



**New South Wales Government**  
**Independent Planning Commission**

**TRANSCRIPT OF PROCEEDINGS**

RE: Hornsby Local Environmental Plan 2013 Terrestrial Biodiversity Map  
(PP-2020-3920) Gateway Review Request

**COUNCIL MEETING AGENDA**

COMMISSION PANEL: TERRY BAILEY (Chair)

OFFICE OF THE IPC: STEPHEN BARRY

HORNSBY SHIRE COUNCIL: HON. PHILLIP RUDDOCK  
JAMES FARRINGTON  
KATHERINE VICKERY  
TAYLOR RICHARDSON

LOCATION: VIA VIDEO CONFERENCE

DATE: 1.30PM, MONDAY, 5 DECEMBER 2022

**TRANSCRIBED AND RECORDED BY APT TRANSCRIPTIONS**

MR BAILEY: Good afternoon everybody and welcome. Before we begin, I would like to acknowledge that I'm speaking to you from the land of the Muwinina people at the Nipaluna Lutruwita, Hobart, Tasmania and I acknowledge the traditional owners of all the country from which we're virtually meeting today and pay my respects to Elders past and present. Welcome to the meeting today to discuss the gateway review request for the planning proposal to update and extend the Terrestrial Biodiversity Map and update the terminology in the corresponding clause within the Hornsby Local Environmental Plan 2013.

10 My name is Terry Bailey and I'm the Chair of the Commission panel. We're also joined by Stephen Barry from the Office of the Independent Planning Commission. In the interests of openness and transparency and to ensure that the full capture of information today's meeting is being recorded and a complete transcript will be produced and made available on the Commission's website. This meeting is one part of the Commission's consideration of this matter and will form one of several sources of information upon which the Commission will base its advice.

20 It's important for the Commission to ask questions of attendees and to clarify issues whenever it is considered appropriate. If you are asked a question and are not in a position to answer please feel free to take the question on notice and provide any additional information in writing which we'll then put up on our website. I'd also request that all members here today introduce themselves before speaking for the first time and for all members to ensure that they do not speak over the top of each other to ensure the accuracy of the transcript. We'll now begin and I'd certainly invite an opening statement from council.

MR FARRINGTON: Mr Mayor, did you want to start?

30 HON. RUDDOCK: I'm ready, can you hear me? Let me just check. It says that I'm on, I'm not muted so I'm hopeful you're all there. My name is Phillip Ruddock, I am the Mayor of Hornsby Shire Council. Can I thank you very much, Chair, and can I share in your acknowledgement of country. I'm seated in the traditional lands of the Dharug and the Ku-Ring-Gai people who are the traditional owners of much of Hornsby Shire.

40 In speaking to you today I wanted to put a degree of context and I will leave the more formal submission from council for James Farrington to progress. He will deal with the more detailed matters, I want to try and put a degree of context around why we are pressing this matter. You may or may not be aware that my engagement in local government came as a result of my passion for the bushland shire. It's a passion that started with my late father, I used to sit in the council galleries back in the 1950s when he came to be a councillor on Hornsby Shire and later President before he became a State Member of Parliament and a Minister.

He was a very passionate man about the nature of Hornsby and he initiated for the first time, I might say, tree preservation orders that were necessary to ensure that before people could tamper with our important trees and very much our unique shire they would need permission to be able to do so and tree preservation orders were a very

important part of the process that Hornsby was involved in and it, of course, was named the Bushland Shire and it's a very unique place. It is, of course, a position between significant national parks but if you look at the nature of the area itself it has lots of creeks, rivers and agricultural areas. It has very significant residential housing but we are seeking to manage it in a way that we don't undermine the integrity of the shire that people have come to love and very much appreciate and people do move into Hornsby because of the nature of the shire.

