



# **SUPPLEMENTARY BUSINESS PAPER**

**(Late Item Memo and Mayoral Minutes)**

**GENERAL MEETING**

**Wednesday 14 February 2018  
at 6.30PM**



## TABLE OF CONTENTS

### SUPPLEMENTARY ITEMS

Item 13	LM1/18 Draft Amendment - Hornsby Development Control Plan - Tree and Vegetation Preservation .....	2
Item 16	MM1/18 Hornsby Connect.....	1
Item 17	MM3/18 Recognition of local Indigenous Business Award Winner .....	3

**ITEM 13** IR2/18 - Draft Amendments Hornsby Development Control Plan 2013 - Tree and Vegetation Preservation

*Additional information with **NO CHANGE** to Recommendation*

The period for public submissions for the exhibition period concluded Friday 26 January 2018. Since that time further submissions have been received and additional issues have been raised.

Attachment 1 to this Late Item outlines the issues raised and the response provided by Council officers.

In total 145 submissions were received with 130 in favour of the proposal with many suggesting minor changes.

The outcome of these submissions does not alter the officer's recommendation or Attachment 3 to the Deputy General Managers Report No. IR2/18 recommended for endorsement.

**RECOMMENDATION**

THAT Council:

1. Endorse the revised draft Tree and Vegetation Preservation controls attached to Deputy General Manager's Report No. IR2/18 for insertion in the Hornsby Development Control Plan 2013.
2. Notify all those who lodged a submission of Council's decision.
3. Authorise the preparation of guidance material to support the amended tree preservation provisions.

ROBERT STEPHENS  
Deputy General Manager - Infrastructure and Recreation  
Infrastructure and Recreation Division

DAVID SHEILS  
Manager - Parks and Recreation  
Infrastructure and Recreation Division

**Attachments:**

1. [View](#) Attachment to Late Item memo - IR2/2018 Draft Amendment Hornsby Development Control Plan - Tree and Vegetation Presentation

File Reference: F2007/00707-03

Document Number: D07388565

Attachment 1 (Late Information Item) – Draft Amendments – Hornsby Development Control Plan (2013) – Tree and Vegetation Preservation

Item	Key issues raised in submissions for HDCP Draft Amendments for Tree and Vegetation Preservation	Council officers response	Supported change to exhibited HDCP Amendment (changes in bold)
68	<p>In order to turn-around tree loss, the draft requires additions designed to implement tree planting to give credit to a property owner to plant trees, to assign a value to a tree, to impose responsibility on property owners to plant and maintenance trees, to penalise property owners and developers who fail to plant trees or prefer to view neighbours trees. To allow control concessions to property owners who add to a tree canopy by investing in trees, to restrict developers who usurp the asset value of neighbouring trees for their own gain, to assist property owners prepared to plant and maintain trees in excess of a minimum expectation by means of concessions and credits. Key to these additions is establishment of a "Tree Trust Fund". Every property owner must contribute a minimum tree credit based upon the size or value of their property. Those in arrears must pay a monetary contribution into the fund. Those in credit can use the financial value of their excess credit to pay for council rates and services, or to pay for tree maintenance from an accredited supplier, or purchase more trees. It follows that a tree has a "nett present value". This draft is all about decline and control of destruction as a method of preservation and aims to turn tree loss around. Turn-around requires both preservation and new planting as policy. I</p>	<p>The subject submission (extract provided), contained a detailed proposal that is innovative and a completely different tree protection and enhancement model than currently exists. The approach is considered difficult to incorporate and unable to integrate into the existing tree legislation that exists between state and local government.</p> <p>Note: This submission issue was contained in Attachment 2 of the Deputy General Managers Report No. IR2/18. It is listed in this table as the Council officers response was incomplete.</p>	No change proposed

Attachment 1 (Late Information Item) – Draft Amendments – Hornsby Development Control Plan (2013) – Tree and Vegetation Preservation

