

- c. Amend the maximum floor space ratio from 1:1 (B5 Business Development land) to apply a “base floor space ratio” of 1:1 and an “incentivised floor space ratio” of 2.3:1.
- d. Amend the minimum lot size from 8,000m² (B5 Business Development land) and 450m² (R3 Medium Density Residential land) to 1,800m².
- e. Identify the site on Additional Permitted Uses map and include ‘shops’ as an additional permitted land use under Schedule 1 with retail floor space capped at 1,700m².

3. Council enter into the Voluntary Planning Agreement, as amended (Attachment 1 – ECM Document No.16014369) and authorise Council's common seal to be affixed to the Voluntary Planning Agreement.
4. Draft amendments to The Hills Development Control Plan Part D Section 5 – Kellyville/Rouse Hill Release Area (Attachment 2 - ECM No.16001649) be adopted and come into force following the notification of the planning proposal.

VOTING FOR THE MOTION

Clr R K Harty OAM
 Clr Dr J N Lowe
 Clr R M Tracey
 Clr A N Haselden
 Clr Y D Keane
 Clr Dr M R Byrne
 Clr R A Preston

Clr Dr P J Gangemi

Clr A J Hay OAM
Clr M G Thomas

10.07pm Clr Dr Lowe left the meeting and returned at 10.08pm during Item 9.

TRANSITIONAL HOUSING WITHIN THE HILLS SHIRE (FP176)

SUSPENSION OF STANDING ORDERS

A MOTION WAS MOVED BY COUNCILLOR KEANE AND SECONDED BY COUNCILLOR PRESTON THAT Standing Orders be suspended to allow three supporters to address Council regarding this matter.

THE MOTION WAS PUT AND CARRIED.

368 RESOLUTION

Standing Orders be suspended to allow three supporters to address Council regarding this matter.

At 9.34pm Standing Orders were suspended.

MINUTES of the duly convened Ordinary Meeting of The Hills Shire Council held in the Council Chambers on 25 July 2017

Proceedings in Brief

Ms Annabelle Daniel – CEO of Women’s Community Shelters addressed Council regarding this matter.

Detective Chief Inspector Jim Bilton – Castle Hill LAC (Local Area Command addressed Council regarding this matter.

Maria Kovacic – Founder of Western Sydney Women for The Hills Community Aid addressed Council regarding this matter.

RESUMPTION OF STANDING ORDERS

A MOTION WAS MOVED BY COUNCILLOR DR LOWE AND SECONDED BY COUNCILLOR HARTY OAM THAT Standing Orders be resumed.

THE MOTION WAS PUT AND CARRIED.

369 RESOLUTION

Standing Orders be resumed.

At 9.51pm Standing Orders were resumed.

A MOTION WAS MOVED BY COUNCILLOR DR LOWE AND SECONDED BY COUNCILLOR HASELDEN THAT

1. A planning proposal be forwarded to the Department of Planning and Environment for a Gateway Determination to amend The Hills Local Environmental Plan 2012 to insert a provision to allow a floor space bonus for the provision of transitional group homes, as set out in the report.
2. Draft amendments to DCP 2012 be prepared to provide guidance to developers on the intent of the incentive and to ensure that these dwellings are appropriately managed.
3. A draft Voluntary Planning Agreement template for ‘transitional group homes’ be prepared.
4. Prior to any public exhibition of the planning proposal, a report on the draft amendments to DCP 2012 and Voluntary Planning Agreement template be brought to a Councillor briefing session before being submitted to Council.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY.

370 RESOLUTION

1. A planning proposal be forwarded to the Department of Planning and Environment for a Gateway Determination to amend The Hills Local Environmental Plan 2012 to insert a provision to allow a floor space bonus for the provision of transitional group homes, as set out in the report.

