



# **BUSINESS PAPER**

## **GENERAL MEETING**

**Wednesday 8 June 2022  
at 6:30PM**



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## **AGENDA AND SUMMARY OF RECOMMENDATIONS**

### **PRESENT**

### **NATIONAL ANTHEM**

### **OPENING PRAYER/S**

Pastor Micheal Leong, of Cross Life Church, Asquith will open the meeting in prayer.

### **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."*

### **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."*

### **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*

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*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**

*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 11 May, 2022 be confirmed; a copy having been distributed to all Councillors.

**PETITIONS****PRESENTATIONS****RESCISSION MOTIONS****MAYORAL MINUTES****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 1**

**Item 1      GM20/22 COMMUNITY STRATEGIC PLAN 2022-2032 - ENDORSEMENT OF FINAL  
YOUR VISION | YOUR FUTURE 2032**

**RECOMMENDATION**

THAT:

1. Subject to incorporation of the recommendations detailed in Table C, and marked up in Attachment 1, Council endorse the Community Strategic Plan 2022-2032, *Your vision | Your future 2032*.
2. Council write to those who have made submissions thanking them for their feedback.

**CORPORATE SUPPORT DIVISION****Page Number 9****Item 2 CS38/22 COUNCIL'S CODE OF MEETING PRACTICE - ADOPTION FOLLOWING PUBLIC EXHIBITION****RECOMMENDATION**

THAT:

1. The contents of Director's Report No. CS38/22 be received and noted.
2. Subject to the minor amendment to clause 4.28(a) proposed in Director's Report No. CS38/22, the publicly exhibited Code of Meeting Practice be adopted and its provisions apply from Council's 13 July 2022 General Meeting.

**Page Number 14****Item 3 CS40/22 DEBTS TO BE WRITTEN OFF - 2021/22 FINANCIAL YEAR****RECOMMENDATION**

THAT for 2021/22, and in accordance with Clause 213 of the Local Government (General) Regulation, Council:

1. Write off debts considered bad totalling \$8,737 (as detailed in Schedule A attached to Director's Report No. CS40/22).
2. Note debts considered bad totalling \$2,166 written off under the General Manager's delegated authority (as detailed in Schedule B attached to Director's Report No. CS40/22).

**Page Number 17****Item 4 CS41/22 MAYOR AND COUNCILLOR FEES FOR 2022/23; AND THE PAYMENT OF MAYOR/COUNCILLOR SUPERANNUATION CONTRIBUTIONS****RECOMMENDATION**

THAT:

1. As a consequence of the 2022 Report and Determination of the Local Government Remuneration Tribunal, Council note that it remains in the Metropolitan Medium Category of NSW councils for the period 1 July 2022 to 30 June 2023.
2. In accordance with Sections 248 and 249 of the Local Government Act, and having considered the 2022 Report and Determination of the Local Government Remuneration Tribunal, an annual fee of \$26,840 be paid to each Councillor and an additional annual fee of \$71,300 be paid to the Mayor for the period 1 July 2022 to 30 June 2023.
3. Pursuant to section 254B of the Local Government Act, Council allow the payment of superannuation contributions to the Mayor and Councillor's nominated superannuation

account equal to what Council would have been required to pay as a superannuation contribution if the Mayor or Councillor was an employee of Council.

**Page Number 22****Item 5 CS43/22 INVESTMENTS AND BORROWINGS FOR 2021/2022 - STATUS FOR PERIOD ENDING 30 APRIL 2022****RECOMMENDATION**

That the contents of Director's Report No. CS43/22 be received and noted.

**Page Number 25****Item 6 CS44/22 LGNSW BOARD - ELECTION TO FILL A CASUAL VACANCY - NOMINATION OF COUNCIL'S VOTING DELEGATES****RECOMMENDATION**

THAT Council determine the nine Councillors who will be Council's voting delegates for the Election to fill a casual vacancy on the LGNSW Board for the office of Director (Metropolitan/Urban Council).

**COMMUNITY AND ENVIRONMENT DIVISION****Page Number 28****Item 7 CE9/22 TOM RICHMOND OVAL NAMING PROPOSAL****RECOMMENDATION**

THAT:

1. Council endorses the renaming of Old Dairy Park to Tom Richmond Oval and a submission be made to the NSW Geographic Names Board seeking inclusion of the name to the NSW Geographical Names Register.
2. A park name sign be installed with additional interpretive signage acknowledging previous history of the site.
3. Those people and community groups who made a submission be informed of Council's decision.

**PLANNING AND COMPLIANCE DIVISION****Page Number 32****Item 8 PC8/22 DRAFT RURAL LANDS STUDY - REPORT ON SUBMISSIONS**



**RECOMMENDATION**

THAT:

1. Council finalise the Rural Lands Study and publish the Rural Lands Strategy, Rural Lands Study Background Report and Feedback Summary Report on Council's website.
2. Council endorse the recommendations set out in *Implementation Action Plan A – Short Term Recommendations* which include new land uses in rural zones and general recommendations of the Study.
3. An informal Council workshop be held to consider the progression of recommendations requiring strategic investigations as set out in *Implementation Action Plan B – Long-Term Recommendations*, including consideration of priorities, resources and funding.
4. Submitters be advised of Council's decision.

**INFRASTRUCTURE AND MAJOR PROJECTS DIVISION**

Nil

**PUBLIC FORUM – NON AGENDA ITEMS**

**QUESTIONS WITH NOTICE**

**MAYOR'S NOTES**

Page Number 54

Item 9 MN4/22 MAYOR'S NOTES FROM 1 MAY 2022 TO 31 MAY 2022

**NOTICES OF MOTION**

**SUPPLEMENTARY AGENDA**

**MATTERS OF URGENCY**

**1 COMMUNITY STRATEGIC PLAN 2022-2032 - ENDORSEMENT OF FINAL YOUR VISION | YOUR FUTURE 2032**

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**EXECUTIVE SUMMARY**

- The Office of Local Government has mandated an integrated planning and reporting framework which approaches business planning based on community aspirations and preferences. It requires that the community be presented with the key issues and challenges facing the Shire in order that they can have deliberative input into how Council, other government agencies and the community will respond to those issues and challenges.
- Council's draft Community Strategic Plan 2022-2032, known as *Your vision | Your future 2032*, prepared by Hornsby Shire Council in partnership with local residents, other levels of government that deliver educational, health and parks services, Council committees, non-government organisations, community and sporting organisations and businesses, was adopted for public exhibition by Council at its 9 March 2022 General Meeting.
- The draft document was publicly exhibited from 10 March to 11 April 2022 and submissions invited. Fifty-three submissions and four late submissions were received. A snapshot of submissions (Table A) is included under the 'DISCUSSION' heading and the feedback is summarised by Theme in Table B.
- Each submission has been reviewed by appropriate Council staff and was presented to Councillors at a briefing on 25 May 2022. Table C contains a summary of changes recommended.

**RECOMMENDATION**

THAT:

1. Subject to incorporation of the recommendations detailed in Table C, and marked up in Attachment 1, Council endorse the Community Strategic Plan 2022-2032, *Your vision | Your future 2032*.
2. Council write to those who have made submissions thanking them for their feedback.

## PURPOSE

The purpose of this Report is to provide Council with information and recommendations regarding the submissions received in the public exhibition of the Community Strategic Plan 2022-2032, known as *Your vision | Your future 2032*.

## BACKGROUND

By 30 June in the year following local government elections, all councils are required to develop a ten-year Community Strategic Plan (CSP), a four-year Delivery Program and a one-year Operational Plan, as well as a Resourcing Strategy aligned to an integrated planning and reporting (IP&R) framework mandated by the Office of Local Government. The framework requires that the community be engaged to identify the main priorities and aspirations for the future of the area and the key issues and challenges facing the Shire so they can have deliberative input into how Council, other government agencies and the community themselves will respond to those issues and challenges. The IP&R framework allows NSW councils to draw their various plans together, to understand how they interact and inform each other, to get the maximum benefit by planning holistically for the future.

The Community Strategic Plan is Hornsby Shire's highest-level plan, a ten-year vision that is developed collaboratively with the community. As well as identifying the main priorities and aspirations for the future of Hornsby Shire, it sets the strategic direction for where the people of Hornsby Shire want to be in 2032. Every project led by Council is guided by the Community Strategic Plan, however working towards the vision for 2032 is the responsibility of many partners including state agencies, community groups and private enterprise.

At the General Meeting held on 9 March 2022, Council considered General Manager's Report No. GM8/22 and resolved that:

*Council adopt for public exhibition and make available for public comment from 10 March to 11 April 2022 the draft Community Strategic Plan 2022-2032 attached to General Manager's Report No. GM8/22.*

While there is a direct link from the CSP to the Delivery Program and Operational Plan, they must be informed and supported by long-term financial, asset and workforce planning undertaken to form the Resourcing Strategy.

The draft 2022-2026 Delivery Program including the Operational Plan 2022/23, Council's response to the Community Strategic Plan and its commitment to the community for its term of office, was on public exhibition from 14 April to 16 May 2022. The Program outlines Council's plan of action to address the community's long-term objectives and will be presented to Council for adoption in late June 2022. At the 11 May 2022 General Meeting, Council received and noted the Asset Management Strategy and Workforce Plan and placed the 2022/23 – 2031/32 Long Term Financial Plan on public exhibition.

## DISCUSSION

### Consultation on the CSP

During the exhibition period from 10 March to 11 April 2022, copies of *Your vision | Your future 2032* were on display at Council's four libraries and Council Chambers reception area, and were available electronically on the 'Have Your Say' page of Council's website. Advertisements advising of its availability were placed in the Council Column of four local newspapers, in a special e-newsletter sent to stakeholders (community and sporting organisations, schools, businesses, NSW Government agencies, Local Members of Parliament etc) (24,000 people), on the digital footbridge, in the weekly

community engagement e-newsletter, on social media and in the April monthly e-newsletter sent to almost 28,000 subscribers.

### Submissions

A snapshot of submissions received is set out below (Table A):

**Table A:**

### SNAPSHOT OF SUBMISSIONS

#### Received

<b>57</b>	<b>Submissions received</b>
53	Submissions received on time
4	Late submissions
46	Submissions from individuals
11	Submissions from groups / organisations

#### Support

20	Indicated they were supportive
19	Indicated they were not supportive
18	Neither for / against

#### Common themes

- Indicators - not enough information / targets provided
- Affordable housing
- Population growth

#### Submissions where Action is recommended after review

51	No action
6	Changes recommended
1	Clarification (acronym expanded)

#### Reasons for recommendation of No action

- Not related to the CSP, e.g. pothole maintenance, project out of Shire
- Already covered in draft CSP
- Requesting inclusion of specifics – Delivery Program / Operational Plan level
- “How We Measure Progress”, a document containing more information on Indicators, e.g. Data Source, has been developed and will be made available on the website

*Many submissions were on the detail of what Council will be / should be providing. All submitters were emailed with details of exhibition of the draft 2022-2026 Delivery Program including Operational Plan and Fees and Charges 2022/23 to allow them to interrogate the detail.*

Feedback from all submissions has been summarised by Theme as below (Table B):

**Table B:****COMMENTS SUMMARISED BY THEME**

<b>LIVEABLE</b>	<b>SUSTAINABLE</b>
<ul style="list-style-type: none"> <li>▪ Community spirit</li> <li>▪ Population growth and supporting infrastructure</li> <li>▪ Housing density / Housing diversity</li> <li>▪ Affordable housing</li> <li>▪ Heritage controls</li> <li>▪ Neighbourhood centres</li> <li>▪ Access to fresh and affordable foods</li> <li>▪ Parks / Green spaces / Connected tracks</li> <li>▪ Sporting facilities / shared use</li> <li>▪ Accessible off leash dog parks</li> <li>▪ Public toilets</li> </ul>	<ul style="list-style-type: none"> <li>▪ Electric vehicles</li> <li>▪ Climate change / Greenhouse gas emissions targets</li> <li>▪ Tree canopy targets / Built and natural shade</li> <li>▪ Resilience plans</li> <li>▪ Waste reduction</li> <li>▪ Bushland care</li> <li>▪ Feral cat management</li> <li>▪ Sustainable architectural design principles</li> <li>▪ Environmental regulations</li> <li>▪ Plastic free</li> <li>▪ Sustainability education</li> </ul>
<b>PRODUCTIVE</b>	<b>COLLABORATIVE</b>
<ul style="list-style-type: none"> <li>▪ Traffic issues / Reduction</li> <li>▪ Parking</li> <li>▪ Roads / Pathways / Transport links</li> <li>▪ Dedicated cycle paths</li> <li>▪ Network of bike paths for electric bikes</li> <li>▪ Public transport</li> <li>▪ Cleaner, efficient trains</li> <li>▪ Retail choice / Diversity</li> <li>▪ Tidy shopping areas</li> <li>▪ Pennant Hills Place Plan</li> <li>▪ Revitalisation and upgrading of centres to include active transport / micro-mobility infrastructure</li> </ul>	<ul style="list-style-type: none"> <li>▪ No clear deliverables</li> <li>▪ Indicators are motherhood statements / No specific timeframes or numbers attached / Not ambitious enough</li> <li>▪ Poor customer service. Council takes too long to resolve issues / No action</li> <li>▪ Increase public awareness of Councillors' roles</li> <li>▪ Councillors to be accountable to residents</li> <li>▪ Redistribution of Council staff numbers</li> <li>▪ No action/feedback taken onboard by Council</li> <li>▪ Community needs to feel their input is respected</li> <li>▪ No productivity / Behind the times</li> </ul>

**ITEM 1**

Feedback from submissions has been analysed and recommendations made for additions / changes (Table C below):

**Table C:**

**SUMMARY OF CHANGES RECOMMENDED**

p1 **Cover** – replaced with a less gender biased, more family and Shire-oriented image.