10 It doesn't mean everybody comes in with that appreciation, occasionally we find some that don't but the great majority of people with whom we regularly consult are very much in favour of the maintenance of the integrity of the area and it was a matter that, when you think about it, there are potential risks if you don't put effort into ensuring that development is compatible with the bushland character and one of the formal submissions I did want to make on behalf of council was to note that we'd recently adopted an urban forest strategy to provide guidance for future care and development of our forests and it was estimated when that strategy was put together that we were losing something of the order of 12 to 15,000 trees every year and if this trajectory were to continue it would not be possible in 40 years time to understand the character of the bushland shire, the bushland shire that we've known and understood, it would  
20 be lost.

Is it important? I mean, I am focused very much on the fact that already the state government is telling us that they are very focused on the importance of keeping bushland canopy. It's seen as being important for minimising adverse climate impacts and one of the points that the state government is progressing is to encourage councils to be involved in tree planting and to be getting further canopy and it seems to me that it's pretty foolish to be going out trying to promote further canopy when you're not keeping what you've got and one of the things that troubled us as a council, and I  
30 might say it was council that was supported by the Greens, Labor councillors and Liberal councillors altogether taking the same position, was that we needed to ensure that in our vegetation mapping it accurately reflected what we know and from my point of view, the idea that you cannot map all the vegetation you have leaves it open for people who are looking at development issues to say, shock horror, we've looked at the map, there's nothing there and if you're going to ensure that robust decision-making is taken on the basis of accurate information then you need to accurately map what you have.

40 Now, we have gone out and we do do a lot of terrestrial studying of the shire and we are of the view that those maps ought to accurately reflect what we have and the point that I make is this is not a casual decision, it's a decision thought out by council. It crosses all the political boundaries and we are at one in relation to what we are seeking here and we believe that it is totally compatible with what the government wants and we believe that it is absolutely important that the mapping is accurate. We do know that people come along and they do look at what you map and if they see there's nothing there they will progress.

We had a matter fairly recently where in Boundary Road, the planner will know the matter I'm referring to, there was a proposal to build a building on a site at the back of

another building and the developers were telling us there was nothing there. I'd seen some of the terrestrial mapping myself and was able to say well, there are trees there. Now, you've either taken them out or they're still there but people were arguing because it wasn't mapped that there was nothing for us to have regard to and so I am very passionate about it, as you probably gathered, I believe in it very strongly and I know that James Farrington will be able to put the more technical arguments in a fuller and more complete way than I have but in our view, planning should be on the basis of accurate information properly mapped and that's what we're seeking to do.

10 MR BAILEY: Thank you, Mr Mayor. James, I'm just checking if there's anything you'd like to add at this stage?

MR FARRINGTON: I will if it's okay. I've got a short PowerPoint presentation which may assist the Commission in considering the planning proposal before you and before I do so, can I please introduce my team. With me today I have got Katherine Vickery who's the Manager of Strategic Planning at Hornsby Council and also Taylor Richardson who's just come online there as well. Taylor's our Coordinator of Strategic Planning within Katherine's team. If I can assist - - -

20 MS VICKERY: Good afternoon.

MR FARRINGTON: If I can assist the Commission just bear with me and I'll just share a short presentation. Hopefully you can see the presentation up on screen now.

MR BAILEY: Yes.

MR FARRINGTON: Thank you. The Mayor has done a great job in outlining the strategic background to the planning proposal. In short, what we would say to you is the proposal that council is putting forward is no different than mapping other  
30 constraints that are relevant to the development assessment process. We do that as currently in relation to bushfire constraints on land, flooding constraints on land, heritage constraints on land, we do it for a number of different aspects that relate to the development assessment process.

What council is seeking to do through this planning proposal is to be completely transparent with property owners and the community as to where there is existing trees and bushland on properties to inform the assessment process. What we say is that is appropriate to good planning - one moment, see if I can move forward with the PowerPoint here. It's not letting me move forward, one moment. There we go. The  
40 Mayor has outlined the strategic background, council has done a lot of work in this space in terms of reflecting the community aspirations from our community plan and our local strategic planning statement which identify the quality of Hornsby Shire that we're seeking to protect.

