



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

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