ITEM-9	TRANSITIONAL HOUSING WITHIN THE HILLS SHIRE (FP176)
THEME:	Balanced Urban Growth
OUTCOME:	7 Responsible planning facilitates a desirable living environment and meets growth targets.
STRATEGY:	7.2 Manage new and existing development with a robust framework of policies, plans and processes that is in accordance with community needs and expectations.
MEETING DATE:	25 JULY 2017 COUNCIL MEETING
GROUP:	STRATEGIC PLANNING
AUTHOR:	ACTING PRINCIPAL COORDINATOR FORWARD PLANNING BRENT WOODHAMS
RESPONSIBLE OFFICER:	ACTING MANAGER FORWARD PLANNING JANELLE ATKINS

EXECUTIVE SUMMARY

This report recommends that a planning proposal be forwarded to the Department of Planning and Environment for a Gateway Determination to amend The Hills Local Environmental Plan 2012 to insert an incentive provision to promote the delivery of transitional housing in the Hills Shire. It is also recommended that further investigation will be undertaken to prepare appropriate development controls to provide guidance to developers on the intent of the incentive, and to ensure that these dwellings are appropriately managed. This investigation would also include the preparation of a draft Voluntary Planning Agreement template to provide Council and the community with certainty on the use and management of the 'transitional group homes'.

Transitional housing provides safe and temporary accommodation for vulnerable members of the community, including women and children experiencing homelessness and/or domestic violence. Transitional housing can provide refuge and protection to these people during times of crisis, as well as a safe, comfortable and secure environment in which they can recover, re-build self-esteem and make informed and empowered decisions about their lives.

Council, by way of Mayoral Minute 8/2017, has resolved to investigate mechanisms to encourage the provision of this form of housing which benefits the most vulnerable members of our community. This Mayoral Minute was unanimously supported. In recognition of Council's commitment to this important form of housing, a draft LEP provision has been prepared to encourage the delivery of transitional housing, for willing developers and not-for-profit organisation. The proposed provision will provide a moderate floor space incentive to encourage developers to provide some transitional housing as part of new residential developments.

The provision incorporates a floor space cap which will ensure that there is not an unreasonable proliferation of unplanned growth and that the additional yield will not unreasonably impact on surrounding residents. The bonus provision would facilitate only a moderate uplift in yield, would be voluntary and would ensure that the developer retains the ownership of the transitional homes.

BACKGROUND

At its meeting of 11 July 2017 Council considered Mayoral Minute No.8/2017 on transitional housing within The Hills Shire Council and resolved as follows:

1. *This Mayoral Minute be received.*
2. *The General Manager commence investigations into potential mechanisms to encourage and incentivise the provision of transitional housing as part of new residential developments within The Hills Shire.*
3. *The outcomes of the review be reported to Council.*

In accordance with Council's resolution a potential mechanism to encourage and incentivise the provision of transitional housing as part of new residential development has been developed.

The purpose of this report is to provide an overview of a proposed mechanism to incentivise the provision of transitional housing within the Shire.

REPORT

Transitional housing provides safe and temporary accommodation for vulnerable members of the community, including women and children experiencing homelessness and/or domestic violence. Transitional housing can provide refuge and protection to these people during times of crisis, as well as a safe, comfortable and secure environment in which they can recover, re-build self-esteem and make informed and empowered decisions about their lives.

Provision of transitional group homes under LEP 2012

Transitional dwellings are typically managed by community housing providers and not-for-profit organisations. Under LEP 2012 transitional housing falls under the term 'transitional group home' which is defined as follows:

'Transitional group home means a dwelling:

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and*
- (b) that is used to provide temporary accommodation for the relief or rehabilitation of people with a disability or for drug or alcohol rehabilitation purposes, or that is used to provide half-way accommodation for persons formerly living in institutions or temporary accommodation comprising refuges for men, women or young people,*

but does not include development to which State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 applies'.

This use is currently permitted within all of the Shire's residential zones and the B4 Mixed Use zone. Given the expected residential growth over the next 20 years in locations around the Sydney Metro Northwest stations and the Shires centres, there is opportunity to encourage the delivery of transitional housing as part of that growth.