Item	Key issues raised in submissions for HDCP Draft Amendments for Tree and Vegetation Preservation	Council officers response	Supported change to exhibited HDCP Amendment (changes in bold)
69	<p>hope it will provoke discussion and argument.</p> <p>I wish to submit my objection to the short time allowed for a response to the Tree Preservation policy. A turnaround of 4 days is unreasonable and I wish to record my objection and request the matter be reopened for responses in a reasonable time.</p>	<p>The exhibition period for the DCP Amendments occurred over 37 days which concluded 26 January 2018. The process was conducted in accordance with Clause 18 of the <i>Environmental Planning and Assessment Regulation</i> which requires a minimum 28 day period.</p> <p>The exhibition period was promoted through various means including public notices published weekly in local newspapers, notification on Council's website, displays at local libraries and specific coverage in the local newspapers.</p>	<p>No change proposed</p>
70	<p>I am also extremely concerned about the health and safety of HSC street trees and their potential harm to residents and visitors alike. The street tree contractors employed by Integral Energy and other power suppliers to HSC are not adhering to the Australian Standards as they are required by contract. Hornsby should withhold payment until these standards are adhered to by law.</p>	<p>Hornsby Shire Council is not responsible for the funding of, or the management of contractors engaged by Ausgrid for clearance work.</p> <p>Ausgrid has the full responsibility of maintaining clearances to the overhead electrical supply in accordance with the <i>Electricity Supply Act 1995</i>.</p> <p>Council officers have on numerous occasions raised strong concerns regarding compliance with relevant arboricultural pruning standards of Ausgrid contractors.</p> <p>Council officers will continue to advocate improved standards for the provision of powerline clearances.</p>	<p>No change proposed</p>

Attachment 1 (Late Information Item) – Draft Amendments – Hornsby Development Control Plan (2013) – Tree and Vegetation Preservation

Item	Key issues raised in submissions for HDCP Draft Amendments for Tree and Vegetation Preservation	Council officers response	Supported change to exhibited HDCP Amendment (changes in bold)
71	A program of converting overhead wires to underground would make tree growing more feasible in many places in the Shire. It must be costing so much each year to butcher existing trees.	The responsibility for undergrounding powerlines lies with the power supplier Ausgrid. Council has approached Ausgrid to explore undergrounding of powerlines; but to date cost is the major obstacle.	No change proposed
72	It would be beneficial to provide the detailed process to apply for a tree removal and also confirm the timeframe for the Council to respond to an application.	The process for seeking a Permit to remove a tree is outlined on Council's website and the application form. If amendments to the DCP are approved, this information will be updated. <i>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</i> prescribes that: <i>"An application for a permit that has not been determined is taken to have been refused after the expiration of that 28-day period. The council may grant or refuse to grant a permit even if the application is taken to have been refused under this clause."</i> For the past three years, Council's average determination time for tree applications has ranged between 15 to 19 days.	No change proposed
73	The BOS looks good on paper, however it is impossible to achieve. It cannot be regulated. Who will ensure offsets are maintained?	The Biodiversity Offset Scheme (BOS) was introduced as part of the NSW State Government Biodiversity Land Management reforms. These reforms dictate that either the local council, Native Vegetation Panel or the Biodiversity Conservation	No change proposed

Attachment 1 (Late Information Item) – Draft Amendments – Hornsby Development Control Plan (2013) – Tree and Vegetation Preservation

Item	Key issues raised in submissions for HDCP Draft Amendments for Tree and Vegetation Preservation	Council officers response	Supported change to exhibited HDCP Amendment (changes in bold)
74	1B.6.1j. Maybe I am not understanding this provision, but the statement: risk to human life or property is open to interpretation and could be abused by folk who carry irrational fears about tree branches.	Trust, act as the consent authority depending upon the type of development proposed and certain vegetation thresholds. Administration and compliance matters regarding the BOS lie with the applicable consent authority.  Council has successfully implemented a number of BOS throughout the Shire.  Clause 1B.6.1 (j) has been amended to include reference to the type of tree industry risk assessment required.	Amended Clause 1B.6.1(j) states:  <b>The impact of development upon Trees</b> will be assessed using arboricultural, ecological and / or <b>occupational health</b> industry accepted safety based evaluation <b>methods</b> to determine the <b>significance</b> useful life of the trees. Accordingly, any application for removal <b>should must</b> demonstrate that the removal of the tree is appropriate based on an assessment of the: <b>significance/health/longevity safe useful life</b> of the tree and risk to human life or property <b>using industry relevant risk assessment such as Tree Risk Assessment Qualification (TRAQ) or Qualified Tree Risk Assessment (QTRA).</b>



## **16 HORNSBY CONNECT**

---

Hornsby Connect is an independent Not for Profit organisation focussed on helping others in the local community who are 'doing it tough' through a Community Hub where people can access affordable groceries, a counselling and referral service, support for the long-term unemployed, and an environment where people who are socially isolated can reconnect with society.