**P19 Key Challenge – Traffic and transport**

The word “*accessible*” added relating to public transport infrastructure.

Addition made in response to submission about the largest increase in population forecast will be in ages 85 and over.

**p22 Key Challenge – Resilience Planning**

The words “*such as the provision of green and blue spaces, tree canopy and shade*” and “*and to be located in areas of low bushfire and flood risk*” added relating to future development.

Additions made in response to submission to clarify urban design features and include provision of shade.

A sentence added identifying shocks and stresses in the Resilient Sydney Strategy, and Shocks and Stresses icons added to relevant Strategic Directions (pp32-46)

Additions made in response to submission about inclusion of key objectives in Resilient Sydney Strategy.

**p23 Key Challenge – The natural environment**

The words “*environmental, health and social*”, “*to encouraging people to be active, reducing UV exposure and skin cancer risk, and improving mental wellbeing*” and “*Trees also contribute*” added relating to benefits of trees.

Additions made in response to submission to include reference to active lifestyle and shade.

**p32 Strategic Direction – Liveable – Connected and cohesive community**

- G1.3, the word “*comfortable*” added
- G1.3, second plan of action, the words “*and health*” added

Additions made in response to submission on the importance of built and natural shade to protect against over exposure to UV radiation.

**p34 Strategic Direction – Liveable – Inclusive and healthy living**

- G2.2, second plan of action, the words “*affordability*” and “*and other vulnerable groups*” added
- G2.2, second plan of action, “*NSW Health*” added as Our Partner

Additions made in response to submission to include reference to affordability and expand to cover vulnerable groups.

- G2.3, a fourth plan of action added: “*Improve access to fresh foods to support healthy eating and community wellbeing*”
- G2.3, second and fourth plans of action, “*NSW Health*” added as Our Partner

**Table C:****SUMMARY OF CHANGES RECOMMENDED**

	<p>Additions made in response to submission that reference to healthy eating and improving access to fresh and affordable foods is missing in the list of objectives.</p>
p37	<p><b>Strategic Direction – Sustainable – Resilient and sustainable – Council’s supporting Strategies / Plans</b></p> <p><i>“Biodiversity Conservation Strategy 2021”, “Urban Forest Strategy 2021” and “Water Sensitive Hornsby Strategy 2021” added.</i></p> <p>Additions made in response to submission that these three Strategies also support a resilient and sustainable Hornsby.</p>
p40	<p><b>Strategic Direction - Productive – Integrated and accessible transport</b></p> <ul style="list-style-type: none"> <li>G5.1, the words <i>“and connected to key destinations”</i> added</li> <li>G5.2, second plan of action, the words <i>“and co-locate key destinations at transport hubs”</i> added</li> </ul> <p>Additions made in response to submission that connectivity and transport hubs should be addressed.</p>
p41	<p><b>Strategic Direction - Productive – Integrated and accessible transport - Community indicators</b></p> <p>“Safety on our roads” Indicator: <i>“Pedestrian”</i> and <i>“Pedal cyclist”</i> casualties included</p> <p>Additions made in response to submission that these additional statistics should be included to ensure any accident hotspots are restructured.</p> <p>Indicator added measuring Access to public transport: <i>“Percentage of dwellings within 400 metres of public transport with regular 30 minute weekday service (7am-7pm)”</i></p> <p>Indicator added in response to submission that efficient and accessible public transport reduces inequities by facilitating access services, and people who live within walking distance of public transport stops, that is 400 metres or about a five-minute walk, are more likely to use public transport, and in turn achieve daily recommended exercise targets.</p> <p>“The use of sustainable transport” Indicator, “Electrical vehicles registered” baseline: amended from 163 to <i>“103”</i></p> <p>Correction.</p>
p42	<p><b>Strategic Direction - Productive – Vibrant and viable places</b></p> <ul style="list-style-type: none"> <li>G6.2, first plan of action, <i>“Community”</i> added as Our Partner</li> </ul> <p>Partner added in response to submission that the Community should be included in discussion.</p> <ul style="list-style-type: none"> <li>G6.3, second plan of action, the words <i>“agricultural growing areas”</i> added</li> <li>G6.3, second plan of action, <i>“NSW Health”</i> added as Our Partner</li> </ul> <p>Additions made in response to submission to expand to include specific reference to agricultural growing areas.</p>

**Table C:****SUMMARY OF CHANGES RECOMMENDED**

p43	<b>Strategic Direction - Productive – Vibrant and viable places – Community indicators</b>  “Prosperity of the Shire” Indicator: "GSP" spelt out for clarification, “... of NSW’s Gross State Product”  Acronym expanded in response to submission to clarify meaning.
p47	<b>Strategic Direction - Collaborative – Smart and innovative – Community indicators</b>  “Council’s long term management of funds” Indicator: Baseline changed from “100%” to “> \$0”  Indicator reviewed in response to submission that the baseline was unclear and meaningless.

The proposed final CSP (Attachment 1) shows recommended changes noted in red text.

**CONSULTATION**

Council engaged its community in discussing a preferred future for the Shire which resulted in Council’s first Community Strategic Plan being adopted in 2010. Council’s Community Strategic Plan 2022-2032 has been prepared after detailed and valued input by 15,417 stakeholders across a wide range of demographics, after detailed discussions with relevant staff, consideration by Council and public exhibition of the draft document. Councillors received several briefings on the contents of the draft document and considered the submissions made during public exhibition at a briefing on 25 May 2022.

**BUDGET**

Budget implications will be considered in the 2022-2026 Delivery Program including the Operational Plan 2022/23 prior to adoption in June 2022.

**POLICY**

Hornsby Shire’s Community Strategic Plan 2022-2032 describes community aspirations.

**CONCLUSION**

The Community Strategic Plan identifies the main priorities and aspirations for the future of Hornsby Shire and sets the strategic direction for where the people of Hornsby Shire want to be in 2032. Every project led by Council is guided by the Community Strategic Plan, however working towards the vision for 2032 is the responsibility of many partners including state agencies, community groups and private enterprise. Once endorsed, the CSP, *Your vision | Your future 2032*, will be available electronically on Council’s website and distributed in hard copy to Councillors and key staff.

**RESPONSIBLE OFFICER**


The officer responsible for the preparation of this Report is the Acting Manager, Strategy and Place – Julie Ryland - who can be contacted on 9847 6773.



STEVEN HEAD  
General Manager  
Office of the General Manager

**ITEM 1**

**Attachments:**

1.  Attachment 1 - Proposed final Community Strategic Plan 2022-2032

File Reference: F2020/00006

Document Number: D08403050

## **2 COUNCIL'S CODE OF MEETING PRACTICE - ADOPTION FOLLOWING PUBLIC EXHIBITION**

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### **EXECUTIVE SUMMARY**

- At its 23 February 2022 Workshop Meeting, Council considered Director's Report No. CS1/22 and adopted a draft Code of Meeting Practice for the purpose of public exhibition.
- In line with the requirements of the Local Government Act, the public exhibition of the draft Code was for a period of 28 days with a period of 42 days allowed for the lodgement of submissions by members of the public.
- At the close of the public exhibition and submission lodgement period, no submissions had been received.
- It is noted that an issue which was raised in Council's consideration of this matter at the 23 February 2022 Workshop Meeting has led to a recommendation for a minor change to the public forum provisions of the publicly exhibited Code.
- It is also noted that the opportunity for Councillors to request remote attendance at Council Meetings will be subject to an upgrade of the current audio-visual equipment in the Council Chambers and that current information technology equipment shortages may delay the upgrade for up to six months.
- Subject to the above, it is recommended that Council adopt the final draft Code as its new Code of Meeting Practice and that the provisions of the new Code apply from the 13 July 2022 General Meeting.

### **RECOMMENDATION**

THAT:

1. The contents of Director's Report No. CS38/22 be received and noted.
2. Subject to the minor amendment to clause 4.28(a) proposed in Director's Report No. CS38/22, the publicly exhibited Code of Meeting Practice be adopted and its provisions apply from Council's 13 July 2022 General Meeting.

## PURPOSE

The purpose of this Report is to provide the opportunity for Council to adopt a new Code of Meeting Practice to apply from Council's 13 July 2022 General Meeting.

## BACKGROUND

Following extensive consultation by the Office of Local Government (OLG) with the local government industry in 2021, an updated Model Code of Meeting Practice (MCMP) was prescribed under the Local Government General Regulation (LGGR). The updated MCMP contains:

- New provisions that allow councils to permit individual councillors to attend meetings by audio-visual link and for a council to hold meetings by audio-visual link in the event of natural disasters or public health emergencies. The provisions governing attendance at meetings by audio-visual link are non-mandatory and councils can choose not to adopt them or to adapt them to meet their own needs.
- Amendments to the provisions governing the webcasting of meetings and disorder at meetings to reflect amendments to the LGGR since the initial MCMP was prescribed.
- An amendment which implements recommendation 6 from the Independent Commission Against Corruption (ICAC) report in relation to its investigation of the former Canterbury City Council (Operation Dasha). In this regard, ICAC recommended that the MCMP be amended to require that council business papers include a reminder to Councillors of their oath or affirmation of office, and their conflict-of-interest disclosure obligations.

Before adopting a new code, councils are required to exhibit a draft code for at least 28 days and provide members of the public with at least 42 days in which to comment on the draft code. After considering all submissions received, a council may decide to amend any non-mandatory provisions of its draft code; or adopt the draft code as its code of meeting practice. If a council decides to amend its draft code, it may publicly exhibit the amended draft, or, if the council is of the opinion that the amendments are not substantial, it may adopt the amended draft code without further public exhibition as its code of meeting practice.

Council considered Director's Report No. CS1/22 – Review of Council's Code of Meeting Practice – at its 23 February 2022 Workshop Meeting and resolved that:

1. *Subject to the inclusion of clauses 5.16 to 5.18 as detailed in Late Items Information Memo No. LM1/22, Council adopt the draft Code of Meeting Practice attached to Director's Report No. CS1/22 for the purpose of public exhibition.*
2. *The public exhibition be for a period of 28 days, with a period of 42 days allowed for the lodgement of submissions by members of the public.*
3. *Following the conclusion of the public exhibition period, a further report be submitted for Council's consideration which details any submissions received and proposes the adoption of a final Code of Meeting Practice.*

The following timetable has since been followed to ensure that Council is in a position to adopt an updated Code of Meeting Practice at the 8 June 2022 General Meeting:

Tuesday 1 March 2022	Commencement of public exhibition period for draft Code
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Tuesday 29 March 2022	End of public exhibition period for draft Code
Tuesday 12 April 2022	End of period for public to make submissions on draft Code

## DISCUSSION

Following Council's adoption of a draft Code of Meeting Practice at its 23 February 2022 Workshop Meeting, the draft Code was placed on public exhibition in line with the requirements of the Local Government Act. At the conclusion of the public exhibition period, no submissions had been received.

Although no public submissions were received in the public exhibition period, it is noted that during consideration of this matter at the 23 February 2022 Workshop Meeting, some Councillors and members of the public did raise an issue with the underlined section of clause 4.28 which currently reads.

### 4.28 General Procedures

- (a) *To speak at Public Forum a person should register with Council prior to the day of the meeting and must identify the item of business on the agenda which they wish to speak on and provide a copy of the address to Council.*

Response:

Over the past few years, Council has chosen to continue with its previous Public Forum practices at Council Meetings rather than move to the more discretionary and restrictive (for the public) process promoted by the OLG. In this regard, it is noted that the OLG's Model Code makes no provision for members of the public to address Council during a Meeting. As such, Council's Code is considered to be more generous towards the public than what is proposed in the OLG's Model Code.

Council's current Public Forum process has been in place since COVID lockdowns prevented members of the public attending Council meetings in person. This process continues to be successful in providing opportunities for members of the public to address Council. The current requirement to provide a copy of the address to Council when registering to speak has allowed adequate time for Councillors and Council staff to provide informed and detailed responses to any concerns raised by residents.

Having further reviewed comments raised at the 28 February 2022 Workshop Meeting, a minor amendment to the wording of clause 4.28 is proposed and is highlighted below:

### 4.28 General Procedures

- (a) *To speak at Public Forum a person should register with Council prior to the day of the meeting and must identify the item of business on the agenda which they wish to speak on and are encouraged to provide a copy of the address to Council.*

It is not considered that the minor amendment requires a re-exhibition of the draft Code.

It is noted that the inclusion of provisions relating to remote attendance by Councillors at Council Meetings under a hybrid approach (i.e. where some Councillors and staff attend remotely, and others

attend in person) has been promoted as good practice by the OLG and is understood to have been adopted by most councils as part of the update of their Codes of Meeting Practice.

Such a change at Hornsby will, however, require an upgrade to the current audio-visual equipment in the Council Chambers and will need to be in place before remote attendance under a hybrid approach is possible. Council's audio-visual consultants have advised that due to ongoing information technology equipment shortages worldwide, the system upgrade may not be achieved at Council for up to six months.