Proposed clause to incentivise transitional group homes

In order to provide an appropriate incentive for developers to incorporate this form of housing within their developments, it is proposed to allow for a capped floor space bonus for the provision of such housing. This will ensure that there is sufficient incentive for developers to provide some transitional homes but will also ensure that the bonus floor space is proportional to the scale of development anticipated on the relevant site and will not result in an unreasonable impact on the amenity of surrounding residents due to the proliferation of bonus floor space and increasing building bulk.

Having regard to the above, a suggested clause to be included in LEP 2012 is set out below:

7.13 Floor space bonus for the provision of transitional group homes

Despite clause 4.4 (2) and clause 7.12, the consent authority may consent to development that results in a floor space ratio in excess of the maximum floor space ratio that would otherwise be permitted on the site under the Floor Space Ratio Map or Floor Space Ratio Incentives Map, if:

- a) the site is zoned either R4 High Density Residential, R1 General Residential or B4 Mixed Use, and*
- b) the site is subject to a Floor Space Ratio standard on the Floor Space Ratio Map or Floor Space Ratio Incentive Map, and*
- c) the development is for a residential flat building or shop top housing, and*
- d) the development includes transitional group home dwellings, and*
- e) the development includes no less than 50 dwellings (excluding transitional group home dwellings), and*
- f) the average internal floor area of all transitional group home dwellings within the development is no less than 100m², and*
- g) the excess floor space does not exceed 10% of the floor space permitted on the site, up to a maximum of 900m² Gross Floor Area, and*
- h) the excess floor space does not exceed Y:1, where:*

TG is the number of transitional group home dwellings within the development,

SA is the area of the site in square metres, and

$$Y = (300 \times TG) \div SA$$

The proposed provision will have the following characteristics:

- It will only apply to residential flat buildings and shop top housing developments within the R4 High Density Residential, R1 General Residential or B4 Mixed Use zone;
- The bonus FSR will be available if the development includes a minimum of 50 dwellings (excluding 'transitional group home dwellings');
- The bonus floor space shall not exceed 10% of the maximum Floor Space Ratio permitted on the site, up to a maximum of 1,000m² GFA (capped regardless of the site area);
- An additional 300m² of GFA would be available for every 'transitional group home' provided, which would allow for 2 bonus dwellings (each with an average internal floor area of no less than 100m² GFA) comprising:

- o 1 'transitional group home' (to be used as a group home (subject to agreement with a suitable provider/s) and then returned to the developer after a period of use - potentially 10 years); and
 - o 2 standard dwelling above the yield otherwise achievable by the developer;
- The maximum additional yield achievable within the bonus floor space will be 10 dwellings (of which 5 would need to be a 'transitional group home');
- The timing of the developer's incentive is staged:
 - o Upfront: 1 bonus (unrestricted) dwelling; and
 - o After 10 years: 1 bonus dwelling (when use as a transitional dwelling has ceased);

Below is an example of how the provision would be applied to a development site with an area of 5,000m² and an existing Floor Space Ratio standard of 2:1.

- Development of a 5,000m² site to a maximum FSR of 2:1 would allow for 10,000m² GFA, which equates to around 100 units assuming an average apartment size of 100m²;
- If the developer provides 3 'transitional group homes', a Bonus FSR would be granted as follows:
 - o Bonus FSR = (300 x No. Transitional Group Homes) ÷ Site Area
 - o Bonus FSR = (300 x 3) ÷ 5,000
 - o Bonus FSR = 0.18:1
- A Bonus FSR of 0.18:1 on a 5,000m² site equates to 900m² of Bonus GFA;
- Assuming an average unit size of 100m², a Bonus GFA of 900m² equates to 9 Bonus Dwellings (3 of which would be 'transitional group homes').

A comparison of how the provision would apply to a 5,000m² site and a 9,000m² site at FSRs of 1:1, 1.5:1, 2:1 and 3:1 is included below.

