



BUSINESS PAPER

GENERAL MEETING

**Wednesday 8 May 2024
at 6:30PM**



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SUPPLEMENTARY AGENDA

MATTERS OF URGENCY

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

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 10 April, 2024 be confirmed; a copy having been distributed to all Councillors.

PETITIONS**PRESENTATIONS****RESCISSION MOTIONS****MAYORAL MINUTES****Page Number 1****Item 1 MM3/24 THE PASSING OF MR LINDSEY BROWNE****RECOMMENDATION**

THAT Council on behalf of Councillors and Council staff offer our sincere condolences to the family and friends of Mr Lindsey Browne, whose contribution to the community was significant.

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 3****Item 2 GM14/24 UPDATE - NOM 11/23 - PROPOSAL TO CHANGE BROOKLYN PARKING RESTRICTIONS**

RECOMMENDATION

THAT Council:

1. Note the direction provided by the Department regarding car parking management in McKell Park and adopt the attached roll out plan (Attachment 2) as the means for Council to ensure legislative compliance as land managers of Crown Land.
2. Support a suitably constituted community group to enter into a tenure arrangement with the Department in either Upper McKell Park (overflow area), Parsley Bay or near the slip road/behind the Hawkesbury River Marina as the means to accommodate offshore resident parking requirements on a Crown Reserve.
3. Retain the current car parking management arrangements in the Dangar Road (wharf) carpark until an approach to a tenure with the Department has been resolved to accommodate offshore resident parking – noting potential foreshore public domain improvements are earmarked for this location via the Brooklyn Place Plan.
4. Undertake a further review of village centre parking to ensure that car parking management arrangements maximise the economic outcomes of the village in accordance with the roll out plan.
5. Not proceed with a Special Circumstances Parking Permit and encourage offshore residents to apply for Disability Parking Permits (where appropriate) and/or to consider utilising a private marina with associated car parking.
6. Investigate a Shire Wide Resident Parking Scheme in conjunction with paid parking as per the adopted Car Parking Management Study 2020.
7. Continue to advocate to Transport for NSW to unlock transport land and to provide improved services to Hawkesbury River Station including commuter and regular user parking for train and ferry customers and support the use of the train as a means for all to access Brooklyn.
8. Re-commence the place planning process for Brooklyn and brief the incoming Council on planning undertaken to date.

CORPORATE SUPPORT DIVISION

Page Number 14

Item 3 CS13/24 INVESTMENTS AND BORROWINGS FOR 2023/2024 - STATUS FOR THE PERIOD ENDING 31 MARCH 2024

RECOMMENDATION

THAT the contents of Director's Report No. CS13/24 be received and noted.

Page Number 17

Item 4 CS15/24 2023/24 BUDGET - MARCH 2024 QUARTER REVIEW

RECOMMENDATION

THAT the March 2024 Quarter Review of the Operational Plan (Budget) for 2023/24 be received and noted.

COMMUNITY AND ENVIRONMENT DIVISION**Page Number 25****Item 5 CE4/24 DRAFT SOCIAL PLAN****RECOMMENDATION**

THAT:

1. The draft Social Plan attached to the Director's Report No. CE4/24 be placed on public exhibition for a period of 28 days.
2. Following exhibition, a report on submissions be presented to Council for its consideration

Page Number 30**Item 6 CE5/24 DRAFT ARTS & CULTURAL PLAN****RECOMMENDATION**

THAT:

1. The draft Arts & Cultural Plan attached to the Director's Report No. CE5/24 be placed on public exhibition for a period of 28 days.
2. Following exhibition, a report on submissions be presented to Council for its consideration.

PLANNING AND COMPLIANCE DIVISION**Page Number 34****Item 7 PC7/24 HORNSBY LOCAL PLANNING PANEL - APPOINTMENT OF EXPERT PANEL MEMBERS****RECOMMENDATION**

THAT:

1. Council's General Manager be authorised to appoint an additional 6 experts to the Hornsby Local Planning Panel to maintain a minimum of 15 panel members.
2. The Planning Panels Secretariat at the Department of Planning, Housing and Infrastructure be advised of Council's resolution.