However, in respect of the possible need to hold meetings by audio-visual link in a natural disaster or public health emergency (i.e. where all Councillors/staff attend remotely), Council would be able to utilise the existing audio-visual equipment in the same manner it did for meetings held during the COVID-19 lockdowns.

### **CONSULTATION**

Prior to the preparation of this Report, the draft Code of Meeting Practice was subject to a public exhibition process in line with the requirements of the Local Government Act.

### **BUDGET**

Sufficient funds have been allocated in the 2022/23 Budget to cover the cost of an audio-visual upgrade in the Council Chambers.

### **POLICY**

It is proposed that the new Code of Meeting Practice will become a policy document of Council and will apply from the 13 July 2022 General Meeting.

### **CONCLUSION**

The draft Code of Meeting Practice has been subject to public exhibition in accordance with the requirements of the Local Government Act. Although no submissions were received during the public exhibition period, a minor amendment to a clause dealing with Council's Public Forum processes has been proposed based on discussion at the Workshop Meeting when the draft Code was considered.

With that minor amendment included, it is considered appropriate that the Code of Meeting Practice be adopted and apply from the 13 July 2022 General Meeting. It is also appropriate that the provision concerning the ability for Councillors to apply to attend a Council Meeting remotely be included although such a provision will not be able to be used until an upgrade to the current audio-visual equipment in the Council Chambers is completed.


### **RESPONSIBLE OFFICER**

The officer responsible for the preparation of this Report is the Manager, Governance and Customer Service – Mr Stephen Colburt - who can be contacted on 9847-6761.

STEPHEN COLBURT  
Manager, Governance and Customer Service  
Corporate Support Division

GLEN MAGUS  
Director - Corporate Support  
Corporate Support Division

**Attachments:**

1.  Code of Meeting Practice

File Reference: F2004/07032

Document Number: D08398182

**ITEM 2**

### **3 DEBTS TO BE WRITTEN OFF - 2021/22 FINANCIAL YEAR**

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#### **EXECUTIVE SUMMARY**

- The Financial Services Branch is responsible for assessing Council's outstanding debtors on a regular basis to determine those debts which are bad, doubtful or recoverable.
- Some services provided to customers in exchange for a fee or charge may remain unpaid even after various attempts by staff have been taken to recover these amounts. If it is deemed uneconomical to pursue further, then these amounts will be recommended to be become bad debts and be written off.
- The latest assessment for 2021/22 has resulted in the General Manager writing off debts totalling \$2,166 using his delegated authority from Council (refer attached Schedule B); and proposing to Council that it write off further debts considered bad totalling \$8,737 (refer attached Schedule A).
- Council's consideration of this Report ensures that the relevant legislative requirements and Council protocols have been met in respect of those debts to be written off.
- The write-off of debts for 2021/22 will be met from a budget allocated for this purpose.

#### **RECOMMENDATION**

THAT for 2021/22, and in accordance with Clause 213 of the Local Government (General) Regulation, Council:

1. Write off debts considered bad totalling \$8,737 (as detailed in Schedule A attached to Director's Report No. CS40/22).
2. Note debts considered bad totalling \$2,166 written off under the General Manager's delegated authority (as detailed in Schedule B attached to Director's Report No. CS40/22).

**PURPOSE**

The purpose of this Report is to seek Council approval, in accordance with Clause 213 of the Local Government (General) Regulation, to write off debts considered bad for the 2021/22 financial year.

**BACKGROUND**

Each year, the Financial Services Branch assesses the status of outstanding debtors to determine those debts which are bad, doubtful or recoverable. Debts considered bad are either recommended for write off by the General Manager under delegated authority or submitted to Council for approval to write off. (N.B. Doubtful debts are provided for in the financial records in contrast to bad debts which are written off)

**DISCUSSION**

Some services provided to customers in exchange for a fee or charge may remain unpaid even after various attempts by staff have been taken to recover these amounts. If it is deemed uneconomical to pursue further then these amounts will be recommended to become bad debts and be written off. Services that remain unpaid generally comprise commercial waste, licensing, parks, community centres and recreation fees and charges.

The writing off of debts by Council is undertaken in accordance with Clause 213 of the Local Government (General) Regulation. At the Ordinary Meeting held on 10 July 1996, Council resolved that the General Manager be delegated authority to write off individual debts up to \$1,000 which are considered irrecoverable. Debts over \$1,000 may only be written off by resolution of Council. The amount of bad debts written off by Council in accordance with Clause 213 of the Regulation over the last five financial years has been:

2016/17	\$3,574
2017/18	\$10,209
2018/19	\$7,729
2019/20	\$5,365
2020/21	\$2,854

For 2021/22, it is recommended that Council write off a debt considered bad totalling \$8,737 (see details in Schedule A); and note debts considered bad totalling \$2,166 which have been written off under the General Manager's delegated authority (see details in Schedule B). A number of the debts to be written off are in respect to food premises that were significantly impacted due to the constraints of COVID-19. It should be noted that even if a debt is written off, Council is not prevented from taking future legal proceedings to recover the debt.

**CONSULTATION**

This Report has been prepared in consultation with Council's debt collection agency – Recoveries and Reconstruction (Australia) Pty Ltd.

**BUDGET**

The 2021/22 budget for bad debts written off is \$1,000. This budget will need to be supplemented by the reallocation of minor savings in Divisional budgets across the organisation in order to write off the debts detailed in this Report.



**POLICY**

There are no policy implications associated with this Report.

**CONCLUSION**

The write-off of bad debts for the 2021/22 financial year is detailed in the documents attached to this Report. Council's consideration of the Report and its attachments ensures that the relevant legislative requirements and Council protocols have been met in respect of those debts to be written off.



**RESPONSIBLE OFFICER**

The officer responsible for the preparation of this Report is the Chief Financial Officer – Duncan Chell, who can be contacted on 9847 6822.

DUNCAN CHELL  
Chief Financial Officer  
Corporate Support Division

GLEN MAGUS  
Director - Corporate Support  
Corporate Support Division

**Attachments:**

1.  Schedule A - Bad Debt Over \$1000
2.  Schedule B - Bad Debt Under \$1000

File Reference: F2004/06978-02  
Document Number: D08400668

#### **4 MAYOR AND COUNCILLOR FEES FOR 2022/23; AND THE PAYMENT OF MAYOR/COUNCILLOR SUPERANNUATION CONTRIBUTIONS**

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##### **EXECUTIVE SUMMARY**

- Sections 248(2) and 249(3) of the Local Government Act provide respectively for Council to once each year fix the annual fee payable to Councillors and the additional annual fee payable to the Mayor. The annual fees must be fixed in accordance with the relevant annual determination of the Local Government Remuneration Tribunal.
- Based on the Tribunal's 2022 Report and Determination, it is recommended that Council approve a 2.0% increase in Councillor and Mayoral fees for the 2022/23 financial year. Acceptance of such recommendation would result in each Councillor receiving an annual fee of \$26,840 and the Mayor receiving an additional annual fee of \$71,300 for 2022/23. Sufficient funds have been allocated in the 2022/23 Budget to cover the 2.0% increase in the fees payable to Councillors and the Mayor.
- In addition to annual fees, an amendment to the Local Government Act in 2021 allows Council, from 1 July 2022, to make superannuation contributions to the Mayor and Councillor's nominated superannuation account equal to what Council would have been required to pay as a superannuation contribution if the Mayor or Councillor was an employee of Council. Noting that sufficient funds are available in the 2022/23 Budget for such contributions, it is recommended that the payments be allowed.

##### **RECOMMENDATION**

THAT:

1. As a consequence of the 2022 Report and Determination of the Local Government Remuneration Tribunal, Council note that it remains in the Metropolitan Medium Category of NSW councils for the period 1 July 2022 to 30 June 2023.
2. In accordance with Sections 248 and 249 of the Local Government Act, and having considered the 2022 Report and Determination of the Local Government Remuneration Tribunal, an annual fee of \$26,840 be paid to each Councillor and an additional annual fee of \$71,300 be paid to the Mayor for the period 1 July 2022 to 30 June 2023.
3. Pursuant to section 254B of the Local Government Act, Council allow the payment of superannuation contributions to the Mayor and Councillor's nominated superannuation account equal to what Council would have been required to pay as a superannuation contribution if the Mayor or Councillor was an employee of Council.

## PURPOSE

The purpose of this Report is to:

- Provide Council with the 2022 Report and Determination of the Local Government Remuneration Tribunal such that Council can determine the amount of the fee payable to each Councillor, and the additional fee payable to the Mayor, for the 2022/23 financial year.
- Advise Council of an amendment to the Local Government Act which allows Council to make superannuation contributions to the Mayor and Councillor's nominated superannuation account equal to what Council would have been required to pay as a superannuation contribution if the Mayor or Councillor was an employee of Council.

## BACKGROUND

The Local Government Remuneration Tribunal is established under Chapter 9, Part 2, Division 4 of the Local Government Act. In this regard, Section 239 of the Act states:

- (1) *The Remuneration Tribunal must, at least once every 3 years:*
  - (a) *Determine categories for councils and mayoral offices, and*
  - (b) *Place each council and mayoral office into one of the categories it has determined.*
- (2) *The determination of categories by the Remuneration Tribunal is for the purpose of enabling the Remuneration Tribunal to determine the maximum and minimum amounts of fees to be paid to mayors and councillors in each of the categories so determined.*

Section 241 of the Act states:

*The Remuneration Tribunal must, not later than 1 May in each year, determine, in each of the categories determined under section 239, the maximum and minimum amounts of fees to be paid during the following year to councillors (other than mayors) and mayors.*

The Tribunal has completed its 2022 Report and Determination recommending the fees payable to councillors and mayors for the 2022/23 financial year – see copy attached.

## DISCUSSION

### Mayor and Councillor Fees

Section 239 of the Act requires the Tribunal to determine the categories of councils and mayoral offices at least once every three years. The Tribunal last undertook a significant review of the categories and the allocation of councils into each of those categories in 2020.

The Tribunal invited submissions and advised that any submissions received requesting to be moved into a different category as part of the 2022 review would only be considered were there was a strong, evidence-based case. Seven submissions were received – six from individual councils and a submission from LGNSW. The Tribunal also met with the President and Chief Executive and Senior Manager of LGNSW.

The Tribunal examined a range of statistical and demographic data and considered the submissions of councils, Local Government NSW (LGNSW) and Regional Cities NSW. The Tribunal determined to retain a categorisation model. In accordance with section 239 of the LG Act the categories of general-purpose councils are as follows:

**Metropolitan**

- Principal CBD; Major CBD; Metropolitan Large; Metropolitan Medium; and Metropolitan Small

**Non-metropolitan**

- Major Regional City; Major Strategic Area; Regional Strategic Area; Regional Centre; Regional Rural and Rural

As a result of this review, it was determined that Hornsby Shire Council would remain in the Metropolitan Medium category of NSW councils along with seven other Councils - Campbelltown, Camden, Georges River, Ku-ring-gai, North Sydney, Randwick and Willoughby.

The Tribunal has reviewed the key economic indicators, including the Consumer Price Index and Wage Price Index, Local Government (State) Award 2020, 146C of the Industrial Relations Act 1996 and had regard to budgetary limitations imposed by the Government's policy of rate pegging and has found that a 2.0% increase to the current fees is warranted. The 2.0% increase will apply to the minimum and the maximum of the ranges for all categories effective from 1 July 2022.

**Impact on Council**

The fees determined by the Tribunal as being applicable to the Metropolitan Medium category of councils are:

<b>Councillor</b>	<b>Mayor</b>
Annual Fee Minimum - Maximum	Additional Fee Minimum - Maximum
\$14,380 - \$26,840	\$30,550 - \$71,300

In June 2021, when Council determined the fees payable to Councillors and the Mayor for the 2021/22 financial year, it resolved to pay fees at the maximum level. This was consistent with decisions in previous years. Should Council resolve to pay fees at the maximum level for the 2022/23 period, this would result in an increase of \$530 per annum for Councillors and \$1,400 per annum for the Mayor.

**Mayor/Councillor Superannuation Contributions**

An amendment was made to the Local Government Act in 2021 which allows Council from 1 July 2022 to make payments to the superannuation accounts of Councillors. The relevant section of the Act is 254B and it reads:

*Payment for superannuation contributions for councillors*

- (1) *A council may make a payment (a superannuation contribution payment) as a contribution to a superannuation account nominated by a councillor, starting from the financial year commencing 1 July 2022.*
- (2) *The amount of a superannuation contribution payment is the amount the council would have been required to contribute under the Commonwealth superannuation legislation as superannuation if the councillor were an employee of the council.*
- (3) *A superannuation contribution payment is payable with, and at the same intervals as, the annual fee is payable to the councillor.*

- (4) *A council is not permitted to make a superannuation contribution payment—*
- (a) *unless the council has previously passed a resolution at an open meeting to make superannuation contribution payments to its councillors, or*
  - (b) *if the councillor does not nominate a superannuation account for the payment before the end of the month to which the payment relates, or*
  - (c) *to the extent the councillor has agreed in writing to forgo or reduce the payment.*
- (5) *The Remuneration Tribunal may not take superannuation contribution payments into account in determining annual fees or other remuneration payable to a mayor or other councillor.*
- (6) *A person is not, for the purposes of any Act, taken to be an employee of a council and is not disqualified from holding civic office merely because the person is paid a superannuation contribution payment.*
- (7) *A superannuation contribution payment does not constitute salary for the purposes of any Act.*
- (8) *Sections 248A and 254A apply in relation to a superannuation contribution payment in the same way as they apply in relation to an annual fee.*
- (9) *In this section—*

*Commonwealth superannuation legislation means the [Superannuation Guarantee \(Administration\) Act 1992](#) of the Commonwealth.*

*Superannuation account means an account for superannuation or retirement benefits from a scheme or fund to which the Commonwealth superannuation legislation applies.*

This amendment addresses a longstanding inequity in local government by providing councils across the State with the option of making superannuation payments to mayors and councillors on top of their annual fees from July 2022. The decision on whether to make superannuation contributions is left to each council, taking into account financial considerations, the views of councillors and the expectations of their local community.