FSR Permitted	1:1	1.5:1	2:1	3:1
5,000m² Site				
Dwellings Permitted (5,000sqm Site)	50	75	100	150
Maximum Bonus FSR under Provision	0.1	0.15:1	0.18:1	0.18:1
Maximum Bonus Floor Space under Provision (m ²)	500	750	900	900
Maximum Bonus Dwellings under Provision	4	6	9	9
Transitional Dwellings / Standard Dwellings	1/3	2/4	3 / 6	3/6
9,000m² Site				
Dwellings Permitted (9,000sqm Site)	90	135	180	270
Maximum Bonus FSR under Provision	0.1:1	0.1:1	0.1:1	0.1:1
Maximum Bonus Floor Space under Provision (m ²)	900	900	900	900
Maximum Bonus Dwellings under Provision	9	9	9	9
Transitional Dwellings / Standard Dwellings	3/6	3/6	3/ 6	3/ 6
Point at which the bonus cap is reached				

Figure 1

Comparison – Application of Provision to 4,000m² site and 10,000m² site

As can be seen the maximum number of Bonus Dwellings is capped at 10 dwellings (5 transitional dwellings and 5 standards dwellings), regardless of the site area or maximum FSR requirement.

It is recommended that a planning proposal be forwarded to the Department of Planning and Environment for a Gateway Determination to amend The Hills Local Environmental Plan 2012 to insert an incentive provision to promote the delivery of transitional housing in the Hills Shire. Should a Gateway Determination be issued by the Department of Planning and Environment, the planning proposal will be exhibited for public comment. Council will then consider a post exhibition report and make a decision as to whether to progress the amendment to finalisation.

Further investigation will be undertaken to prepare appropriate development controls to provide guidance to developers on the intent of the incentive, and to ensure that these dwellings are appropriately managed. This investigation would also include the preparation of a draft Voluntary Planning Agreement (VPA) template to provide Council and the community with certainty on the use and management of the new 'transitional group homes'. Should Council resolve to progress a planning proposal to the Department of Planning and Environment for a Gateway Determination, Council will consider a further report on possible development control plan amendments and the draft VPA template.

IMPACTS

Financial

This matter has no direct financial impact upon Council's adopted budget or forward estimates.

The Hills Future - Community Strategic Plan

The proposed provision is consistent with the vision and objectives of The Hills Future – Community Strategic Plan as it will facilitates a desirable living environment and is also consistent with the key strategy of managing new and existing development with a robust framework of policies, plans and processes that is in accordance with community needs and expectations.

RECOMMENDATION

1. A planning proposal be forwarded to the Department of Planning and Environment for a Gateway Determination to amend The Hills Local Environmental Plan 2012 to insert a provision to allow a floor space bonus for the provision of transitional group homes, as set out in the report.
2. Draft amendments to DCP 2012 be prepared to provide guidance to developers on the intent of the incentive and to ensure that these dwellings are appropriately managed.
3. A draft Voluntary Planning Agreement template for 'transitional group homes' be prepared.
4. Prior to any public exhibition of the planning proposal, a report on the draft amendments to DCP 2012 and Voluntary Planning Agreement template be submitted to Council for consideration.

ATTACHMENTS

1. Mayoral Minute No.8/2017 – Transitional Housing within the Hills Shire Council (4 pages)

ATTACHMENT 1**MAYORAL MINUTE NO. 8/2017****TRANSITIONAL HOUSING WITHIN THE HILLS SHIRE COUNCIL****11 July 2017**

Councillors,

As you know, I am a passionate advocate for initiatives that address the circumstances and issues around domestic violence. For some time I have been developing in my mind ways in which Local Government might play its role in delivering tools to help our community respond to domestic violence even though the tools we have available can at times be fairly limited.

Leaving a relationship where there's been domestic or family violence is never an easy step. In addition to the immediate crisis, there are a number of issues to be sorted through, questions like – where am I going to live? Will my kids be OK? Will I have to change their school? What am I going to live on? How am I going to manage being an only parent and juggling children and work? How can I afford my bills? How will my family be affected? What if I have to go to Court? These are questions that often mean the person chooses not to leave.