Page Number 39

Item 8 PC8/24 PLANNING PROPOSAL - HERITAGE AND HOUSEKEEPING**RECOMMENDATION**

THAT:

1. Council endorse progression of the Heritage and Housekeeping Planning Proposal attached to Director's Report No. PC8/24 for submission to the Department of Planning, Housing and Infrastructure for a Gateway Determination.
2. The Planning Proposal be publicly exhibited in accordance with the Gateway Determination and consultation strategy identified in this report.
3. Following exhibition, a report on submissions be presented to Council for consideration.

Page Number 49**Item 9 PC9/24 HORNSBY DEVELOPMENT CONTROL PLAN 2024****RECOMMENDATION**

THAT:

1. The draft Hornsby Development Control Plan 2024 attached to Director's Report No. PC9/24 be placed on public exhibition for a period of 28 days.
2. Following exhibition, a report on submissions be presented to Council for consideration.

INFRASTRUCTURE AND MAJOR PROJECTS DIVISION

Nil

PUBLIC FORUM – NON AGENDA ITEMS**QUESTIONS WITH NOTICE****MAYOR'S NOTES****Page Number 54****Item 10 MN4/24 MAYORS NOTES 01 APRIL 2024 TO 30 APRIL 2024****NOTICES OF MOTION****Page Number 56****Item 11 NOM3/24 OFF-ROAD BIKE FACILITIES IN GALSTON**

COUNCILLOR WADDELL TO MOVE

THAT:

1. Council consider, within the adoption of the 2023-24 Operational Plan, a feasibility study to assess the viability of establishing an off-road bike facility between Galston Aquatic Centre and Hayes Oval whilst ensuring alignment with site constraints and environmental considerations.
2. Subject to Council adopting the above a briefing of Councillors be undertaken following the completion of the feasibility study, if viable, to develop a plan involving the local community for its implementation.

SUPPLEMENTARY AGENDA

MATTERS OF URGENCY

8 PLANNING PROPOSAL - HERITAGE AND HOUSEKEEPING

EXECUTIVE SUMMARY

- This report presents a Council-initiated Planning Proposal to amend the *Hornsby Local Environmental Plan 2013* (HLEP 2013) to implement heritage amendments to Schedule 5 and the Heritage Map and to remove references to land outside the Hornsby local government area (LGA) from the written instrument and maps.
- Council is currently undertaking a large body of work under its Comprehensive Heritage Study (CHS) to respond to the changing development context, demography and community expectations regarding the identification and protection of the heritage of the Shire. Although this work is ongoing, several heritage amendments have been identified as priorities or to improve the administration and interpretation of heritage.
- In 2016, the Local Government (City of Parramatta and Cumberland) Proclamation amended the local government boundaries of Hornsby Shire and City of Parramatta. The amendment transferred land south of the M2 Motorway, from the jurisdiction of Hornsby Council to Parramatta Council. The HLEP 2013 continued to apply to the transferred land until such time that a comprehensive LEP was made to apply to the new Parramatta LGA.
- In March 2023, the *Parramatta Local Environmental Plan 2013* was made and applies to all land in the Parramatta LGA. Although the HLEP 2013 no longer applies to land in the Parramatta LGA, the LEP still includes references to the land. It is appropriate to remove all references to land outside the Hornsby LGA.
- The overall objective of the Planning Proposal is to improve the operation, accuracy and interpretation of the HLEP 2013 and ensure the heritage schedule is up to date.
- It is recommended the Planning Proposal be progressed for Gateway Determination to allow public exhibition.

RECOMMENDATION

THAT:

1. Council endorse progression of the Heritage and Housekeeping Planning Proposal attached to Director's Report No. PC8/24 for submission to the Department of Planning, Housing and Infrastructure for a Gateway Determination.
2. The Planning Proposal be publicly exhibited in accordance with the Gateway Determination and consultation strategy identified in this report.
3. Following exhibition, a report on submissions be presented to Council for consideration.