As the Mayor said, we're losing a significant number of trees; put another way, that's about two to three per cent of our tree canopy annually that we're losing. The strategic work we've done in relation to our biodiversity conservation strategy, urban forest strategy all identify strategies in which we can maintain and preserve that tree

canopy. Council's also taken some active steps about replacement planting. Through the council and the previous council we've now planted 30,000 new trees which will tie in neatly with also the Premier's priority about replanting trees and building our canopy.

10 Council's also been very strategic in its approach. We're mindful of the need to balance those objectives for tree preservation with also the need to house a growing population and council's been very sensible in its approach as identified both in our local strategic planning statement and our housing strategy which identify that we are meeting out obligations for housing delivery but we've also heard from the community that in meeting those targets we need to ensure that where we provide additional housing it has regard for existing sensitive areas and a bushland canopy which is why we're working very hard at the moment to meet the next tranche of our housing numbers through development within the Hornsby Town Centre to preserve the bushland character.

20 So all our strategic statements are about how we can locate development in the appropriate areas of the shire to preserve those environmentally-sensitive areas. This is - what we're seeking to do through this planning proposal is not something new, it is just revising what is already enshrined without our LEP and state legislation. Under the standard instrument councils can map terrestrial biodiversity. We currently have those provisions within our LEP and they currently preclude complying development on those properties that are mapped and ensure that there's rigorous assessment about the impacts of that development on the tree canopy.

30 Our current map, as incorporated within our LEP, is based on Smith and Smith Mapping which are our ecological consultants from 2008. That includes mapping of the national, state and regional communities plus a bushland overland - bushland protection overlay which was brought forward from our previous LEP. At the moment that current mapping impacts on about 1750 properties so it's already embodied within our LEP. What we're aware is that that mapping requires updating and we've done that process. We've looked at new mapping which is - was completed in 2017 and that mapping requires updating of our LEP.

40 We had a discussion with our council about how that should be brought forward in our LEP and council is mindful that our bushland and our tree canopy goes beyond just those categories of national, state and regional significance. Also the local communities have an active part and role to play in preserving the bushland character of the Hornsby Shire. So the new mapping under the planning proposal seeks to include those same categories, national, state, regional but adding a locally-significant community plus a 10-metre buffer which we say is necessary to ensure the protection of those tree areas.

It's without doubt that the purpose - one of the main objectives of the planning proposal is that - well, main impacts of it is that it will preclude complying development pathway for those areas that are mapped and we say that it is good planning to do so, to make sure that the impacts of development on those areas of tree canopy are actively considered as part of the development assessment process. Just an

example of how the current mapping relates to our provisions in the LEP. This is an example of urban area in Hornsby Shire based on the 2008 mapping which shows the extent of the national, state and regional communities and there's no buffer. You'll see that that is a park area on the western side of Hornsby Town Centre and under that scenario five properties are impacted the bushland and the - slightly to the south of that precinct it extends into a number of properties just outside that area which I've shown there, five properties are impacted.

10 Under the new mapping, when we bring in the locally-significant vegetation types plus the 10-meter buffer which would apply to those existing areas are significant. The number of properties increases from the five to 93. We say that the consideration of the impact of development in terms of applying that buffer is appropriate to stop those edge impacts that you get in relation to development adjacent to canopy. In association with the planning proposal we've prepared associated DCP or Development Control Plan amendments because we're mindful that at the moment the provisions under the LEP and DCP prohibit exempt tree works within those mapped areas including the removal of dead trees and pruning. So what we're suggesting is in association we're taking forward the planning proposal, we should allow some of those works within those areas that are mapped and their associated control changes that would implement as well.

20 Specifically in response to the reasons the gateway was not supported by the department, we have addressed each of those issues and we would say as follows. Inclusion of locally-significant communities, we would say that there is not a consistent approach to how this is being applied across the state. We're certainly mindful that other councils have mapped locally-significant vegetation. What is inconsistent is how it applies in relation to state policy for exempt and complying development. We're seeking to specifically clarify that in terms of this planning proposal and being very specific in terms of turning off those provisions because what we say, as I said before, is that that should be subject to the assessment under a DA process and I've covered the second one there.