While we have amazing women's shelters to assist with the immediate needs, the reality is for most women, the transition to a violence-free life is a journey of 2-5 years. New routines of work, school, day-to-day living and family adjustment need to be established. There are ongoing support needs, tapering as women and their families become more resilient and confident. And what do they most need while this is happening? A secure, affordable home.

An affordable home for the journey of 2-5 years post crisis is incredibly important to help prevent a return to abuse. If women can be supported to stay financially independent with an affordable roof, they go on to make significant contributions to their families, the workforce, and civil society through volunteering. Investing in affordable housing for women leaving family violence makes sense. The support in the medium term pays dividends to the community in the long term.

"Transitional housing" provides safe and temporary accommodation for vulnerable members of the community, including women and children experiencing homelessness and/or domestic violence. Transitional housing can provide refuge and protection to these people during times of crisis, as well as a safe, comfortable and secure environment in which they can recover, rebuild self-esteem and make informed and empowered decisions about their lives. Transitional housing if available, provides a mechanism for people experiencing violence in their home the means to get out. We all know that without financial resources the options can be pretty limited and it becomes a barrier for a person(s) to be able to leave a violent situation.

Transitional dwellings are typically managed by community housing providers and not-for-profit organisations. I feel that my time on Council has exposed me to the tools available to us to make a difference in the supply of transitional housing at a time where our land use zones are providing significant uplift. Council also has a social responsibility to encourage and grow an inclusive and connected community and foster an environment where the provision of services like transitional housing is facilitated and encouraged.

As The Hills Shire Council experiences significant residential growth over the next 20 years, we as Councillors have a unique opportunity to encourage the delivery of transitional housing for willing developers and not-for-profit organisations.

I would like to explore through the use of incentives within our planning instruments, a system where developers can voluntarily opt to provide a small amount of transitional housing within developments (for use and management by appropriate organisations), in a way which benefits the most vulnerable members of our community in need of transitional housing.

I would like to make it quite clear that the model I would like to explore is quite different in scale and operation to other initiatives for social housing that we have become familiar. Transitional housing is not social housing as such. The model I'd like to explore is not one that results in massive development uplift, not one that is compulsory and not one where the developer does not retain ownership of the dwelling.

We know that domestic violence is an important issue within our community. Indeed, our local shelter is always at capacity and can turn away up to 8 women and their children every day. As a Council we show great leadership in many resounding ways across the Local Government sector. I would like to explore a model whereby The Hills Shire Council could lead the way in solving the short supply of transitional housing. This would be a policy that could have enormous benefit for women and children in our community, and one that Council could be enormously proud of – and one that will hopefully be adopted by other Councils across the State in the future.

MOTION

Accordingly, I move that:

- 1) This Mayoral Minute be received.
- 2) The General Manager commence investigations into potential mechanisms to encourage and incentivise the provision of transitional housing as part of new residential developments within The Hills Shire.
- 3) The outcomes of the review be reported to Council.



Councillor Yvonne Keane
MAYOR

MINUTES of the duly convened Ordinary Meeting of The Hills Shire Council held in the Council Chambers on 11 July 2017

ITEM-1 CONFIRMATION OF MINUTES

A MOTION WAS MOVED BY COUNCILLOR DR LOWE AND SECONDED BY COUNCILLOR PRESTON THAT the Minutes of the Ordinary Meeting of Council held on 27 June 2017 be confirmed.

THE MOTION WAS PUT AND CARRIED.

330 RESOLUTION

The Minutes of the Ordinary Meeting of Council held on 27 June 2017 be confirmed.