Council is required to make the decision to pay councillor superannuation contributions by resolution at an open meeting of the Council. Apart from addressing an inequity that has existed between elected representatives and employees, the local government industry has generally had a view that payment of superannuation contributions may encourage more women and younger people to stand as candidates at local government elections. It should be noted that individual Councillors will need to consider their own personal situations and existing super arrangements and where appropriate, seek professional advice from a financial adviser.

It is noted that the Superannuation Guarantee from 1 July 2022 is 10.5% (of the Mayor/Councillor fee), increasing by half a percent each year until 1 July 2025 when it reaches 12%. It is also noted that under the legislation, individual councillors may opt out of receiving superannuation contribution payments or opt to receive reduced payments.

## **BUDGET**

Sufficient funds have been allocated in the 2022/23 Budget to cover a 2.0% increase in the fees payable to Councillors and the Mayor. In respect of superannuation, it is estimated that the cost of superannuation payments for the Mayor and Councillors based on recommended 2022/23 fees would be \$35,669 and that sufficient funds are available in the 2022/23 Budget.

#### **POLICY**

There are no policy implications associated with this Report.

#### **CONCLUSION**

It is considered appropriate that the maximum fee for the Metropolitan Medium category be paid to Hornsby Shire Councillors and the Mayor for the period 1 July 2022 to 30 June 2023. This would result in each Councillor receiving an annual fee of \$26,840 and the Mayor receiving an additional annual fee of \$71,300 for the 2022/23 financial year. It is also considered appropriate that Council allow the payment of superannuation contributions for the Mayor/Councillors, noting that (as of 1 July 2022), the superannuation guarantee rate will be 10.5% and the rate will increase by half a percent each year until 1 July 2025 when it reaches 12%.



#### **RESPONSIBLE OFFICER**

The officer responsible for the preparation of this Report is the Manager, Governance and Customer Service – Stephen Colburt, who can be contacted on 9847 6761.

STEPHEN COLBURT  
Manager, Governance and Customer Service  
Corporate Support Division

GLEN MAGUS  
Director - Corporate Support  
Corporate Support Division

#### **Attachments:**

1. Local Government Remuneration Tribunal Annual Report - 2022  

2. Office of Local Government Circular - Commencement of Local Government Amendment Act 2021  


File Reference: F2004/09552-02  
Document Number: D08400711

**5 INVESTMENTS AND BORROWINGS FOR 2021/2022 - STATUS FOR PERIOD ENDING 30 APRIL 2022**

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**EXECUTIVE SUMMARY**

- This Report provides details of Council's investment performance for the period ending 30 April 2022 as well as the extent of its borrowings at the end of the same period.
- Council invests funds that are not, for the time being, required for any other purpose. The investments must be made in accordance with relevant legislative requirements and Council's policies and the Chief Financial Officer must report monthly to Council on the details of funds invested.
- All of Council's investments have been made in accordance with the requirements of the Local Government Act, the Local Government (General) Regulation and Council's Investment of Surplus Funds Policy and Investment Strategy.
- In respect of Council's cash and term deposit investments, the portfolio achieved a negative annualised return for April 2022 of -0.52% which includes a yield of -15.68% from TCorp Managed Funds. On a financial year to date basis the portfolio achieved an annualised return of 0.29% which includes a yield -3.83% from TCorp Managed Funds.

**RECOMMENDATION**

That the contents of Director's Report No. CS43/22 be received and noted.

**PURPOSE**

The purpose of this Report is to advise Council of funds invested in accordance with Section 625 of the Local Government Act; to provide details as required by Clause 212(1) of the Local Government (General) Regulation and Council's Investment of Surplus Funds Policy; and to advise on the extent of Council's current borrowings.

**BACKGROUND**

Legislation requires that a report be submitted for Council's consideration each month detailing Council's investments and borrowings and highlighting the monthly and year to date performance of the investments. Initial investments and reallocation of funds are made, where appropriate, after consultation with Council's financial investment adviser and fund managers.

**DISCUSSION**

Council invests funds which are not, for the time being, required for any other purpose. Such investment must be in accordance with relevant legislative requirements and Council Policies, and the Chief Financial Officer must report monthly to Council on the details of the funds invested.

Council's investment performance for the month ending 30 April 2022 is detailed in the attached document. In summary, the portfolio achieved a negative annualised return for April 2022 of -0.52%. On a financial year to date basis the portfolio achieved an annualised return of 0.29% which includes a yield of -3.83% from TCorp Managed Funds.

In respect of Council borrowings, the interest rate payable on the outstanding loan taken out in June 2013 (the last time that Council borrowed), based on the principal balances outstanding, is 5.89%. The Borrowings Schedule as of 30 April 2022 is also attached for Council's information.

**BUDGET**

Budgeted investment income for the year is \$3,855,180 with an average budgeted monthly income of \$321,265. The net investment loss for the month ended 30 April 2022 was -\$64,284 which includes an unrealised loss of -\$307,077 from TCorp Managed Funds.

Budgeted investment income year to date at 30 April 2022 was \$3,212,645. Total investment income year to date as 30 April 2022 is \$1,632,801 which includes a year-to-date net loss of \$719,419 from TCorp Managed Funds.

Approximately 54.80% of the investment income received by Council relates to externally restricted funds (e.g. Stronger Communities Grant funding and Section 7.11 and Section 7.12 development contribution funds) and is required to be allocated to those funds. All investments have been made in accordance with the Local Government Act, the Local Government (General) Regulation and Council's Investment of Surplus Funds Policy and Investment Strategy.

The returns from TCorp Managed Funds are presently experiencing significant market volatility due to uncertainty over domestic and global economic conditions. It is noted that this product has a 7-year investment horizon and will, therefore, reflect marked to market valuations monthly. Advice provided by Council's independent investment advisor, Prudential Investment Services, is to hold this investment for the 7-year timeframe as originally planned. This is due to the anticipated net positive performance returns that will be gained over the long term for this investment.

**CONCLUSION**

The investment of Council funds and the extent of its borrowings as of 30 April 2022 is detailed in the documents attached to this Report. Council's consideration of the Report and its attachments ensures



that the relevant legislative requirements and Council protocols have been met in respect of those investments and borrowings.



**RESPONSIBLE OFFICER**

The officer responsible for the preparation of this Report is the Chief Financial Officer – Duncan Chell - who can be contacted on 9847 6822.

DUNCAN CHELL  
Chief Financial Officer  
Corporate Support Division

GLEN MAGUS  
Director - Corporate Support  
Corporate Support Division

**Attachments:**

1.  HSC Investment Summary Report April 2022
2.  HSC Borrowings Schedule April 2022

File Reference: F2004/06987-02  
Document Number: D08401839

**6 LGNSW BOARD - ELECTION TO FILL A CASUAL VACANCY - NOMINATION OF COUNCIL'S VOTING DELEGATES**

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**EXECUTIVE SUMMARY**

- Local Government NSW (LGNSW) has a casual vacancy on the Board for the office of Director (Metropolitan/Urban Council) which is required to be filled by secret postal ballot.
- Council is entitled to nine voting delegates.
- Council is to advise LGNSW of the names and postal addresses of their nominated voting delegates for the election by 7 July 2022.

**RECOMMENDATION**

THAT Council determine the nine Councillors who will be Council's voting delegates for the Election to fill a casual vacancy on the LGNSW Board for the office of Director (Metropolitan/Urban Council).

**PURPOSE**

The purpose of this Report is to provide an opportunity for Council to determine its voting delegates for the election to fill a casual vacancy on the LGNSW Board for the office of Director (Metropolitan/Urban Council).

**BACKGROUND**

The last LGNSW Board elections were held in 2021 via postal vote. LGNSW has advised that a vacancy now exists for the position of Director (Metropolitan/Urban Council) which is required to be filled by secret postal ballot. Arrangements have been made with the Australian Electoral Commission (AEC) to conduct the election.

**DISCUSSION**

This Report seeks to determine Council's voting delegates for the LGNSW election to fill a casual vacancy on our Board for the office of Director (Metropolitan/Urban council).

LGNSW have advised that Hornsby Shire Council is entitled to nine voting delegates for voting on board elections. LGNSW is to be advised of Councils Voting delegates by 7 July 2022.

**BUDGET**

There are no budgetary implications associated with this Report.

**POLICY**

There are no policy implications associated with this Report.

**CONCLUSION**

LGNSW has advised that Council is entitled to nine voting delegates for voting on the casual vacancy Election. Council is required to nominate which Councillors are to be the voting delegates and advise LGNSW of the names and postal addresses for the election by 7 July 2022.


**RESPONSIBLE OFFICER**

The officer responsible for the preparation of this Report is the Manager Governance and Customer Service – Stephen Colburt, who can be contacted on 9847 6761.

STEPHEN COLBURT  
Manager, Governance and Customer Service  
Corporate Support Division

GLEN MAGUS  
Director - Corporate Support  
Corporate Support Division

**Attachments:**

1.  LGNSW Advise - Number of Voting Delegates

File Reference: F2004/07180-02  
Document Number: D08409123

**ITEM 6**

## **7 TOM RICHMOND OVAL NAMING PROPOSAL**

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### **EXECUTIVE SUMMARY**

- In line with Council's resolution to exhibit for community comment the proposal to rename the Old Dairy sportsfield 'Tom Richmond Oval', the proposal was placed on public exhibition from 28 March to 27 April 2022.
- Twenty-two responses were received with ten responses supporting the proposal and twelve responses not supporting the proposal and suggesting retention of the existing name or alternatives.
- Two of the submissions in support of the renaming proposal were provided on behalf of community groups with substantial membership numbers. When considering the representation of the two community groups together with the ten submissions received, it is demonstrated there is sufficient support for the proposal.
- The renaming proposal meets the principles of the Geographical Names Board for proposed renaming of geographical features.

### **RECOMMENDATION**

THAT:

1. Council endorses the renaming of Old Dairy Park to Tom Richmond Oval and a submission be made to the NSW Geographic Names Board seeking inclusion of the name to the NSW Geographical Names Register.
2. A park name sign be installed with additional interpretive signage acknowledging previous history of the site.
3. Those people and community groups who made a submission be informed of Council's decision.

## PURPOSE

The purpose of this Report is to seek Council's support to proceed with an application to Geographical Names Board of New South Wales (GNB) noting that there is merit in the proposal and a level of support within the community.

## BACKGROUND

At the March 2022 Ordinary Meeting, Council considered Executive Manager's Report No. SU4/22 and Council unanimously resolved that:

1. A proposal to rename the 'Old Dairy' sports field 'Tom Richmond Oval' be released for community comment for a period of 28 days.
2. Subject to broad community support for a name change, an application to rename the 'Old Dairy' sports-field as 'Tom Richmond Oval' be submitted to the Geographical Names Board of New South Wales.

The proposal was placed on public exhibition from 28 March to 27 April 2022 inclusive. Twenty-two responses were received and are contained in Attachment 1.

Ten submissions supported the proposal while twelve submissions did not support. Of those that did not support

- Five submissions recommended leaving as Old Dairy or similar
- Five submissions recommended acknowledging the Homer family in the renaming
- Two submissions recommended acknowledging multi-cultural or indigenous communities

Principles of the Geographical Names Board for the renaming of a place include:

- The person commemorated should have contributed significantly to the area around the geographic feature or locality
- Shall be given posthumously
- The names of deceased persons are suitable for the naming of reserves. Such persons shall have had a long-term association with the area, or have made a significant contribution to the area of the proposed park or reserve
- Twenty or more years association with a local community group or service club
- Action by an individual to protect, restore, enhance or maintain an area that produces substantial long-term improvements for the community
- Ownership of land is not in itself grounds for the application of an owner's name.

## CONSULTATION

In the preparation of this Report there was consultation with direct local community groups and users of the Oval, including use of Council's webpage and Facebook social media channels. The exhibition period commenced 28 March and concluded 27 April 2022.

The following Community feedback was received:

- Twenty-two responses received
- Ten responses support the proposal to name the site Tom Richmond Oval

- Twelve responses opposed the Tom Richmond Oval proposal and suggested retention of existing 'Old Dairy Park/Oval', or 'Homers Dairy Park/Oval or similar
- Submissions supporting the proposal were received from the Hornsby, Ku-ring-gai & Hills District Cricket Association, representatives of local sporting associations, the Hornsby Historical Society and the Brooklyn Community Association who are representative of wider community members and were the genesis for the naming proposal.

