who can be contacted on 9847 6744.

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Attachments:

There are no attachments for this report.

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