PURPOSE

The purpose of this report is to present a Council-initiated Planning Proposal to implement heritage and housekeeping amendments to the *Hornsby Local Environmental Plan 2013* (HLEP 2013).

BACKGROUND

The background to the Planning Proposal is discussed below in terms of heritage amendments and administrative changes in response to the adjustment of local government boundaries as part of the State Government amendment of local government boundaries.

Heritage amendments

In 2018, Council resolved to undertake a Comprehensive Heritage Study (CHS) to respond to the changing development context, demography and community expectations regarding the identification, policy and protection of the heritage of the Shire.

In 2019, the Hornsby Shire Heritage Action Plan (HAP) was prepared to identify the strategic tasks required to guide the scope of the CHS and inform a program of works. The program of works commenced in October 2020 to be undertaken over several years.

To date, two component projects of the CHS have been endorsed by Council, namely, the Hornsby Thematic History and the Heritage Interpretation Strategy.

As part of the CHS, Council has also engaged consultants to undertake reviews of existing and potential new heritage items, archaeological sites and HCAs. The objective of the reviews is to assess the condition of known sites, to provide clarity to aid interpretation of heritage and to identify new items of potential heritage significance.

As part of the review process, Council has identified a range of amendments to Schedule 5 Environmental Heritage of the Hornsby LEP 2013 and associated mapping. The intent of the heritage amendments is to improve the accuracy, administration and interpretation of heritage in Hornsby Shire and to prepare the HLEP 2013 for future heritage amendments as Council progresses the CHS.

Housekeeping amendments

In 2016, the Local Government (City of Parramatta and Cumberland) Proclamation (the Proclamation) amended the local government boundaries of Hornsby Shire and City of Parramatta (Parramatta). The Proclamation transferred land south of the M2 Motorway, from the jurisdiction of Hornsby Council to Parramatta Council. The HLEP 2013 continued to apply to the transferred land until such time that a comprehensive LEP was made to apply to the new Parramatta local government area (LGA).

In March 2023, the NSW State Government made the *Parramatta Local Environmental Plan 2023*, a comprehensive planning instrument applying to all lands within the Parramatta LGA. Section 1.8(2) of the Parramatta LEP 2023 stipulates that the Hornsby LEP 2013 ceases to apply to land to which the Parramatta LEP applies.

As the HLEP 2013 no longer applies to the land transferred to Parramatta Council, it is appropriate for the HLEP to be amended to delete all references to that land.

DISCUSSION

1. The Planning Proposal

The Planning Proposal seeks amendments to the HLEP 2013 in two components. The first component consists of amendments to Schedule 5 Environmental Heritage and the Heritage Map to reflect heritage items and archaeological sites more accurately. The second component consists of

housekeeping amendments throughout the written instrument and maps to remove references to land outside the Hornsby LGA. Further context for these changes is provided below. The proposed amendments would apply Shire-wide. No accompanying amendments to the Hornsby Development Control Plan 2013 are proposed.

The amendments proposed by the Planning Proposal are summarised as follows:

Heritage amendments

- Four new landscape heritage listings;
- Four additions to existing heritage listings, referencing additional heritage quality of a site, but not affecting additional properties;
- Six 'dual listed' heritage listings, identifying lands as having both landscape and archaeological value;
- Four recategorised heritage listings, between archaeological and landscape heritage;
- Two consolidated sites, currently consisting of five listings, for consistent management;
- Four minor mapping amendments;
- 20 name changes;
- 16 corrections to names, addresses and property descriptions; and
- Removal of 12 existing heritage listings within the Hornsby LGA.

Housekeeping amendments

- Deletion of all references to land outside the Hornsby LGA from the written instrument;
- Removal of all existing heritage items and HCAs located outside the Hornsby LGA; and
- Redrawing of all LEP maps to reflect the current Hornsby LGA boundaries.