30 In relation to impacts - economic impacts what we'd say in there is that only those areas of a property which have trees are those which cannot take advantage of the exempt or the complying pathway for approval. They shouldn't be subject to the code SEPP anyway so we would say that there is minimal impacts in relation to turning off the opportunity for complying development. Complying development can still take effect on the cleared portions of the land. Also as it would apply to the rural areas, we would say it would have a positive impact by encouraging that development on the existing cleared areas of a site and would assist in the site planning exercise for

40 proponents where they would know upfront where there is a constraint in terms of the tree canopy that they should be considering in their site planning analysis to make sure that any proposal is clear of those treed areas.

In relation to the definition of terrestrial biodiversity we're not seeking to change either the state planning instruments or the standard instrument order, we're seeking to change the local - our local environmental plan to put in these controls as environmentally-sensitive lands to tie in with the code SEPP which provides an

exclusion for environmentally-sensitive lands for the purpose of complying development. It does not result in any change to either the code SEPP or the standard instrument, it's just very clear then at the moment the only exclusion for complying development is areas of high biodiversity value. We say by including this definition it's very clear that these mapped areas would fall within the definition of environmentally-sensitive lands which would turn off the code SEPP but it doesn't change the state policy.

10 It was put forward that council should consider other methods of tree protection. We would say that we do that, we have tight tree preservation controls that the Mayor has alluded to in relation to development when they're submitted but as you'd be aware those planning controls only come into consideration when a DA has been lodged. The purpose of these controls, as I say to you before, is to ensure that that process of consideration under the DA pathway is appropriately considered.

20 The other question was whether or not the planning proposal has strategic merit. We would say most definitely it does. It ties in to the objectives of the greater Sydney regional plan and I won't go through those objectives but they are in the council's submission. It's certainly, as the Mayor has said in his opening address, state government has clear objectives of balancing the need for development with also conserving the environment in relation to protecting our bushland and vegetation and they are very clear objectives in terms of state planning.

30 There's also commentary about the consistency of our planning proposal with the North District plan and once again, we would say that it is without doubt that our planning proposal is consistent with all those objectives and actions as outlined in our proposal and on the screen there in relation to enhancing bushland, the scenic and cultural landscapes, maintaining tree canopy, bushland and biodiversity. It is certainly consistent with the objectives of the North District plan.

40 So in conclusion, our planning proposal seeks to identify that vegetation and our vegetation is important to the character of Hornsby Shire and the environmental attributes of our shire. It is also significantly important to our community as demonstrated through our community strategic plan. It is being upfront, it is not creating a new constraint on development, it is simply putting it to the afore of good sound planning and site planning to assist landowners that when they purchase or look at developing proposals for their site they're clearly aware of where council believes there are trees worthy of retention on their property that they can take into consideration in preparing any planning applications.

Through this process we also get a greater rigour in our assessment of DA to determine the impact of future development on our trees and tree canopy and as I said before, we certainly believe that this does have strategic merit in aligning both with the state and local planning strategies. Thank you for your time.

MR BAILEY: Thanks, Mr Farrington. Can I please ask that you do send that presentation through to our IPC so that we've got that on record as well.

MR FARRINGTON: No problem, Mr Bailey.

MR BAILEY: Wanted to take a moment and step through a series, some of which are actually quite technical - have a level of technical detail in amongst them just to be clear and make certain. When looking at the environmentally-sensitive land, if I look at the housing SEPP which I know is relatively recent in terms of being 2021 SEPP, how is this process that you're proposing particular around the definition of environmentally-sensitive land under the housing SEPP, how does this align into set?

10 MR FARRINGTON: I haven't looked into - I'd have to take that on notice, Mr Bailey. I haven't looked at the provisions in relation to the housing SEPP. Our understanding is simply that it's what would happen through the DA process, if we get a DA, is this would be a matter for consideration. I don't believe it would have any impact but I'd have to double-check that. The main change as this would have an impact, as I said before, is in relation to the definition under the code SEPP. I don't believe it would have a change to the process where a DA is already required under the housing SEPP.