## **DISCUSSION**

It is clear Tom Richmond maintained strong links with the local community providing a contribution to sport, education as an orator of Hornsby's local history. This is illustrated in his eulogy Attachment 2 and satisfies the principles provided by the Geographical Names Board for the renaming of a place.

Whilst ten submissions were in support of the naming, two of the submissions were provided on behalf of community groups with substantial membership. When considering the representation of these groups together with the ten submissions received, it is demonstrated there is sufficient support to proceed to the next step of making a submission to the Geographical Names Board of New South Wales to rename the 'Old Dairy' sports-field as 'Tom Richmond Oval'.

It is also evident that there is interest in ensuring the broader history of the specific site is also acknowledged. This includes the traditional peoples being the GuriNgai.

Tom Richmond's family extend 160 years in the Brooklyn area, from when his great grandfather, George Seymour, became the first permanent settler on the southern side of the river.

The first post settlement landowner on the "Old Dairy" that can be identified is Vincent William Seymour, Seymour also owned two properties near to the site. The watercourse located adjacent to the sports oval is called Seymours Creek.

By 1914 the land was owned by William Henry Wood, known as Jerry, whereby his son Jack ran it as a dairy from the 1920's.

In later years, the Homer family operated a dairy in the early 1950's, and by 1961 the land was purchased by Hornsby Shire Council.

## **BUDGET**

The renaming proposal would require new park signage to be installed including a new park name sign and interpretative signage. The interpretive signage would acknowledge the traditional landowners through to more recent time. The estimated costs to be in the order of \$6,000.

## **POLICY**

There are no policy implications associated with this Report.

## **CONCLUSION**

It is recommended that Council endorse the name change, a submission be provided to the NSW Geographical Board for this to be officially recorded and interpretative signage installed to acknowledge the history of the site.

## **RESPONSIBLE OFFICER**



The officer responsible for the preparation of this Report is the Parks Assets Coordinator – Andrew Flick - who can be contacted on 9847 6896.

DAVID SHEILS  
Manager - Parks Trees and Recreation  
Community and Environment Division

STEPHEN FEDOROW  
Director - Community and Environment  
Community and Environment Division

**ITEM 7**

**Attachments:**

1.  Tom Richmond Naming Proposal Submissions
2.  Tom Richmond OAM - Cricketer Coach and Administrator - 22 September 2021 eulogy

File Reference: F2009/00210

Document Number: D08406101



## **8 DRAFT RURAL LANDS STUDY - REPORT ON SUBMISSIONS**

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### **EXECUTIVE SUMMARY**

- The draft Hornsby Shire Rural Lands Study was prepared to set the strategic direction for managing the rural areas of Hornsby Shire.
- At its meeting in September 2020, Council resolved to exhibit the draft Rural Lands Study for six weeks. The Study was exhibited from 17 September 2020 to 13 November 2020.
- A total of 323 submissions were received in response to the exhibition. The majority of submission support the Study or aspects of the Study, whilst others are against or have mixed views. The exhibition feedback is presented in the Feedback Summary Report attached to this report.
- In response to matters raised in submissions, minor amendments are proposed to the Study documents for accuracy. The amendments have been included in the updated Rural Lands Strategy and Rural Lands Background Report attached to this report.
- In regard to the recommendations of the Study, some are recommended not to proceed or to proceed differently in response to submissions.
- Due to concerns raised by State agencies, the recommendation to investigate reducing lot sizes to 2ha in the Sandstone Plateau Ridgeline landscape area (northern parts of Arcadia and Fiddletown) and the introduction of garden centres as a permitted use in rural zones are not recommended to proceed. Due to concerns raised by State agencies and the community, additional land uses including functions centres and café/restaurants are recommended to progress in the form of new rural specific land uses released by the State government in November 2021.
- New land uses and other general recommendations are proposed to proceed in the short term, whilst recommendations involving strategic investigations are recommended for further consideration by Council and progression in the longer term.
- It is recommended that Council endorse the recommendations set out in *Implementation Action Plan A – Short Term Recommendations* attached to this report, which comprise actions to introduce value adding land uses implementing the general recommendations of the Study.
- It is recommended that Council have a further workshop to consider priorities, resources and funding to progress the longer term actions, which include investigations for villages and 2ha lot sizes in the Northern Ridgeline (south-east of Glenorie).

**RECOMMENDATION**

THAT:

1. Council finalise the Rural Lands Study and publish the Rural Lands Strategy, Rural Lands Study Background Report and Feedback Summary Report on Council's website.
2. Council endorse the recommendations set out in *Implementation Action Plan A – Short Term Recommendations* which include new land uses in rural zones and general recommendations of the Study.
3. An informal Council workshop be held to consider the progression of recommendations requiring strategic investigations as set out in *Implementation Action Plan B – Long-Term Recommendations*, including consideration of priorities, resources and funding.
4. Submitters be advised of Council's decision.

**ITEM 8**

## PURPOSE

The purpose of this report is to present the feedback from the exhibition of the draft Rural Lands Study and seek Council's endorsement to finalise study documents and implement some of the recommendations.

## BACKGROUND

In 2018, the Greater Sydney Commission (GSC) released the Greater Sydney Regional Plan and the North District Plan which set the strategic directions for councils to manage future growth. The rural lands of Hornsby Shire are identified in the North District Plan as part of the Metropolitan Rural Area (MRA) and contain a mixture of productive agricultural land, extractive industries, rural residential development, rural villages, scenic rural landscapes, native vegetation and biodiversity corridors.

Council endorsed the preparation of the Rural Lands Study as part of the Accelerated Local Environmental Plan (LEP) Review Program at its meeting in October 2018.

At its meeting on 8 May 2019, Council endorsed the appointment of consultants, SGS Economics and Planning in partnership with RMCG, to prepare the draft Rural Lands Study.

The purpose of the Rural Lands Study is to set the strategic direction for managing rural lands into the future in the context of the actions and responsibilities in the North District Plan. Consistent with the District Plan, the Study has been undertaken using a place-based planning approach for protecting and enhancing the values of the Metropolitan Rural Area. The Study breaks the rural areas into 13 separate landscape areas, with a character description and recommendations for each.

The Study is intended to inform amendments to the Hornsby Local Strategic Planning Statement (LSPS) and planning controls including the Hornsby Local Environmental Plan 213 (HLEP) and the Hornsby Development Control Plan 2013 (HDCP).

At its meeting on 9 September 2020, Council considered a report presenting the draft Rural Lands Study documents and resolved:

1. The draft Rural Lands Study (incorporating the Strategy and Background Report) be placed on public exhibition for a period of six weeks in accordance with the consultation strategy outlined in Director's Report No. PL17/20.
2. *Following exhibition, a report on submissions be presented to Council for its consideration.*

In accordance with Council's resolution, the draft Rural Lands Study was exhibited from 17 September 2020 until 13 November 2020.

Since exhibition in 2020, Council officers have reviewed submissions and held workshops with Councillors to discuss feedback from submissions. Data from submissions was analysed and the Feedback Summary Report prepared. A report was progressed in April 2021 to implement changes to secondary dwelling sizes in rural areas. Council's September 2021 election was deferred until December 2021. In 2022, the new Councillors were briefed on the background and preparation of the Study, the Study documents, recommendations, the exhibition and resulting submissions. It was generally agreed that a report be progressed to enable consideration of next steps and implementation.

## DISCUSSION

This report addresses submissions received in response to the exhibition of the draft Rural Lands Study. The report also addresses the suggested approach to implementation of the Study recommendations.

### Exhibition of Study

Exhibition of the draft Study included an advertisement on Council's website, advertisement in Council's eNewsletter and on Facebook, letters to all rural land owners, emails to people who made a submission during preliminary consultation on the Study, letters to State agencies and industry groups. A total of 323 submissions were received in response to the exhibition. The submissions were prepared by individuals from within, and outside, the rural areas and stake holder groups including growers, government agencies and community groups.

### State Government legislation changes since the exhibition

Since the exhibition of the Rural Lands Study in 2020, there has been legislation changes initiated by the State Government which has implications for the progression and implementation of the Rural Lands Study.

### Secondary dwellings

Since exhibition of the Study, a change to State legislation enabled Council to implement one of recommendations of the Study to pursue a fixed maximum square metre size for secondary dwellings in rural areas.

At its meeting on 14 April 2021, Council resolved to increase the permitted size of secondary dwellings in rural areas from 60 square metres to 120 square metres and retain the control that permits secondary dwellings to be 33% of the floor area of the principal dwelling. The changes to the Secondary dwelling controls in rural areas was implemented in the Hornsby Local Environmental Plan 2013 (HLEP) by the State Government in November 2021.

### Agritourism land uses

In December 2021, the State Government prepared new draft agritourism land uses and optional clauses for the Standard Instrument LEP. These new land uses are available for adoption by councils to include in their LEPs. The agritourism land uses and clauses include 'farm gate premises' and 'farm experience premises'. These land uses and the alignment with the Rural Lands Study are discussed under 'Policy' in this report.

### Submissions

A total of 323 submissions were received in response to the exhibition. The majority of submissions support the Study or various aspects of the Study, whilst some object to the Study and others express mixed views.

The Feedback Summary Report (attached) outlines the submissions received and feedback on key recommendations on the Study. The Feedback Summary Report provides:

- A quantitative overview of the submissions received, type of submissions, author location and type of stakeholder.
- The general views on the Vision, Principles and Study overall.
- Place based feedback on each landscape area, including feedback on recommendations for village investigations and lot size investigations in certain landscape areas.

- Feedback on recommendations for additional land uses and general recommendations.
- A summary of views from government agencies, community groups, industry groups and growers.

Where submissions include requests for changes to the Rural Lands Study, these matters are addressed below. The matters are discussed generally starting with matters that received the most feedback. (Refer to the Feedback Summary Report for details on the volume of submissions and comments on the various aspects of the Study).

## 1. Village Investigation Areas

The Study includes recommendations for Council to Investigate areas within 400m of Galston, Dural and Glenorie villages where the zoning of E4 Environmental Living could be introduced, with lot sizes ranging between 5,000sqm and 10,000sqm. The recommendations include preparation of Place Plans for villages in line with the principles in the Study to guide future development.

### 1.1 Amendments to boundaries and lot sizes in Galston village investigation area

The majority of submissions indicate support for the village investigation areas recommended for Galston, Glenorie and Dural and request changes to extend the boundaries and/or reduce lot sizes within the investigation areas. Most submissions were received in relation to the Galston village investigation area. Submissions include a variety of requests for Council's consideration, including:

- Investigation areas being extended up to 1km from villages.
- Lot sizes ranging from 500 square metres.

The submissions request the changes on the basis that smaller lots around villages would provide housing and lifestyle opportunities to attract families and provide options for ageing in place. Additional population would support business and school enrolments. Concerns are raised that the lot sizes recommended in the Study (5000-10,000 square metres) are too large and would result in large dwellings that are not affordable and do not support the villages or rural area.

Several submissions relate to properties on the southern side School Road, located directly north of Galston village. These submissions request that the area be rezoned from rural to residential with a minimum lot size 500 square metres, on the basis that the existing Hornsby Development Control Plan 2013 (HDCCP) masterplan for Galston indicates this area is to accommodate future development following connection to the mains sewer.

In relation to Glenorie, several submissions comment that the Glenorie village investigation area is too small in comparison to other the investigation areas and should be expanded.

Other feedback on village investigations is outlined in the Feedback Summary Report.

#### **Comment:**

The Study recommendation is to investigate areas within 400m of Galston, Glenorie and Dural villages for application of the E4 Environmental Living zone with potential lot sizes of 5000-10,000 square metres. Place Plans are recommended to be prepared for the villages in line with the principles in the Study for establishing village boundaries, having regard to vegetation, biodiversity, creek lines, topography, rural character, transport, infrastructure, rural land uses, bushfire risk, flooding, liveability and active transport opportunities.

The investigation areas outlined on the maps in the Study are indicative only and detailed investigation would be required to inform any changes to planning controls. Accordingly, should

Council decide to progress the village investigations, the exact Study area would be identified as part of the scoping work for the strategic investigations and/or considered during the investigations. Further, consideration of a range of lot sizes would be completed as part of the investigations.

In relation to the request for development opportunities on School Road, it is recognised that the existing HDCP masterplan for Galston Village indicates properties on School Road for future development '*only after lands have been connected to mains sewer*'. Galston village was connected to Sydney Water sewer infrastructure in 2013 and was designed to accommodate only limited growth of the village (maximum 10%). The current zoning of these properties is RU4 Primary Production Small lots with a minimum 2ha lot size requirement under the HLEP. The properties on School Road are within the indicative investigation areas recommended in the Study. Further consideration of the appropriateness of the area to accommodate smaller lot sizes should be considered as part of the future village investigation area for Galston village, should Council decide to progress this project. Consultation with State agencies (including Sydney Water to ascertain remaining sewer capacity available) would occur as part of the strategic investigations.

**Recommendation:**

That no changes be made to the Rural Lands Study in response to submissions seeking amendments to boundaries and lot sizes of village investigation areas for Galston, Dural and Glenorie villages.

**1.2 Do not proceed with Galston Village Investigation Area**

A large volume of submissions suggest the village investigations for Galston, Dural and Glenorie should not proceed, generally on the basis that subdivision and further development:

- Would result in clearing of vegetation and other adverse environmental impacts.
- would destroy the character of rural villages.
- Is inconsistent with actions of the North District Plan to limit urban development to urban areas.