The Planning Proposal is supported by inventory sheets and a report prepared by heritage consultant (Umwelt) that provides context and justification, where relevant, for the proposed heritage amendments.

2. Strategic and Statutory Context

Relevant policies and legislation are discussed below.

Greater Sydney Region Plan – A Metropolis of Three Cities and North District Plan

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

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

The Planning Proposal gives effect to the liveability objectives and actions of the State and local strategic planning framework by seeking to improve the administration and interpretation of heritage items, archaeological sites and HCAs in Hornsby Shire.

Under the Regional Plan, Objective 13 seeks to ensure that environmental heritage is identified, conserved and enhanced. In the District Plan, under Planning Priority N6: Creating and renewing great places and local centres, and respecting the District's heritage, the following action is relevant to the proposal:

Action 21: Identify, conserve and enhance environmental heritage by:

- a. Engaging with the community early in the planning process to understand heritage values and how they contribute to the significance of the place.*
- b. Applying adaptive re-use and interpreting of heritage to foster distinctive local places.*
- c. Managing and monitoring the cumulative impact of development on the heritage values and character of places.*

The Planning Proposal seeks to amend Schedule 5 and Heritage Map of the Hornsby LEP 2013 to improve the administration and interpretation of heritage in Hornsby Shire.

Supporting information, in the form of inventory sheets, provide context and justification for the amendments that are not administrative (simple name, address or property description changes). These inventory sheets have been prepared by heritage consultants engaged by Council to undertake reviews as part of the CHS. The sheets contain information about an item's heritage and archaeological significance.

Section 9.1 Local Planning Directions

Section 9.1 of the EP&A Act allows the Minister for Planning (the Minister) to provide direction to Council concerning the preparation of draft LEPs. The directions considered for the Planning Proposal commenced on 1 March 2022 and include:

- Direction 1.1 Implementation of Regional Plans
- Direction 3.2 Heritage Conservation
- Direction 6.1 Residential Zones

Direction 1.1 Implementation of Regional Plans

The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans (e.g. the Greater Sydney Region Plan). The direction requires a planning proposal to be consistent with a Regional Plan released by the Minister.

Part 3 of the Planning Proposal considers consistency with the Regional Plan and the District Plan, identifying relevant strategies and actions and the Planning Proposal's alignment.

The amendments to Schedule 5 and the Heritage Map of the Hornsby LEP 2013 would provide a more accurate record of heritage in the Hornsby Shire, allowing for more effective management and interpretation. This would result in preservation of heritage value for current and future generations.

As such, the Planning Proposal is consistent with the Regional Plan and District Plan.

Direction 3.2 Heritage Conservation

The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. The direction requires planning proposals to include provisions that facilitate the conservation of items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, and Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes.

The intent of the proposed amendments to Schedule 5 and Heritage Map is to provide an up-to-date register of heritage items, archaeological sites and HCAs. This would serve to improve the administration and interpretation of heritage in Hornsby Shire.

Some of the amendments are supported by inventory sheets prepared by heritage consultants which provide current information regarding the condition and significance of certain heritage items and archaeological sites.

The Planning Proposal is consistent with this direction.

Direction 6.1 Residential Zones

The objectives of this direction are to encourage a variety of housing types for existing and future housing needs, make efficient use of accessible infrastructure and services and minimise the impact of residential development on the environment and resource lands.

The direction requires that planning proposals broaden the choice of the housing market, make more efficient use of infrastructure and services, reduce land consumption for housing and be of good design. Planning proposals are to be for land that is or can be adequately serviced and not reduce permissible residential density.

The amendments sought by the Planning Proposal do not result in the rezoning or limiting of permissible uses on residential land in Hornsby Shire. The up-to-date identification of heritage items, archaeological sites and HCAs would assist in guiding appropriate residential development within and adjacent to any such identified item or HCA.

The Planning Proposal is generally consistent with this direction.