20 MR BAILEY: I might just ask that you do have a look to see if there's anything that you want to add or supplement in terms of that response.

MR FARRINGTON: More than happy to but that's my understanding for the moment but I will take it on notice and provide you some further information to clarify.

30 MR BAILEY: Thank you. Think about - I just wanted to touch a little bit particularly on the mapping side and the work that was done by Ecological. So there's a couple of questions that sit in around this. The first of the questions that probably sits in my mind is the report indicates 21 per cent of mapping has been validated. I'm just wondering if there's any - given it's 2017 report, whether there's any update since then in terms of the validation work that's been done?

40 MR FARRINGTON: The short answer is no. obviously unless one of my colleagues can correct me but that is my understanding. Mr Bailey, I would say to you that the verification process similar to bushfire mapping or any of those we do - we've done our work. Once that goes on exhibition subject to a gateway we would refine that in response to submissions we receive through the exhibition process but the process we've been going through to prepare the planning proposal, as you're aware, we've been going that for a number of years now and there's been uncertainty in relation to the exhibition.

It took us over 12 months to get a response in relation to the gateway determination so this process of review has taken us a couple of years. We would certainly be seeking some direction from the department in response to - which is the purpose of the gateway to see if there is support at the policy level before council does some more work but as I say, our experience is we certainly get that feedback through an exhibition process which gives us an opportunity to hear what the community thinks. We can also determine and target any areas which require further investigation and refinement but that's it for now.

MR BAILEY: Yes. Thank you. And that probably leads in a little bit to my next question that's around what condition assessment work has been done on that local common level of education. So just to understand whether any condition assessment work has been done. So I'm not sure if you've got any view on condition as it relates to condition of naturalness?

10 MR FARRINGTON: I'm not sure what you're asking in relation to the condition but obviously there has been the work done, on the ground work by ELA in preparation of the mapping. That's a combination of site survey work and using our air photo library as a base. So there has been that extent of work done to date but are you asking whether or not they've done any condition assessment since the 2017 mapping?

MR BAILEY: Probably the slightly deeper piece that sits on - the condition is the naturalness with which the common vegetation occurs. So how impacted by pest plants in particular it might be. So it's the construct of what's the condition of the common local, is it in a good state of naturalness or is it directly impacted by pest animals - pest plants in particular. So just an understanding of whether any condition assessment work on the local common areas has been undertaken.

20 MR FARRINGTON: Yeah. Mr Bailey, my understanding is it has been - the assessment has been done of all types. You would've seen attached to our - I assume you've got a copy of our planning proposal which has attached to that the LA mapping report which identifies the process that was gone through in relation to the undertaking of that mapping exercise which talks about how that was undertaken.

MR BAILEY: I do so I'll step back through but - - -

30 MR FARRINGTON: It talks about the field surveys that were undertaken as well in relation to the validation and the confidence rating, the polygons that were gone through, the site survey work is - - -

MR BAILEY: Yes. So it's a validation in two parts. It's a validation in presence and condition of - and it's the second part that I had the curiosity on because I've got - there's good detail in the report on the validation of the mapping, that's correct?

MR FARRINGTON: Yes.

40 MR BAILEY: So it's that second piece that I'm curious on, not just the validation that it's present but the condition, whether there's a level of detail you might have on that.

MR FARRINGTON: And look, I would have to take that on notice as well, Mr Bailey, because that was done by our Environmental team.

MR BAILEY: Yes.

MR FARRINGTON: So the team you've got before you is the planning team taking that forward but if that's a concern of the Commission then I'm happy to take that on

notice and we can ask the question of our Environmentalists within council as to the second component that you're after.

MR BAILEY: That would be helpful if you could, thank you. I just want to test a couple of other pieces in terms of the movement across to the environmentally-sensitive land and, in essence, I'm asking the question, do you see a loss or a deemphasis for protecting, managing biodiversity by removing a biodiversity overlay?