MAYORAL MINUTE NO 8/2017 – TRANSITIONAL HOUSING WITHIN THE HILLS SHIRE COUNCIL

A MOTION WAS MOVED BY COUNCILLOR KEANE AND SECONDED BY COUNCILLOR DR GANGEMI THAT

1. This Mayoral Minute be received.
2. The General Manager commence investigations into potential mechanisms to encourage and incentivise the provision of transitional housing as part of new residential developments within The Hills Shire.
3. The outcomes of the review be reported to Council.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY.

331 RESOLUTION

1. This Mayoral Minute be received.
2. The General Manager commence investigations into potential mechanisms to encourage and incentivise the provision of transitional housing as part of new residential developments within The Hills Shire.
3. The outcomes of the review be reported to Council.

Being a planning matter, the Mayor called for a division to record the votes on this matter

VOTING FOR THE MOTION

Clr Y D Keane
Clr R A Preston
Clr R K Harty OAM
Clr A J Hay OAM
Clr Dr J N Lowe
Clr R M Tracey
Clr Dr M R Byrne
Clr Dr P J Gangemi
Clr M G Thomas
Clr A N Haselden

This is Page 3 of the Minutes of the Ordinary Meeting of The Hills Shire Council held on 11 July 2017

MINUTES of the duly convened Ordinary Meeting of The Hills Shire Council held in the Council Chambers on 11 July 2017

VOTING AGAINST THE MOTION

None

PETITIONS**332 BUS LAYOVER OUTSIDE CASTLE HILL HIGH SCHOOL**

Councillor Dr Lowe tabled Petitions from Ensign Place, Castle Hill First Grammar Daycare Centre, Castle Hill Bowling Club, an online petition and a letter from the P&C regarding the proposed construction of a bus layover outside Castle Hill High School and immediately adjacent to the RSL and the Bowling Club.

7.39pm Councillor Thomas left the meeting and returned at 7.44pm during Community Forum.

7.49pm Councillor Dr Gangemi left the meeting and returned at 7.50pm during Community Forum.

COMMUNITY FORUM**333 PATHWAY CONCERN – KELLYVILLE TO GLENHAVEN**

Mr Russell Cooper wanted to discuss the proposed pathway section between Cameo Place and Bellymena Way, Kellyville where it comes adjacent to Woodstream Crescent.

Mr Cooper was notified of Council's intention to install a pathway through very rough terrain and dense bushland right around the border of his property. A meeting was held with Council's representative and neighbours to discuss some alternative routes. Notification was received from Council that the recommendation had been altered to move the path to a more suitable location. Mr Cooper further heard that the recommendation had been amended again for the pathway to basically pass right by his bedroom window through an area of very steep terrain which would require multiple bridges and clearing of a lot of bushland. Residents were not happy with the recommendation. Mr Cooper applauds Council's intention to provide safe and consistent bush access through that area. The local residents use the pathways through the bush regularly and it's a great asset to our community as a whole. Mr Cooper advised there were other options which would provide excellent public access, minimise destruction of the bushland, minimise local impact on residents and minimise cost to Council.

Residents of Woodstream Crescent currently access the existing pathways via Cameo Place and they are more than happy to do so. Furthermore, if the pathway was joined around to Bellymena Way which is proposed, there would be two access options within a couple of 100 meters of his property and Mr Cooper would be happy to access via Cameo Place which would be easier and safer. There are no current footpaths in Woodstream Crescent, so to encourage residents to access bush pathway from there would place the public in greater risk of walking down the street without any foot paths. There are existing pedestrian pathways through the bush to the southern and eastern side of Cattai Creek which has a much gentler slope, less dense bushland and therefore would be much easier and cheaper to construct a pathway on that side. The existing pathways there are much further from the residents on the eastern side.

For all these reasons, Mr Cooper believes it would be a much better solution to renovate that pathway and upgrade it so that it can use be used as an access through the bushland rather than construct a new pathway on the very narrow strip of dense and rugged ground between Cattai Creek and Woodstream Crescent. Mr Cooper suggested

This is Page 4 of the Minutes of the Ordinary Meeting of The Hills Shire Council held on 11 July 2017