Hornsby Local Strategic Planning Statement and Hornsby Shire Heritage Action Plan

The Hornsby Local Strategic Planning Statement (LSPS), endorsed by Council in February 2020, sets out a 20 year vision for land use in Hornsby Shire, identifying the special character and community values that are to be preserved as well as how Council will manage growth and change.

The relevant priority of the LSPS is LP5: Protecting, conserving and promoting our natural, built and cultural heritage. The underlying actions of LP5 relevant to this Planning Proposal are:

- Action LA12: Prioritise and adopt recommendations from the Hornsby Heritage Action Plan 2019; and
- Action LA14: Undertake the tasks to complete the Hornsby CHS.

The objectives of the HAP include the analysis of best practices for the identification, protection and preservation of heritage within the NSW legislative framework, the identification of gaps, inconsistencies and anomalies in Hornsby Shire's existing heritage studies and planning controls and to develop a plan to address these gaps, including priority actions.

The amendments sought in this Planning Proposal would fulfil actions outlined in the HAP and thereby further the progress of the Hornsby CHS.

The proposed amendments to Schedule 5 and the Heritage Map would address anomalies and errors, reflect the current Hornsby LGA boundaries and provide updated inventory sheets for certain items to address gaps including lack of detail, outdated photographs and descriptions and outdated statements of significance.

These amendments culminate in delivering an updated Schedule 5 and Heritage Map that is accurate and has information which aids the administration and interpretation of heritage in Hornsby Shire.

The Planning Proposal is consistent with the liveability priorities of the LSPS and the HAP.

Hornsby Housing Strategy

The Hornsby Housing Strategy, adopted by Council in November 2020, sets out a 20-year vision and priorities for housing in Hornsby Shire in response to the Regional Plan and the District Plan. An objective of the Hornsby Housing Strategy that is of relevance to the Planning Proposal includes the need to:

Protect sensitive areas from development, and ensure new housing does not detract or erode an area's local character.

The proposed heritage and housekeeping amendments will enable efficient administration and operation of the HLEP 2013. Updating the written instrument and maps to reflect the current LGA boundaries and to provide up-to-date information about the Shire's heritage is appropriate.

The Housing Strategy prioritises the delivery of future housing supply in locations that are close to transport and local services. The Strategy focuses the provision of new housing in high density formats centralised in the Hornsby Town Centre which opens the opportunity to provide up to 4,900 new homes. The State-led Cherrybrook Station precinct is a further opportunity to provide up to 3,200 new homes in a medium to high density residential format. Council is also conducting investigations into existing medium density housing precincts and developing a strategy to encourage future medium density residential development.

The proposed heritage and housekeeping amendments would not impact Council's obligations to meet the State Government's housing targets. Of the four new heritage listings proposed, only one, for an Oak tree at No. 458 Galston Road, Dural is located on private property. The other three are located on Council land. The Hornsby Housing Strategy does not identify Dural as an area for increased housing supply. The density of residential development permissible at No. 458 Galston Road would not be impacted by the proposed heritage listing.

The heritage amendments also include the proposed removal of 11 heritage listings located on private land. Three of the delisted properties are within precincts zoned for higher density housing. With Council approval, two of these have already been redeveloped for high density housing in accordance with the desired future character of the housing precincts.

The proposed heritage amendments would not change the land use zones of affected properties and consequently, there would be no reduction in permissible residential densities. The amendments are intended to improve the accuracy and interpretation of Council's heritage listings. This would provide certainty about the heritage controls that apply to the land, assisting the preparation and assessment of future residential development applications (DA).

The Planning Proposal is consistent with the Hornsby Housing Strategy.

Hornsby Shire Community Strategic Plan

The Hornsby Community Strategic Plan, endorsed by Council in June 2022, identifies the community's main priorities and aspirations for the next ten years and sets the broad strategic direction for Council's long term planning documents.

The amendments proposed as part of this Planning Proposal are consistent with Goal G2.1: Quality, liveable and sustainable urban design and development and its underlying action to '*protect our heritage items, heritage conservation areas and cultural heritage*'.