Most of the submissions against village investigations centre on the recommendation for Galston village. Specific concerns are raised that the Galston investigation would impact on land zoned E3 Environmental Management to the north of Galston village. Further, submissions suggest the recommendation to consider re-zoning of rural land to E4 Environmental Living zone is an inappropriate application of the zone.

**Comment:**

The Study has been prepared in line with the relevant objectives and actions of the North District Plan and Greater Sydney Regional Plan that apply to the Metropolitan Rural Area. The District Plan includes an action for rural lands to '*limit urban development to within the Urban Area*'. With regard to planning for local villages, Planning Priority N18: Better Managing Rural Areas includes the following:

- *Maintaining and enhancing the distinctive character of each rural bushland town and village is a high priority. Ongoing planning and management of rural towns and villages will need to respond to local demand for growth, the character of the town or village and the surrounding landscape and rural activities. Rural and bushland towns will not play a role in meeting regional or district scale demand for growth.*
- *Rural residential development is not an economic value of the District's rural areas and further rural residential development is generally not supported. Limited growth of rural residential development could be considered where there are no adverse impacts on the amenity of the*

*local area and the development provides incentives to maintain and enhance the environmental, social and economic values of the Metropolitan Rural Area.*

The Study recommends investigating the potential for rural villages to accommodate some additional housing where there would be no adverse impacts on the village character and where development maintains the values of the rural area. The recommendation is supported by principles to define village boundaries, which involve consideration of matters including established vegetation, biodiversity, creek lines, topography, rural character, transport, infrastructure, rural land uses, bushfire risk, flooding, liveability and active transport opportunities. The Study recommends preparation of a Place Plan in line with principles for establishing village boundaries and inclusion into the HDCP to guide and manage village growth.

Council's endorsed Housing Strategy identifies that State government dwelling targets will be satisfied in urban areas. Any additional opportunities for development around villages would aim to provide options for housing diversity and support local villages.

Galston has experienced pressure from recent seniors housing developments in response to state policies and proposals for rezoning in response to the delivery of the sewer. The progression of Place Plans, particularly for Galston village, would enable planning for the area to be undertaken in a comprehensive and coordinated way rather than in response to speculative proponent led planning proposals and development applications.

With regard to submissions concerning the application of the E4 zone, the options for rezoning would be considered as part of any village investigation. The Study recommendation is to explore opportunities to apply the E4 Environmental Living zone around villages and would require further consideration as part of the investigation. This would involve consultation with the NSW Department of Planning and Environment to confirm the appropriate application of land zones.

With regard to concerns about potential impacts to existing land zoned E3 Environmental Management north of Galston village, the Study recommends retention of the E3 zone where it applies in the Galston Plateau landscape area. Accordingly, there would be no change to the zoning of E3 land as a result of progression of any investigations.

Detailed consideration of environmental constraints and appropriateness of the area for additional development would be considered as part the Strategic investigations (should Council decide to progress with this project). The recommendation for a Place Plan would enable identification of constraints and limiting development opportunities to areas less constrained.

**Recommendation:**

That no changes be made to the Rural Lands Study in response to submissions requesting that the village investigations not proceed.

**1.3 Investigate small lots in areas beyond villages**

Some submissions comment that investigation areas should not be confined to areas around villages and investigations should be progressed to reduce lot sizes in other parts of the rural area. These submissions generally request that the minimum 2ha lot size that applies to RU2 and RU4 zoned land be reduced. Lot sizes suggested in submissions vary from 500 square metres up to 1ha. Other submissions suggest that the land within a property in excess of the minimum 2ha lot size should be able to be subdivided off to create a smaller lot (sometimes known as a concessional lot).

**Comment:**

Subdivision of rural land into lots smaller than 2ha is inconsistent with the principles of the Rural Lands Study to avoid fragmentation of rural land. The Study does not recommend lots smaller than 2ha with the exception of land close to Galston, Dural and Glenorie villages which is recommended for investigation to create housing diversity and support villages.

This matter of concessional lots is addressed in Section 5.5 of the Strategy. It is understood that that in the past, concessional lots were intended to provide for farm workers and family members, however the State Government no longer supports dwelling entitlements on lots which have been subdivided smaller than the minimum lot size. Instead, other mechanisms have been introduced such as secondary dwellings and attached dual occupancies which allow additional local housing without fragmentation of rural lots.

**Recommendation:**

That no change to the Study be made in response to requests for Council to investigate small lots in areas beyond villages.

**1.4 More details required for village investigation areas**

Some submissions request more detailed recommendations for the village investigation areas such as the form of housing, number of dwellings and potential cycleways.

**Comment:**

The Rural Lands Study was prepared to set the strategic direction for rural lands and does not include location-specific detailed strategic investigations. Should Council decide to implement the recommendation to progress village investigations, this would be a separate project, involving consideration of Study principles and detailed consideration of numbers of additional potential lots/dwellings, configuration and location. Opportunities for active transport links has been included in the Study principles for establishing town boundaries and would be considering as part of any future village investigation and Place Plan preparation for the villages.

**Recommendation:**

No changes be made to the Rural Lands Study in response to suggestions that recommendation should include more details for the village investigation areas.

**2. 2ha lot size investigation areas**

The Study includes recommendations for Council to review the minimum lot size extent where the minimum lot size transitions from 2ha to 10ha in Sandstone Plateau Ridgeline (north of Arcadia and Fiddletown) and Northern Ridgeline (south-east of Glenorie). The Study identifies that subdivision to a minimum lot size of 2ha may be appropriate in the investigation areas (shown in the Strategy maps), provided access / egress considerations, vegetation protection and bushfire protection can be maintained.

**2.1 Expand 2ha lot size investigation areas**

A large volume of submissions request that the areas recommended to be investigated for 2ha lot sizes in Sandstone Plateau Ridgeline (in the northern parts of Arcadia and Fiddletown) and Northern Ridgeline (south-east of Glenorie) be expanded to include additional properties.

Some submissions also suggest the 2ha lot size investigation areas should be extended to other areas where a 10ha lot minimum size applies under an RU1 zone. Requests include a reduction in lot sizes in Berowra Valley North, Canoelands, Forest Glen Spine and Sand Belt Agriculture.



Submissions suggest that reducing the minimum lot size to 2ha for additional properties would be consistent with the established landscape character, would create more manageable lots and provide rural lifestyle opportunities.

**Comment:**

The Study recommends that Council review the lot size extent where the minimum lot size transitions from 2ha to 10ha in the investigation areas mapped for Sandstone Plateau Ridgeline and Northern Ridgeline. The mapping is indicative only but generally applies to areas less constrained by topography, vegetation and bushfire risk. Reducing lot sizes outside the investigation areas recommended in the Study would be inconsistent with the character statement, principles, constraints and recommendations for these landscape areas.

In addition, the RFS raise objections to any proposal to reduce the minimum lot size on bushfire prone land and DPI raise objections to reducing minimum lot size of RU1 Primary Production zoned land. See further comment below.

**Recommendation:**

That no changes be made to the Rural Lands Study in response to submissions seeking an expansion of the 2ha lot size investigation areas.

**2.2 Do not proceed with 2ha lot size investigation**

A large volume of submissions suggest that the 2ha lot size investigation areas should not proceed. Some submissions suggest that the recommendation is inconsistent with principles in the Study for protection of agricultural land and is not suitable due to presence of vegetation that could be impacted by development and bushfire risk.

Submissions raise concern that the 2ha lot size investigation areas both in Sandstone Plateau Ridgeline and Northern Ridgeline contain native vegetation which would be under threat from clearing as a result of subdivisions and development. Submissions also raise concerns with potential impacts to rural character, the environment and issues with infrastructure constraints.

Agency submissions from NSW Rural Fire Service and NSW Department of Primary Industries also raise concerns with the recommendation to investigate lot 2ha lot sizes, particularly in Sandstone Plateau Ridgeline (northern part of Arcadia and Fiddletown).

The Rural Fire Service submission in relation to Sandstone Plateau Ridgeline notes:

*'The investigation area would include Calabash Road Arcadia. This area has a single road in and out and is almost surrounded by bushfire prone vegetation. The NSW RFS does not support any change to existing planning controls that would permit subdivision, smaller lot sizes or more intensive development on land that is mapped as bushfire prone.'*

The Department of Primary Industry submission suggests that Council reconsider reducing the minimum lot size on land zoned RU1 Primary Production, especially in the vicinity of existing agricultural land uses on the basis that it may result in land use conflicts and displace agricultural activities.

**Comment:**

The Study identifies that the landscape qualities of the Sandstone Plateau Ridgeline and the Northern Ridgeline landscape are defined by a settlement patten of predominantly 2ha lot sizes and some further subdivision to 2ha lots 'may be appropriate in the investigation areas shown on the map,

*provided access/egress considerations, vegetation protection and bushfire protection can be maintained'.*

However, after consideration of submissions and concerns expressed by State agencies, particularly with regard to bushfire risk, it is recommended that the investigation to reduce lot sizes to 2ha in Sandstone Plateau Ridgeline (in the northern part of Arcadia and Fiddletown) not progress.

The Rural Fire Service and the Department of Primary Industries have both provided submissions (attached to the Feedback Summary Report) objecting to the progression of investigations to reduce lot sizes in Sandstone Plateau Ridgeline. Given they have indicated they would not support this, and that any further planning proposal would require the concurrence of these agencies, progression of this recommendation not appropriate in this instance.

The Northern Ridgeline 2ha investigation area is located on the eastern side of Moores Road in Glenorie which is not a single access road and contains land zoned RU4 (not RU1). It would be appropriate to further consult with the Rural Fire Service and the Department of Primary Industries on the Northern Ridgeline 2ha lot size investigation before Council decides whether to progress with investigation.

**Recommendation:**

That the investigation to reduce lot sizes to 2ha in the Sandstone Plateau Ridgeline (north of Arcadia and Fiddletown) not proceed and that further consultation be undertaken with State agencies to determine the suitability of proceeding with an investigation to reduce lot sizes to 2ha in Northern Ridgeline (south-east of Glenorie).

**3 Land uses**

The Study includes principles and recommendations to encourage new value adding land uses to support agriculture and enhance tourism. The Study recommends permitting new land uses including function centres, restaurants and cafes, artisan food and drink premises, markets and garden centres on rural zoned land where agriculture is demonstrated to occur. Further, the Study recommends consideration of additional land uses in the SP3 Tourist zone (located Wisemens Ferry) to support tourism including kiosks, markets and plant nurseries.

**3.1 Function Centres**

A large volume of submissions raise objections to the recommendation for function centres to be permitted in rural zones due to impacts on rural character, traffic congestion, infrastructure constraints and bushfire risk. A submission from the Rural Fire Service also raises concern about function centres in certain landscape areas due to bushfire risk, whilst the NSW Department of Primary Industries raises objections to function centres in RU1 zones due to potential land use conflicts with agriculture.

**Comment:**

Since exhibition of the Study, a new rural specific land use 'farm experience premises' has been introduced as a draft amendment to the Standard Instrument LEP by the State government. Farm experience premises are low impact tourist or recreational activities including horse riding, farm tours, functions or conferences and farm field days on land used for agriculture. This rural specific land use is considered to better reflect the intent of the Study to provide value adding activities such as functions and events on sites where agriculture occurs, given that it has been introduced to support low impact agritourism and initiated by the Department of Primary Industries in consultation with DPE and Councils across NSW.

Development controls would be prepared for the Hornsby DCP 2013 to limit the number of visitors, the scale of developments and to ensure new land uses are balanced with relevant infrastructure including road upgrades.

Given that there is now a more appropriate specific rural specific land use available under the Standard Instrument LEP, it is recommended that function centres not proceed as a standalone land use. Instead, it is recommended that function centres only be permitted as a form of 'farm experience premises'.

**Recommendation:**

That function centres only be permitted as a form of 'farm gate experience premises' which permits function centres.

### 3.2 Concerns with new land uses in rural zones

Some submissions object to the introduction of other value adding land uses such as restaurants and cafes, artisan food and drink premises, markets and garden centres due to concerns about traffic and infrastructure constraints. One submission requests that additional land uses not become permitted in Georges Creek as the infrastructure is already under pressure to cater for the demands of existing dwelling such as seniors housing and therefore, additional value adding land uses in this area would not be appropriate.

Other submissions comment that some land uses on rural zoned properties would increase land use conflicts with established growers on adjoining properties. A submission from NSW Department of Primary Industries raises objections to garden centres being permitted in RU1 due concerns regarding fragmentation of rural lands and potential increase in land use conflicts.

**Comment:**

The new draft agritourism land uses released by the State government provide rural specific land use definitions and controls to set parameters on scale and intensity. SGS Economics and Planning are in the process of completing a review of the new land use clauses to consider the development controls that should be included for Hornsby Shire's rural areas.

The new 'farm gate premises' definition is a new land use under the State Government's new agritourism Standard Instrument LEP changes. The Study recommendation is to permit 'restaurants and cafe' where nexus with agriculture is demonstrated. However, it is considered that 'farm gate premises' would better achieve the intent of the recommendation as it allows cafés and restaurants on sites where agriculture occurs and is a rural specific land use term. See 'Policy' section below for further details on the new land uses.