10 MR FARRINGTON: Mr Bailey, I'd say it's neutral. I would say that we get it either way in terms of our LEP. Whether it's environmentally-sensitive or having that biodiversity component, I think it identifies it as an environment constraint in relation to the bushland but where it gets the kick, as I said before, is in relation to the state policy which talks about the definition of environmentally-sensitive land. So you'd be aware that under clause 1.19 of the SEPP complying development cannot be undertaken on environmentally-sensitive land which is identified in an LEP

20 The definition of environmentally-sensitive land at the moment equals areas of high biodiversity significance but we're including that locally-significant vegetation type. So we've got a concern that it doesn't meet that threshold of high biodiversity significance for the purpose of the code SEPP. So what we say is by including this under the umbrella of environmentally-sensitive land it falls within clause 1.19 of the SEPP and on that basis it's excluded from complying development. So that's where we think it has a greater advantage for council in terms of elevating the importance for its assessment through the DA process.

30 MR BAILEY: Thank you. Can I just move on? This is the mapping piece around the inclusion - your example was a very good example of the additional inclusions and we have indicative an increase from 1750 properties up to 12,150 so I just wanted to check to make sure that there's a rough equivalent, they're the numbers that have been put in front of me, just to check to make sure you think that number's about right.

MR FARRINGTON: I'd probably clarify that. Thanks for raising that issue because what we say, Mr Bailey, is that at the moment using the criteria of national, state and regionally-significant under our LEP we know that it's 1750 properties which are affected. If we use that same - - -

MR BAILEY: And that's in relation to the Smith and Smith report?

40 MR FARRINGTON: Yes.

MR BAILEY: Yes.

MR FARRINGTON: Yep. Based on the - - -

MR BAILEY: So the Ecological Australia report takes it to 4,100?

MR FARRINGTON: Correct. So using that same criteria - so it's not a jump from - what we would say is it's not a jump from 1750 to 12,000, we would - even if this was

not supported I believe that council would be of a mind to update our map based on the LA mapping which would take that up to the 4,100. That would be our position if this was not supported to include the local plus the buffer is probably where we would go. So we would argue that it's really going from what should be the 4,100 to the 12,150.

MR BAILEY: Yes.

MR FARRINGTON: Does that make sense?

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MR BAILEY: Yes. No, no, that makes sense and follows in terms of those options that are outlined at 123 and - - -

MR FARRINGTON: Yes.

MR BAILEY: - - - the update between 2008 and 2017.

MR FARRINGTON: Yeah.

20 MR BAILEY: So that makes sense, thank you.

MR FARRINGTON: Yep. So that 1250 is our best estimate at the current without going on exhibition and further refinement obviously.

MR BAILEY: Yes.

MR FARRINGTON: We would go on exhibition as we talked about before.

30 MR BAILEY: Yes. One of the areas that I did want to explore and it follows on from the presentation as well is there's some commentary around - perhaps I'll use the word misuse of CDC as it relates to the existing provisions and I'm coming back to these numbers that you talked about in the presentations of 12 to 15,000 trees per year, two to three per cent of canopy being removed. Can I understand just from that what is the actual cause or permissibility that's around the removal of those 12 to 15,000 trees? Under what provisions are people doing that and I'm particularly interested in an aspect as it relates to the approvals that are already in place under fire in terms of the 10-50-type rules that are in place and how much of that in area number relates to other approvals that wouldn't be impacted by any change here?

40 MR FARRINGTON: Yeah, look I think that's a very good question and I can't give you the specifics in relation to the tree removal under any of those components. What I'd suggest to you, Mr Bailey, is it's a combination of each of those. We lose trees in relation to the 10-50 which has a significant impact on our tree loss on private properties. We also have them removed in relation to our tree applications and we have also tree loss in relation to development and unauthorised tree removal as well. So we have them under each of those components. As to the breakdown, Mr Bailey, I wouldn't be able to give you a detailed explanation.

MR BAILEY: Sorry, I'm capturing notes. If I'm looking away - - -

MR FARRINGTON: Yeah, no problem at all.