Hornsby Local Environmental Plan 2013

The Planning Proposal would amend the provisions and maps of the HLEP 2013. These amendments would not cause incompatibility with any of the existing LEP provisions and have regard to the requirements of the *Standard Instrument Principal Local Environmental Plan*.

3. Impacts of the Proposal

The potential impacts of the Planning Proposal are discussed below.

New heritage listings

The introduction of four new landscape heritage items in Schedule 5 would not result in adverse environmental, social or economic impacts. The significance of these items is noted in the Planning Proposal, with further detail provided in the respective inventory sheets in Appendix A of the Planning Proposal. Three of the new items are located on Council land while one, at No. 458 Galston Road, Dural, was nominated by the property owner.

The proposed item at No. 458 Galston Road is in recognition of the aesthetic values of an English Oak tree on the property that contributes to the streetscape and landscape of the local area. The addition of this listing to Schedule 5 of the HLEP 2013 would require future DAs to consider how proposed development would impact the Oak tree under Section 5.10 of the Hornsby LEP 2013. However, the listing would not affect the land use zoning of the property nor its permissible land uses.

Additions to existing heritage listings

Four additions to existing heritage listings are proposed. These additions are elements of heritage significance located on listed properties that are not currently identified by the existing listing. The significance of all four proposed additions is detailed in Appendix A of the Planning Proposal.

The proposed additions would not modify the existing mapped areas of the affected items, nor would they impact the land use zoning or permissible land uses of the listed properties. The additions would not result in adverse environment, social or economic impacts.

Dual listed heritage listings

Six dual listed items are proposed. Dual listed items are items that have a current listing under Part 1 Heritage Items or Part 3 Archaeological Sites of Schedule 5 but are nominated to have another listing in the other part. Dual listing an item is an acknowledgement that it possesses both heritage and archaeological values.

The dual listing of each site would not result in additional land being included in their mapped areas and would not impact the land use zoning or permissible land uses of the listed properties. Dual listing of items would not result in adverse environment, social or economic impacts.

Recategorised heritage listings

Four existing archaeological sites are proposed to be recategorised as landscape heritage items. Reviews undertaken by archaeological and landscape heritage consultants have determined that these items do not possess sufficient archaeological potential but do have landscape heritage qualities.

All four recategorised items are located on Crown or Council land and would have no adverse environmental, social or economic impacts.

Remapped heritage listings

Four existing heritage listings are proposed to have their mapped areas amended. A review of these items undertaken by landscape and archaeological heritage specialists identified that the existing

mapped areas of these items should be enlarged because they do not fully capture elements of heritage or archaeological significance that are, or may be, present within the mapped area or adjoining land. The significance of the remapped items is noted in the Planning Proposal with further detail provided in the inventory sheets in Appendix A.

All four remapped items are located on Crown or Council land and would have no adverse environmental, social or economic impacts.

Consolidated heritage listings

Five existing listings are proposed to be consolidated into two. All listings relate to schools in Hornsby Shire, Arden Anglican School and Barker College.

The intent for the proposed consolidation is to simplify ongoing heritage management for both schools.

The proposed consolidation would not have any adverse environmental, social or economic impacts to the affected properties.

Renamed and corrected heritage listings

20 heritage listings would be renamed and a further 16 listings subject to corrections to name, addresses and property description. These amendments are administrative, intended to improve the accuracy and interpretation of Council's existing heritage listings. They would have no adverse environmental, social or economic impacts to the affected properties.

Four listings located on private properties would have their property descriptions amended as a result of approved land subdivision. Resultant lots which do not contain the listed item do not form part of the heritage significance. Notwithstanding, development on these subdivided lots would need to consider the impact on the adjoining heritage item in accordance with the provisions of the Hornsby DCP 2013.

Removed heritage listings within the Hornsby Shire LGA

12 heritage listings would be removed or amended with reduced mapped areas. The listed items have either been removed under an approved DA or reviewed by heritage specialists as no longer exhibiting heritage or archaeological values. The removal of these items is supported by inventory sheets and a report prepared by heritage consultant, Umwelt, in Appendix A and B respectively of the Planning Proposal.