The Study includes recommendations for development controls to be introduced that requires new or expanding land uses to be balanced with infrastructure including road upgrades. Land uses would only be permitted on sites where agriculture is demonstrated to occur and development controls limit scale and capacity would ensure traffic generated from new land uses is limited.

Due to concerns raised by NSW Department of Primary Industries concerning the potential impacts of garden centres on agricultural activities within RU1 zones, garden centres are not recommended to be introduced.

**Recommendation:**

That Council does not proceed to introduce garden centres in the RU1 zone and that 'restaurants and cafes' be permitted only as a form of 'farm gate premises' which permits restaurants and cafes. Other

land uses including 'markets' and 'artisan food and drink premises' should be introduced in rural zones with a new nexus clause in accordance with the Study recommendation.

### 3.3 Additional land uses in Riverlands

Several submissions request additional land uses be permitted in the E3 Environmental Protection zoned land in the Riverlands landscape area to increase opportunities for properties and to enhance tourism.

The additional land uses requested include dual occupancies, secondary dwellings, eco tourist facilities, home businesses, boat ramps, jetties and boat sheds, campgrounds, farm stay accommodation and bed and breakfast accommodation. Some submissions request that the new land uses recommended for the SP3 Tourism zone including kiosks, markets and plant nurseries, be extended to the balance of the Riverlands landscape area.

Some submissions note that there is a discrepancy in land use zoning along the Hawkesbury River, with Hornsby Shire land being primarily zoned E3 Environmental Protection and land within The Hills Shire being zoned RU2 and that adjoining Councils permit a greater range of land uses along the Hawkesbury River than Hornsby Shire.

#### Comment:

The HLEP currently permits farm stay and bed and breakfast accommodation with consent in the E3 Environmental Management zone. The additional land uses that are requested in submissions are not land uses included in the E3 Environmental Protection zone in the HLEP generally.

The current E3 Environmental Protection zoning reflects environmental constraints including flood risk, bushfire risk, restricted road access and significant bushland. Increasing opportunities for new land uses and associated development along Singleton Road and Laughtondale Gully Road is not appropriate due to the proximity to the Hawkesbury River and the flood risk in the area.

The introduction of boat ramps, boat ramps and jetties are not permitted in the E3 zone due to sensitivity of surrounding mangroves, saltmarsh and sea grass beds which occur in this landscape area.

Accordingly, increasing opportunities for new land uses and associated development in this location was not recommended as part of the Study and there is no intention to change the zoning.

#### Recommendation:

That no changes be made to the Rural Lands Study in response to submissions requesting additional land uses in the Riverlands landscape area.

## 4 Changes to landscape area boundaries and character statements

Several submissions were received with various requests for changes to landscape area boundaries and character statements. Requests made in submissions are outlined below:

- *Northern Ridgeline:* A submission requests that the landscape area boundaries of Northern Ridge Line be extended to the south to Wylds Road, Glenorie. The submission suggests that Wylds Road is a logical boundary for the landscape area given that the two road markers for Glenorie are situated in this location. The submission suggests that the area proposed to be encompassed in Northern Ridgeline be included in the Glenorie village investigation area.
- *Georges Creek:* Two submissions identify corrections needed to the vegetation types noted in the character statement. A separate submission requests that the Georges Creek landscape

area boundary be amended to remove properties on Old Northern Road that adjoin urban land at the south so that these properties can be excluded from the Study.

- *Sand Belt Agriculture:* Two submissions request the character statement for Sand Belt Agriculture be strengthened to reflect the dominance of sand mines and the resultant challenges for agriculture.

**Comment:**

The identification of landscape areas as part of the Study preparation involved consideration of a range of characteristics and qualities including vegetation coverage and type, topography, environmental qualities, development patterns and lot sizes, land uses, heritage and scenic values. The landscape area boundaries are not relevant to suburb boundaries or suburb markers therefore the retention of the existing boundary of Northern Ridgeline is appropriate.

The existing southern boundary of Georges Creek aligns with the boundary of the Metropolitan Rural Area identified in the North District Plan. Accordingly, exclusion of properties from this landscape area or the Study area would be inconsistent with State strategic plans.

SGS Economics and Planning have reviewed the requested changes and implemented a minor change for the Sand Belt Agriculture landscape area to reflect the dominance of extractive industries and a correction to the vegetation types listed in the Georges Creek character statement.

**Recommendation:**

That minor changes be made to the Study character statements for Sand Belt Agriculture and Georges Creek in response to submissions requesting changes to landscape area boundaries and character statements.

## 5 Changes to Study Principles

Some submissions suggest changes to the principles in the Study to strengthen protection of agricultural land and biodiversity.

One submission requests that the principles be amended to include 'protection of potentially productive agricultural land' and that this principle be included for each of the landscape area recommendations tables to ensure potentially productive agricultural is protected in perpetuity. Another submission comments that principles should be strengthened to protect biodiversity, particularly on privately owned rural zoned land.

**Comment:**

The Study includes principles to support recommendations and guide planning of rural areas into the future. Principles included are:

- *Areas for primary production are retained and protected from land fragmentation.*
- *Biodiversity and habitat areas are protected and conservation measures enhanced.*

In defining village boundaries, the Study includes the principle to:

- *Safeguard conservation areas and productive agricultural land.*

Once finalised, the Rural Lands Study will form part of a suite of studies and strategies to guide future planning. These Study principles are appropriate in identifying priorities to protect areas for primary production by preventing land fragmentation and protecting biodiversity values.

Council has recently prepared and adopted a Biodiversity Conservation Strategy which includes recommendations for updates to planning controls to strengthen protection of biodiversity in development assessment. The recommendations of the Biodiversity Conservation Strategy would be considered in the progression of the Rural Lands Study implementation and associated amendments to development controls.

**Recommendation:**

That no changes be made to the Rural Lands Study in response to suggestions for changes to Study principles.

**6 Site Specific Proposals**

Detailed submissions were received requesting consideration of site specific proposals in Council's progression of the Rural Lands Study. These requests include:

- A proposal for a health service facility at Nos. 679- 685 Old Northern Road, Dural, which is located opposite Round Corner within the Georges Creek landscape area. The submission suggests that there is demand for a health service facility and the site is appropriate to accommodate this land use.
- A proposal for established businesses located on Old Northern Road in Georges Creek landscape area to be rezoned from rural to a business zone, or alternatively allowing businesses as an additional permitted use in the rural zone.
- A proposal for part commercial and residential development at No. 355 Galston Road and No. 2A Belbowie Close, Galston, which is proposed to include a market space, a restaurant, artisan food and drink premises, a function centre, short term accommodation, farming land, premise for a future Galston Library and a 20-dwelling gated community.
- A proposal for the rezoning of a property in Sand Belt Agriculture from RU1 Primary Production to RU4 Primary Production Small Lots or E4 Environmental Living, with a reduction in lot size from 10ha to 2ha. This detailed submission includes an Agricultural Assessment that concludes the site is not suitable for agriculture. The submission suggests 2ha lot sizes would be more suitable to ensure protection of landscape and biodiversity values.

**Comment:**

The Rural Lands Study was prepared to set the strategic direction for rural lands of Hornsby Shire and is not intended to involve location specific detailed strategic investigations.

The proposal to permit a health service facility at Nos. 679- 685 Old Northern Road has recently been lodged with Council as an owner initiated Planning Proposal. The proposal has been placed on preliminary exhibition and will be reported to Council to determine whether the Council supports progression to a gateway determination for formal community consultation.

With regards to the proposal to regularise established commercial uses on Old Northern Road through a rezoning or additional permitted use, this area is recommended to be retained as RU2 Rural Landscape in the Rural Lands Study. The character statement for Georges Creek recognises that there is a wide variety of land uses including urban services and retirement villages along Old Northern Road but there is no expansion of businesses related land uses recommended in this landscape area, beyond the value adding land uses on sites where agriculture occurs. Where

established land uses have been issued development consent under historical controls, there is opportunity to continue to operate under existing use rights legislation.

The proposal for a commercial and residential development at No. 355 Galston Road and No. 2A Belbowie Close is partly located within the Galston Village investigation area recommended in the Study. The development type, intensity and scale of the proposal is inconsistent with the Rural Lands Study recommendations for village investigations that include suggestions for large residential lifestyle lots. However, Council could further evaluate and give consideration to the proposal as part of the strategic investigations and Place Planning for Galston village (should Council resolve to progress with this longer term recommendation).

The proposal rezone the property in Sand Belt Agriculture is inconsistent with the Study recommendations to retain the 10ha lot size and RU1 zoning of rural land north of Glenorie. The landscape and biodiversity values of the area are recommended for protection and do not require rezoning or minimum lot size changes to ensure this protection.

**Recommendation:**

That no changes be made to the Rural Lands Study in response to requests for consideration of site specific proposals.

**7 Changes to Study documents for clarity and accuracy**

Some submissions request various changes to the Study documents for clarification of matters or edits for accuracy. These include:

- Clarification that there is no change proposed to the E2 Environmental Conservation zone in the recommendations table for the Riverlands landscape area.
- A correction to the principle listed in Sandstone Plateau Ridgeline to align with the recommendation to retain E3 zoned land.
- A correction to the rural zone referenced in the Northern Ridgeline recommendations table.
- A correction to the Geology map in the Background Report.
- Changes to improve images used in the Background Report.
- Any reference to 'town' to be replaced with 'village' in Study documents.
- A correction to a street name in Arcadia.
- A correction to the creek alignment near Glenorie village.

**Comment:**

Review of submissions and a post exhibition review of the documents with the assistance of SGS Economics and Planning has identified the following changes to the Study documents (these changes do not affect the intent of the recommendations)

- An amendment to identify that there is no change to the E2 Environmental Conservation zone extent in the Riverlands is appropriate to clarify that the E2 zone is proposed to remain unchanged.
- A correction to align the principle and recommendation in the recommendations table. The recommendation to '*retain the E3 zone*' is intended to be supported by the principle '*avoid further land fragmentation on lots covered by an Environmental Management zone*'.

- An amendment to delete reference to RU1 and replace with RU4 zone in the Northern Ridgeline recommendations table.
- An amendment to correct the legend of the Geology map within the Background Report.
- Replacement of references to 'town' with 'village' throughout the documents.
- An amendment to the character statement for Sandstone Plateau Ridgeline to include reference to Calabash Creek and remnant vegetation on roadsides.
- An amendment to the character statement for Tunks Creek to include reference to Dural Nature Reserve.

**Recommendation:**

That the Study documents be amended to implement the above changes in response to submissions concerning clarity and accuracy.

**8 Changes to Study maps**

Some submissions suggest the Study maps showing recommended investigation areas be amended to indicate matters including high voltage power lines and retirement villages.

**Comment:**

The maps within the Study include general locational information to show indicative areas recommended for further strategic investigations and are not intended to contain detailed site information. The suggested amendments to indicate matters such as retirement villages and high voltage power lines are not required for the purpose of the Study. The location of existing development such as retirement villages or the development constraints presented by high voltage power lines would be considered as part of any future strategic investigation should Council decide progress with this project.

**Recommendation:**

That no change be made to the Rural Lands Study in response to requests for inclusion of high voltage power lines and retirement villages on Study maps.

**NEXT STEPS**

In response to matters raised in submissions, minor amendments are proposed to the Study documents for clarity and accuracy. The amendments are discussed in the body of this report and have been included in the updated Rural Lands Strategy and Rural Lands Background Report attached to this report.

Some of the recommendations of the Study are recommended not to proceed, or to proceed differently based on a review of submissions and consideration of new agritourism land use clauses introduced by the State Government following preparation of the Study.

Due to concerns raised by State agencies with the proposal to reduce 10ha to 2ha in Sandstone Plateau Ridgeline (north of Arcadia and Fiddletown), this action is not recommended to proceed. Introducing 'garden centres' as an additional permitted use in the RU1 is not recommended to proceed due to state agency concerns. Introduction of 'function centres' and 'restaurants and cafes' are not recommended to be permitted as an additional land use in rural zones in their own right, but are recommended to be introduced under the new agritourism uses introduced by the state government. Prior to implementation, SGS Economics and Planning would review the associated optional planning controls to determine the parameters of the agritourism uses.



It is recommended that that Council finalise the Rural Lands Study and publish the Rural Lands Strategy, Background Report and Feedback Summary Report on Council's website.

It is recommended that a staged approach to implementation of recommendations is undertaken, split into short and long term actions. In summary, new land uses and general recommendations are recommended to proceed in the short term, whilst recommendations involving strategic investigations would be progressed in the longer term.