MR BAILEY: - - - and not responding we're capturing notes.

MR FARRINGTON: No, no, not a problem. But I think you're going to a very important point which I said in my address which is I think it's - that's the real reason that we think that this is important. By mapping it we're putting on notice where those  
10 existing trees - we're aware that they're there, we see it working as both a deterrent, so if people have got a notation on their property that council is aware that you've got trees on your property and it's mapped hopefully will seek to lessen unauthorised tree removal because the people are put on notice that we've undertaken the mapping. As the Mayor alluded to before, we've had other properties where we've had trees and then all of a sudden they've disappeared and it's only through the mapping that we have behind the scenes that we can then pursue it.

If people know that they're on notice right from the start hopefully, as I say, I'm repeating myself, it will act as a deterrent but the other important component, as I said  
20 before, is in relation to trees that we might lose as a result of the development assessment process. A lot of the community angst we get is where people are not aware of those significant trees when they start doing their site planning. They may come in with alternations and additions or a new granny flat and they believe they can remove trees and then we have that fight with them after they've invested a significant amount of money preparing their application and submitting it. This way people are aware upfront where they may have a constraint on the development of their land before they start going down that path. So we think there's a clear objective of this is letting people know before they get too far down the track where council sees there's a  
30 constraint on the land.

MR BAILEY: Thanks, Mr Farrington. So that takes me to the question that comes out of, and so I'd be curious to know what would the planning services system be in place given a probable increase in volume? So what consideration has council given to the planning services system increase and how that would be managed?

MR FARRINGTON: We're certainly mindful that there may be an increase in development applications and we may have to put on additional resources but we're also - as I said before, we're hopeful that this doesn't result in a significant volume of  
40 DAs. It may well be that, as applies to the rural areas, if people want to pursue the complying development path they simply locate their structures outside that area that we've mapped. So we're not - we see that there may be but they're all - equally it may not result in a significant increase in DAs. If we have to we'll get the requisite increase in fees and we can put on additional staff but we believe that we would monitor that and see if it does result. It may just end up in better planning outcomes which is what we're advocating for.

MR BAILEY: I just wanted to check - sorry, I just want to check, Steve, if there was anything running around in the background. I still have a question that I wanted to come back to.

MR BARRY: No, I think most of my queries have been covered, thanks.

10 MR BAILEY: Can I just - so - and this is probably a final observation in terms of the papers, although I note the consultation formally occurs through the gateway. There was - and it was in a supplementary business paper of 11 December 2019 where council - and recommendation 5, "Whilst the planning proposal is being prepared council undertake a communication exercise to seek broad feedback that can be incorporated considerably - when council considers adopting the formal planning proposal." So I'm just wondering if there was feedback from that action that was captured in the supplementary business papers of 11 December 2019?

MR FARRINGTON: Katherine, you might have to remind me on that one. I don't believe we did a further consultation.

20 MS VICKERY: The consultation didn't progress, no, because - because there was so much uncertainty with whether there was, I guess, a template for how to map terrestrial biodiversity and what the rules were we didn't want to go out to the community without getting the certainty of a gateway to say that we could actually do this because we did make enquiries before we started the gateway process and the department were unclear and couldn't point us to any guidelines and they said, you know, the gateway determination would be where we get the info. So in the end council didn't go with that recommendation and resolved to do the planning proposal and get the gateway first so we can clarify and only go to the community once we knew that it was a possibility.

30 MR FARRINGTON: So in relation to that position, so what was 11th of December but then council then considered a further report on the 12th of August meeting which we addressed that issue and Katherine's a hundred per cent right, we had that discussion and they didn't want to raise undue community angst if we - if this was not going to be supported at the gateway point.

40 MR BAILEY: One - notwithstanding final question in around the principles that have been articulated, particularly around amenity there's the bushland shire, those aspects around some climate aspects. Can I ask whether there are any other instruments that council has considered regarding developing those - the delivery of that principle - the in-principle outcome you've talked to today?