The removal of these heritage items would not impact the land use zoning of the affected properties or their permissible land uses. Adverse environmental, social or economic impacts are not anticipated.

Removal of references to land outside the Hornsby Shire LGA

The removal of all references to land outside the Hornsby LGA will have no impact to the operation of the LEP on land within the Hornsby Shire LGA. The removal of these outdated references from the written instrument and maps would provide clarity and improve the interpretation of the HLEP 2013. The heritage listings removed from Schedule 5 that are located outside the Hornsby Shire LGA would still be protected under the Parramatta LEP 2023.

Exempt and complying development

The State Environmental Planning Policy (Exempt and Complying Development) 2008 (Codes SEPP) does not permit exempt or complying development on land which is identified as an item of

environmental heritage or a heritage item by an environment planning instrument or on which an item so identified is located.

Of the new heritage items proposed, only the Oak tree at No. 458 Galston Road, Dural is located on private property. Listing of this item would exclude the undertaking of complying development on this property.

CONSULTATION

Local Planning Panel Advice

The Planning Proposal was referred to the Hornsby Local Planning Panel for advice on 27 March 2024, in accordance with Section 2.19(1)(b) of the EP&A Act. Section 2.19(1)(b) requires the Local Planning Panel to provide advice on a Planning Proposal before Council considers whether to forward it to the Department of Planning, Housing and Infrastructure (DPHI) for a Gateway Determination.

The Panel noted that the proposed heritage amendments aim to largely recategorise and reclassify items, remove some items that no longer possess any historic significance and expand items where there is greater significance and extend their curtilage. The Planning Proposal also seeks to rectify anomalies and inconsistencies and is largely housekeeping in nature.

The Panel considered that the Planning Proposal has strategic merit and advised it supports the progression of the proposal for a Gateway Determination.

Planning Proposal Consultation Strategy

Should the Planning Proposal receive a positive Gateway Determination, the consultation would follow the requirements of the Determination, the Hornsby Shire Community Engagement Plan and the public exhibition requirements of the Local Environmental Plan Making Guidelines.

Consultation for the Planning Proposal would include:

- Advertisement on Council's 'Your Say Hornsby' website. This will be the primary source for all exhibition material.
- Advertisements in local publications identifying the Planning Proposal and providing a weblink to where the exhibition materials can be viewed.
- Letters to affected owners.
- Display at the Hornsby library.
- Consultation with public authorities identified in the Gateway Determination. A copy of the Planning Proposal and relevant supporting material would be provided.

BUDGET

Costs associated with the preparation of the Planning Proposal are covered by the Strategic Land Use Planning operational budget.

POLICY

Section 2.19(1)(b) of the EP&A Act requires that the Local Planning Panel must give its advice on the Planning Proposal before Council considers whether or not to forward it to DPHI for a Gateway determination. The Panel advised it supports the progression of the proposal for a Gateway Determination.

CONCLUSION

The report presents a Council-initiated Planning Proposal for heritage and housekeeping amendments to the Hornsby LEP 2013. The Planning Proposal seeks to:

- Introduce new heritage items and amend or remove existing items in Schedule 5 Environmental Heritage.
- Remove text and mapping references to land within the Parramatta LGA.

The Planning Proposal has strategic merit due to its consistency with the Greater Sydney Region Plan, North District Plan, Section 9.1 Local Planning Directions, the Hornsby LSP, Hornsby Shire Heritage Action Plan, the Hornsby Housing Strategy and the Hornsby Community Strategic Plan.

There is a clear community benefit to improving the operation and accuracy of the HLEP 2013 and the administration and interpretation of Hornsby Shire's heritage.

Accordingly, it is recommended that Council support the progression of the Planning Proposal for submission to DPHI for Gateway Determination.




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.

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Attachments:

1.  Draft Heritage and Housekeeping Planning Proposal
2.  Appendix A Inventory Sheets
3.  Appendix B Umwelt Report March 2024

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