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Creating for Generations

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27 April 2020

Mr Stephen Head
General Manger
Hornsby Shire Council
PO Box 37
HORNSBY NSW 1630

Email – hsc@hornsby.nsw.gov.au

Dear Mr Head

Housekeeping Amendment Planning Proposal

The Property Council of Australia welcomes the opportunity to provide comments on the Housekeeping Amendment Planning Proposal.

As Australia's peak representative of the property and construction industry, the Property Council's members include investors, owners, managers and developers of property across all asset classes. We are pleased to provide the following comments for your consideration.

The Property Council understands that Council is one of eighteen (18) councils in Greater Sydney that are participating in the Accelerated LEP Review Program. The identification of certain local government areas for accelerated translation of the relevant District Plan during 2020 (one year ahead of the remaining 15 councils in Greater Sydney) was appropriate. Hornby Council's participation in this program is also appropriate.

Council has been given financial assistance from the NSW Government to complete a number of milestones under the program. The completion of this Planning Proposal (PP_2019_HORNS_002_00) is one such milestone. Finalisation of Council's Local Strategic Planning Statement (LSPS) and Local Housing Strategy (LHS) being other important steps.

We note that the Council's cover letter to the Planning Proposal said "it incorporates some of the key matters identified through the accelerated LEP Review Studies which are still progressing". The Planning Proposal goes on to say "it is consistent with one of the highest strategic priorities for Council and gives direct effect to Liveable Priority 2 and Liveable Action 4 of the draft Hornsby LSPS".

Section 3.8 of the *Environmental Planning and Assessment Act 1979* requires a Planning Proposal Authority, when preparing a planning proposal under section 3.33, to give effect to any district strategic plan applying to the local government area to which the planning proposal relates. Also as soon as practicable after a district strategic plan is made, the relevant council must review its

local environmental plan for the area and prepare such planning proposals under section 3.33 as are necessary to give effect to the district strategic plan.

It is disappointing that more than two years since the Regional Strategic Plan and North District Plan were endorsed by the NSW Government and six months since the public exhibition of Council's draft LSPS, it is not in a position to exhibit a planning proposal that will "give effect" to the important need to boost housing supply for residents of Hornsby Shire. Council should set out its planned timeframe for completion of the next phase of the LEP update, being the implementation of its LHS.

Housing Targets

The Greater Sydney Commission (GSC) issued Council with a letter of support on 12 March 2020 which included a 6-10 year housing target between 3,800 and 4,200 dwellings. This involves the production of more than 750 new dwellings annually.

The GSC's North District Plan created a 0-5 year housing target for Council of 4,350 additional dwellings from 2016/17 to 2020/2021 (about 870 new dwellings each year). We understand that in the first three years of this period (2016/17 to 2018/19) there were 2,715 dwellings completed in the Hornsby Shire LGA. Council should take necessary action to ensure its policy settings are appropriate for the continuation of new housing supply at or above this level.

The Property Council acknowledges the substantial effort Council has made towards the preparation of this Planning Proposal with very tight timeframes set by the State government.

General Comments on Planning Proposal

The intent of the current Planning Proposal is to:

- Deliver the highest standard of architectural and urban design for all residential flat buildings and townhouses,
- Improve the design outcomes for 5-storey residential flat buildings by removing the ability to include mezzanine levels,
- Correct three zoning anomalies and allow an additional permitted use on one site to reflect longstanding uses,
- Reflect the expansion of Marramarra National Park, and
- Correct minor heritage anomalies in Schedule 5.

These actions are generally considered to be appropriate and, in most cases, supported.

The current Planning Proposal should not intentionally or unintentionally undermine the availability of land for medium density housing or the diversity of housing types and tenures. It is important that the planning controls that are subject to change in this Planning Proposal do not have any unintended consequences to currently permissible land uses.

Design Excellence Clause

Council is seeking to expand the application of clause 6.8 of *Hornsby Local Environmental Plan 2013* (HLEP 2013) to certain buildings less than 29.6m in height. The proposed amendments will expand the application of the clause to all attached dwellings, multi dwelling housing, residential flat buildings and shop top housing, regardless of height. These changes will capture a much broader range of development compared to the operation of the current clause.

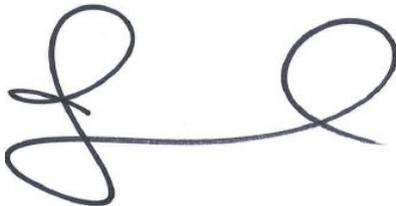
Clause 6.8 of HLEP 2013 requires Council to have regard to seventeen design-specific matters, including architectural design, materials and detailing, amenity of the public domain, impact on view corridors and other-design related issues. It is imperative that Council provide information to proponents on how Council will consider these matters in its assessment process. The proposed changes will create considerable additional costs for developers of small and medium-sized multi housing developments.

The State government has produced State Environmental Planning Policy No 65 (SEPP 65) and the supporting Apartment Design Guide (ADG) for the purpose of improving the design and quality of apartment buildings. Recently, the Department of Planning, Industry and Environment (DPIE) prepared a design guide for low-rise medium density housing for development applications which would be appropriate for manor homes and terraces. Adapting this guide to these other forms of housing may be a preferable alternative to use of the design excellence clause.

We support the intent to lift the standard of residential development in Hornsby Shire but do not support the use of the design excellence clause in HLEP 2013 to achieve that outcome. Council should consider providing a more detailed explanation of the information that applicants will need to provide with their development applications to assist with the design and preparation of plans. Also, Council should provide a summary of the expected compliance costs associated with applying design excellence requirements to medium density housing.

Should you have any questions, please do not hesitate to contact Troy Loveday, Senior Policy Advisor, on (02) 9033 1907 or by email tloveday@propertycouncil.com.au

Yours sincerely

A handwritten signature in dark blue ink, consisting of a large, stylized 'J' followed by a horizontal line and a large, rounded 'F'.

Jane Fitzgerald
NSW Executive Director
Property Council of Australia