***Short term actions recommended to proceed***

Short term actions recommended to proceed are set out in the *Implementation Action Plan A – Short Term Recommendations* attached to this report and are summarised as follows:

- Include the rural vision and principles, map of landscape areas and character statements in Local Strategic Planning Statement (LSPS).
- Amend zone objectives of RU1, RU4 and RU2 in HLEP to reflect the intent of the zones to support value adding activities for agriculture.
- Permit 'artisan food and drink premises' in RU1, RU2 and RU4 with a new nexus clause as per Study recommendation.
- Permit 'markets' in RU1 and RU4 with a new nexus clause as per Study recommendation.
- Introduce optional Clause 5.16 land use conflicts in the HLEP.
- Amend wording to clarify controls for attached dual occupancies in Clause 6.9 of HLEP
- Amend standard definition for roadside stalls in the HLEP and the SI LEP to permit roadside stalls to sell produce and locally made items from area generally (instead of being restricted to the site and adjoining properties)
- Amend requirements for lot size calculation in the HLEP so that access handles are included in lot size calculations in rural areas.
- Introduce DCP controls applicable to new land uses in rural zones, extractive industries and development along main roads.
- Instead of permitting 'function centres' recommended in the Study, permit the new rural specific agritourism land use 'farm experience premises' which allows for function centres in certain zones.
- Instead of 'café and restaurant', permit the new rural specific agritourism land use 'farm gate premises' in certain rural zones, adopt the optional LEP clause with development standards for size and capacity.
- Adopt the optional LEP clause for 'farm stay accommodation' with development standards for gross floor area, number of moveable dwellings and guests in moveable dwellings.
- Include new DCP controls for agritourism land uses, particularly controls for 'farm experience premises' to limit visitors and manage environmental, landscape character and amenity impacts.

***Long term actions recommended for further consideration***

*Implementation Action Plan B – Long-Term Recommendations* attached to this report includes actions involving strategic investigations that require further consideration. It is recommended that Council have a workshop to consider priorities, resources and funding relating to longer term actions.

The long term actions recommended for consideration by Council are summarised as follows:

- Investigate opportunities near Dural, Galston and Glenorie villages to reduce lot sizes, apply the E4 Environmental Living zone and prepare village Place Plans. Subject to the outcome of strategic investigations, implement changes to the HLEP zoning and lot size controls as well as associated changes to the DCP to manage development.
- Review zone objectives and prepare a Place Plan for Wisemens Ferry. Consider permitting additional recommended land uses in SP3 Tourist zone including kiosks, garden centre, plant nursery. Subject to outcome of this strategic work, implement changes to the DCP including the place plan and development controls to manage environmental constraints.
- Following further consultation with Rural Fire Service and Department of Primary Industries and consideration of advice, investigate opportunities to reduce lot sizes from 10ha to 2ha in parts of the Northern Ridgeline landscape area (south-eastern part of Glenorie).

***Other actions that are not recommended to proceed***

Having regard to the issues raised in submissions, some of the Study recommendations are not recommended to proceed.

The Rural Fire Service raises objections to the recommendations to reduce lot sizes from 10ha to 2ha in Sandstone Plateau Ridgeline due to restricted road access and proximity to bushfire risk vegetation. Further, DPI raise objections to reducing the 10ha lot size on RU1 zoned land.

It is recommended that Council:

- Not progress with the recommendation to investigate reducing lot sizes from 10ha to 2ha in the Sandstone Plateau Ridgeline landscape area (parts of Arcadia and Fiddletown) due to issues raised by NSW Rural Fire Service and Department of Primary Industries during the exhibition.
- Not implement the recommendation to permit 'garden centres' in RU1 zone due to concerns from Department of Primary Industries about fragmentation of rural land and land use conflicts.
- Not implement the recommendation to permit 'function centres' and 'restaurants and cafes' given that a new rural specific land uses have been released by the state government which cover these activities as part of rural-specific uses.

**POLICY**

***NSW Legislation changes for agritourism***

In December 2021, the State Government prepared new draft agritourism land uses and optional clauses for the Standard Instrument LEP. These new land uses are available for adoption by councils to include in their LEPs. The agritourism land uses and clauses include (in summary):

- A new definition for 'farm gate premises' which allows for the processing, packaging and sale of products; a restaurant or café; tasting workshops and education on products (including cellar door premises) on sites where agriculture occurs.

- A new definition for 'farm experience premises' which allows for visitors to a farm to undertake small scale and low impact recreational services including horse riding; farm tours; functions or conferences and farm field days.
- A change to the definition of 'farm stay accommodation' to permit moveable dwellings.

New optional clauses have been released for 'farm gate premises' and 'farm stay accommodation' which aim to minimise impacts and enable councils to include development standards to place limitations on scale and capacity. The optional clauses include objectives to balance the impact of tourism with the use of the land and requires consideration of matters including visual amenity, scenic and environmental values, native vegetation, water quality, traffic and safety as part the development assessment process.

It is considered that the agritourism land uses align with principles of the Rural Lands Study to support value adding activities on sites where agriculture occurs. The Rural Lands Study consultant team SGS Economics and Planning have been engaged to review the draft land uses and clauses and will provide recommendations on the development parameters. This will involve consideration of new development parameters for these land uses that will be permitted as exempt and complying development under state legislation (once details are released by the State Government). Following consideration of advice from SGS, the new land uses are recommended to be included in the HLEP as part of the implementation of the Rural Lands Study.

### **Implementation**

The *Implementation Action Plan A – Short-Term Recommendations* sets out some of the Study recommendations relating to land uses and other general changes to planning controls that are recommended to be progressed in the shorter term.

Should Council resolve to endorse recommendations included in *Implementation Action Plan A – Short-Term Recommendations*, an amendment to planning controls in *Hornsby Local Environmental Plan 2013* (HLEP) would be progressed via a Planning Proposal which would be a subject of a separate report to Council submission to the Department of Planning and Environment. Following a Gateway Determination, the Planning Proposal would be publicly exhibited. Associated amendments to the *Hornsby Development Control Plan 2013* (HDCP) would also be reported to Council and publicly exhibited alongside proposed changes to the HLEP.

The *Implementation Action Plan B – Long-Term Recommendations* sets out other Study recommendations requiring further investigations and strategic work that are recommended to be progressed in the longer term, subject to allocation of funding. Progression of the longer term actions requires consideration of priorities, resources and funding by Council to determine the timing of the further work.

### **BUDGET**

The costs to date associated with the preparation of the Rural Lands Study have been covered under the Accelerated LEP Review Program.

Implementation of the recommendations included in *Implementation Action Plan A – Short-Term Recommendations* can be implemented through the Strategic Land Use Planning operating budget.

Implementation of the recommendations requiring strategic investigations and possible subsequent amendments to planning controls set out in *Implementation Action Plan B – Long-Term Recommendations* would require allocation of additional funding by Council. This would require

consideration of the timing and allocation of resources in the next review of Council's Operation Plan to determine project priority.

## **CONSULTATION**

### ***2019 Preliminary Consultation***

Preliminary consultation was undertaken as part of the preparation of the draft Rural Lands Study in 2019. The purpose of this engagement was to obtain feedback on the appropriateness of the draft landscape areas and character descriptions identified in draft Landscape Areas report. This consultation also sought community input on the values, issues and opportunities of each landscape area, as well as the rural area as a whole. An online survey and community workshops were held in Galston and Glenorie during the consultation period.

The feedback received during the community consultation is outlined in the 2019 Community Feedback Summary Report, published on Council's website in December 2019. The feedback from the preliminary exhibition informed the preparation of the draft Rural Lands Study.

### ***2020 Public Exhibition***

The draft Rural Lands Study was exhibited for over six weeks and advertised through the following channels:

- Advertisement on Council's website noticeboard - Have Your Say.
- Advertisement on Future Hornsby website.
- Council's eNewsletter.
- Council's Facebook Page.
- Advertising in local newspapers.
- Letters to all property owners in the rural areas.
- Letters/Emails to all people who have registered for updates on the Rural Lands Study or 'all topics' under the Accelerated LEP Review.
- Letters and/or emails to people who participated in any of the following engagement activities during the 2019 community consultation (and provided contact details):
  - Completed the online survey.
  - Attended a community workshop.
  - Made a submission on the Rural Lands Study.
- Letters to external government agencies, adjoining Councils, and agricultural industry groups.
- Hard copies were placed in Council's local library branches.

The feedback received during the exhibition of the Study is outlined in this report and in the Feedback Summary Report attached.

### ***Future Consultation***

Future consultation with the community would be undertaken as part of the implementation of recommendations.

Subject to Council's endorsement of short term recommendations as outlined in *Implementation Action Plan A – Short Term Recommendations*, a Planning Proposal would be prepared for amendments to the HLEP and reported to Council for endorsement to progress to gateway determination. Following the issue of a gateway determination by the Department of Planning and Environment, the Planning proposal would be publicly exhibited and a report on submissions presented to a Council meeting for consideration. Short term actions involving amendments to the HDCP would also be subject to an exhibition period and a report on submissions before Council endorses finalisation.

Any Council decision to endorse long term recommendations arising from strategic investigations would also involve public exhibition as part of any amendments to the HLEP and DCP.

## CONCLUSION

The draft Rural Lands Study was exhibited from 17 September 2020 until 13 November 2020. A total of 323 submissions were received in response to the exhibition. The majority of submissions indicate support for the Study or some aspects of the Study. The feedback received from the exhibition is presented in the Rural Lands Study Feedback Summary Report attached to this report.

In response to the matters raised in submissions, minor amendments are proposed to the Study documents for accuracy. The amendments have been included in the updated Rural Lands Strategy and Rural Lands Background Report attached to this report.

Some of the recommendations of the Study are recommended not to proceed, or to proceed differently based on a review of submissions and consideration of new agritourism land use clauses introduced by the State Government following preparation of the Study.

It is recommended that Council note the completion of the Rural Lands Study and publish the Rural Lands Strategy, Background Report and Feedback Summary Report on Council's website.

It is recommended that Council endorse the recommendations set out in *Implementation Action Plan A – Short Term Recommendations* attached to this report, to implement changes to planning controls for additional land uses and general recommendations of the Study.

It is recommended that Council have an informal workshop to consider priorities, resources and funding to implement longer term actions requiring further investigations and strategic work, outlined in *Implementation Action Plan B – Long-Term Recommendations*.






## RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Manager Strategic Land Use Planning – Katherine Vickery - who can be contacted on 9847 6744.

KATHERINE VICKERY  
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**Attachments:**

1.  Rural Lands Study Feedback Summary Report
2.  Rural Lands Strategy
3.  Rural Lands Study Background Report
4.  Implementation Action Plan A - Short Term Recommendations - Rural Lands Study
5.  Implementation Action Plan B - Long Term Recommendations - Rural Lands Study

File Reference: F2018/00162#04-002

Document Number: D08376946

**9 MAYOR'S NOTES FROM 1 MAY 2022 TO 31 MAY 2022**

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*Note: These are the functions that the Mayor, or his representative, has attended in addition to the normal Council Meetings, Workshops, Mayoral Interviews and other Council Committee Meetings.*

Sunday 1<sup>st</sup> May 2022 – On behalf of the Mayor, Deputy Mayor, Cllr Tilbury attended the Hornsby Kuring-gai RFS National Emergency Medal, and a Commissioners Certificate of Service Presentations at Hornsby Kuring-Gai Fire Control Centre in Cowan.

Tuesday 3<sup>rd</sup> May 2022 – The Mayor attended the 'This is Us, Hornsby 2022' Art Exhibition (Opening and Welcome) at Wallarobba Arts Centre in Hornsby.

Wednesday 4<sup>th</sup> May 2022 – The Mayor hosted four Citizenship Ceremonies in the Council Chambers at Hornsby Shire Council in Hornsby.

Thursday 5<sup>th</sup> May 2022 – The Mayor attended the Official Launch of the Special Olympics movement with the launch of the 2022 Kuring-Gai Chase and Barry Easy OAM Walk in the Knox Great Hall at Knox Grammar School in Wahroonga.

Saturday 7<sup>th</sup> May 2022 – The Mayor attend the first work session of Bushcare Group along with residents at Ginger Meggs Park in Hornsby.

Friday 13<sup>th</sup> May 2022 – The Mayor attend the Pennant Hills High School production of “Shrek The Musical” at Pennant Hills High School in Pennant Hills.

Saturday 14<sup>th</sup> May 2022 – The Mayor attended the Open Day and Ribbon Cutting of the Thornleigh Squash Centre in Thornleigh.

Saturday 14<sup>th</sup> May 2022 – The Mayor attended the India Club Indian Literary & Art Society of Australia Multilingual Book Launch and Award ceremony at Epping Learning and Leisure Centre.

Sunday 15<sup>th</sup> May 2022 – The Mayor attended Knox Grammar School ANZAC Memorial Service for the Old Knox Grammarians Association and the Ceremonial Parade of the Knox Grammar Cadet Unit at Knox Grammar School in Wahroonga.

Sunday 15<sup>th</sup> May 2022 – The Mayor attended the Epping Scout's Group Annual Report Presentation at Epping Scout Hall, Epping.

Sunday 15<sup>th</sup> May 2022 – The Mayor attended the Cherrybrook Athletics Presentation Day at the Roselea Community Centre in Carlingford.

Sunday 22<sup>nd</sup> May 2022 – The Mayor attended the Afternoon Tea to thank Bushcare volunteers - 30 years of Bushcare commemorative publication at Galston Community Centre.

Friday 27<sup>th</sup> May 2022 – The Mayor attended the Remagine Art Prize 2022 Award Ceremony at Wallarobba House in Hornsby.

Saturday 28<sup>th</sup> May 2022 – The Mayor attended the Scouts NSW Air Activity 50th Anniversary Dinner at the Baden-Powell Activity Centre in Pennant Hills.

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Monday 30<sup>th</sup> May 2022 – The Mayor attended the Official Opening of the Hornsby Ku-ring-gai Hospital's stage two redevelopment held at Hornsby Ku-ring-gai Hospital in Hornsby.

File Reference: F2004/07053

Document Number: D08410250

**ITEM 9**