MR FARRINGTON: As I said before, we've got a suite of controls within our LEP and DCP now. So we have very strong tree preservation controls within our DCP that are called in to protect trees on sites but as I said, they only come in - they sit there and relate to development now. They also only get called in for assessment under the DA process. So people can only remove trees where they're not - where they fall into the exempt provisions under the DCP but this is about being upfront and mapping them so people have that understanding. So there's two prongs to this, let people know that

they're there in the first instance, whether or not they're doing development and we want them protected and then the second part is the development assessment process where development is opposed. So we see them sitting in neatly with those existing tree preservation controls that we've got.

10 HON. RUDDOCK: I did put my hand up and I was simply going to say that we have been proactive in looking at further planting opportunities. We've had recently a number of situations where for the Queen's passing additional tree planting has been undertaken locally and I've participated in those events with the local Members of Parliament and the community. I mean, there's obviously a good deal of interest in that and so far as we are concerned we continue to look for every opportunity to expand the opportunities to be able to plan for planting in appropriate places.

20 If I could just make one other observation. We have pressed this matter very strongly because we are of the view that people ought to be adequately informed about what is there and at the moment we've got the terrestrial mapping but it's not actually recorded in the maps and that's what we want to have and the point that I make in relation to that very strongly is that we're not opposed to appropriate development. We are of the view that appropriate development will occur when the community is fully informed about all of the issues that ought to be properly taken into account. We're not standing in the way of development. I mean, James's presentation brought out very much the planning that's going to put in place at Hornsby CBD and we're looking at getting extra occupation in those areas but planning it in a way which will keep again malls and setbacks and appropriate tree planting to enhance the quality and amenity of the development that we are going to achieve.

30 MR BAILEY: Thank you, Mr Mayor. That does conclude the questions that I had running around. It was just an opportunity to say if there was anything else that you would like to mention before we finish up.

MR FARRINGTON: No. Can I ask a question of process from here? We haven't done a - requested a review of a gateway before. It would assist us to inform our councillors about what the next steps are and likely timeframes moving forward.

MR BARRY: Do you want me to cover that, Terry?

40 MR BAILEY: So, yes, but only to point out, Mr Farrington, it's very timely and that we will be concluding the advisory piece in the coming weeks and that will be pre-Christmas.

MR FARRINGTON: Thank you.

MR BAILEY: Sorry, Steve, you could - you might have the timeline in front.

MR BARRY: Yes. So we're subject to a 35-day KPI on this one. So I think that concludes on - sorry, just get the dates up. So the deadline for us is 23rd of December. So meantime there's also - it's also on exhibition so we may get comments, I think that closes on the 12th of December. So we're likely to conclude the advice sometime

between the 12th and the 23rd, I'd suggest. So what normally occurs is that we publish the advice at the same time as we send it back to the department and then effectively it's up to the department what they do with that advice in concluding the review.

MR FARRINGTON: Thank you. That's very helpful.

MR BARRY: That's about it.

10 MR FARRINGTON: That's helpful, thank you very much.

MR BAILEY: If there aren't any other questions just to say thank you for your time, it's greatly appreciated. Certainly would appreciate that PowerPoint being forwarded to the Commission so that I have access to that over the coming period as well.

MR FARRINGTON: And I've also got noted that you want some further advice in relation to the quality assessment of the local species, is that right, Mr Bailey?

20 MR BAILEY: There are a couple of questions on notice that we'll come back to you around, yes.

MR FARRINGTON: Okay. So you or Mr Barry will write to us in relation to those questions?

MR BAILEY: Yes. But you have the tenor of what we talked about today and start doing that preparatory piece because - - -

MR FARRINGTON: Yeah, no, perfect.

30 MR BAILEY: - - - the last thing we need is to stop the clock in terms of concluding the work.

MR FARRINGTON: No, that's very helpful, thank you very much for your time.

HON. RUDDOCK: Thanks very much.

MR BAILEY: Thanks all.

MS VICKERY: Thank you.

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**MEETING CONCLUDED**

**[2.24pm]**