To date Council has provided assistance to Hornsby Connect through hiring a community centre to the group to conduct its operations – initially the Hornsby Leisure and Learning Centre and more recently the Hornsby Youth and Family Centre located at the corner of Burdett and Muriel Streets, Hornsby.

The Hornsby Youth and Family Centre is owned by SCENTRE Group and is leased to Council for a 10 year period expiring on 30 October 2023 - a reciprocal lease is in place for Council land on Hunter Street within the Hornsby Mall area. Council has made the Hornsby Youth and Family Centre available to the community for hire for general community activities on an hourly basis.

Since Hornsby Connect commenced approximately 18 months ago, the group has grown in its service delivery, ambitions and community support and now operates its food distribution service two days per week. Patronage of Hornsby Connects services is in the order of 55 families per week.

Community consultation undertaken on social cultural issues in 2014 identified social isolation and community connectedness as key issues to be addressed in the community. To date Council has supported Hornsby Connect to help address these issues in the Hornsby Central Business District and surrounds through providing a venue for the group to operate out of.

Council officers have also worked closely with Hornsby Connect to assist them in developing key partnerships with local businesses and community groups. One of these partnerships is with SCENTRE Group (Perpetual Trustees) who are the lessors of the property occupied by Hornsby Connect.

Hornsby Connect has made representations that a key issue to the further growth of Hornsby Connect is their need for greater operational control of the service delivery space – the Hornsby Youth and Family Centre. The logistics of operating a service such as the one that Hornsby Connect operates is challenging with restricted access to the facility and with Council operating as the intermediary.

In order to continue to support the growth of Hornsby Connect, it is appropriate that Council explore options to vary the tenancy arrangements of Hornsby Connect in the Hornsby Youth and Family Centre or another suitable facility to allow greater operational control and access to the facility whilst still maintaining general community access to the facility when not in use by Hornsby Connect.

**RECOMMENDATION**

THAT:

1. Council note the work being undertaken by Hornsby Connect in providing support to vulnerable members of our community.
2. Council explore options to vary the tenancy arrangements of Hornsby Connect in the Hornsby Youth and Family Centre or another suitable facility to allow greater operational control and access to the facility whilst still maintaining general community access to the facility when not in use by Hornsby Connect.
3. A further report be presented to Council outlining the results of investigations into future tenancy options for Hornsby Connect.

The Honourable Cr PHILIP RUDDOCK

Mayor

**Attachments:**

There are no attachments for this report.

File Reference: F2004/09189-03

Document Number: D07365444

**17 RECOGNITION OF LOCAL INDIGENOUS BUSINESS AWARD WINNER**

---

The Hornsby Local Business Awards are an annual event and Council was a sponsor of the awards in 2017. The awards are judged, amongst other things, on business history, business marketing, staff training, business and environmental sustainability, business successes during the past 12 months, support to the community and business plans for the future.

Whilst I would like to congratulate all winners of the various awards, I would like to specifically recognise a local winner who happens to be indigenous. As a member of the Hornsby Aboriginal and Torres Strait Islander Consultative Committee, I am particularly passionate about this issue.

I would like to recognise Jessica Sinnott of Koori Kinnections. Jessica runs a business that provides indigenous cultural education. Jessica won the award for Most Outstanding Educational Service.

Jessica Sinnott is a Yuin and Wiradjuri woman. She has gained a wealth of knowledge about Aboriginal culture, history and heritage from her family, community and co-workers. Jessica has worked as an Aboriginal Education Officer for The Aboriginal Heritage Office, Royal Botanic Gardens, National Parks and Wildlife Service, Taronga Zoo and TAFE NSW.

**RECOMMENDATION**

THAT Council acknowledge the achievements of Jessica Sinnott of Koori Kinnections in the 2017 Hornsby Small Business Awards.

The Honourable Cr PHILIP RUDDOCK

Mayor

**Attachments:**

There are no attachments for this report.

File Reference: F2005/01147

Document Number: D07376022