



BUSINESS PAPER

GENERAL MEETING

**Wednesday 14 December 2022
at 6:30PM**



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NATIONAL ANTHEM

OPENING PRAYER/S

Reverend Mike Begbie of St Luke's Hornsby Heights Anglican Church, Hornsby 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

donation or gift to a Councillor or employee of the Council, must make a Political Donations Disclosure Statement.

If a Councillor or employee has received a reportable political donation or gift from a person or organisation who has made a relevant planning application or a submission in respect of a relevant planning application which is on tonight's agenda, they must declare a non-pecuniary conflict of interests to the meeting, disclose the nature of the interest and manage the conflict of interests in accordance with Council's Code of Conduct."

DECLARATIONS OF INTEREST

Councillors are reminded of their Oath or Affirmation of Office made under section 233A of the Act and their obligations under the Council's Code of Conduct to disclose and appropriately manage conflicts of interest.

Clause 4.16 and 4.17 of Council's Code of Conduct for Councillors requires that a councillor or a member of a Council committee who has a pecuniary interest in a matter which is before the Council or committee and who is present at a meeting of the Council or committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable. The disclosure is also to be submitted in writing (on the form titled "Declaration of Interest").

- 4.16 *A councillor who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.*
- 4.17 *The councillor must not be present at, or in sight of, the meeting of the council or committee:*
- a) *at any time during which the matter is being considered or discussed by the council or committee, or*
 - b) *at any time during which the council or committee is voting on any question in relation to the matter.*

Clause 5.10 and 5.11 of Council's Code of Conduct for Councillors requires that a councillor or a member of a Council committee who has a non pecuniary interest in a matter which is before the Council or committee and who is present at a meeting of the Council or committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable. The disclosure is also to be submitted in writing (on the form titled "Declaration of Interest").

- 5.10 *Significant non-pecuniary conflict of interests must be managed in one of two ways:*
- a) *by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or*
 - b) *if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.16 and 4.17.*
- 5.11 *If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also*

explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.

CONFIRMATION OF MINUTES

THAT the Minutes of the General Meeting held on 9 November, 2022 and Workshop Meeting Held on 23 November, 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 GM33/22 CODE OF CONDUCT COMPLAINTS - ANNUAL REPORT

RECOMMENDATION

THAT the contents of General Manager's Report No. GM33/22 be received and noted.

Page Number 4

Item 2 GM38/22 HOUSEKEEPING AMENDMENTS - COMMUNITY ENGAGEMENT PLAN

RECOMMENDATION

THAT:

1. Council endorse the exhibition of the Housekeeping Amendments to the Community Engagement Plan attached to General Manager's Report No. GM38/22.
2. A further report be brought to Council following the conclusion of the exhibition and submission period.

CORPORATE SUPPORT DIVISION**Page Number 9****Item 3 CS96/22 INVESTMENTS AND BORROWINGS FOR 2022/23 - STATUS FOR PERIOD
ENDING 31 OCTOBER 2022****RECOMMENDATION**

THAT the contents of Director's Report No. CS96/22 be received and noted.

Page Number 12**Item 4 CS99/22 CLASSIFICATION OF PUBLIC LAND AT GLORIA CLOSE, MOUNT COLAH****RECOMMENDATION**

THAT pursuant to Section 31 of the Local Government Act 1993, Lot 12 DP 259243 being 5 Gloria Close, Mount Colah be classified as "Operational Land".

Page Number 15**Item 5 CS105/22 AMENDMENT OF THE ORDER OF BUSINESS AT COUNCIL MEETINGS -
FEBRUARY 2023 TO SEPTEMBER 2023****RECOMMENDATION**

THAT Council amend the Order of business for Ordinary Council meetings (General and Workshop Meetings) so that the Welcome/Acknowledgement to Country is the first item of business for the period February 2023 to September 2023 as set out in Attachment 1. of Director's Report No. CS105/22.

COMMUNITY AND ENVIRONMENT DIVISION**Page Number 18****Item 6 CE20/22 DRAFT HEALTHY AGEING HORNSBY STRATEGY**

RECOMMENDATION

THAT Council adopt the draft Healthy Ageing Hornsby Strategy included as Attachment 1 to Director's Report No. CE20/22.

Page Number 24**Item 7 CE21/22 MEMBERSHIP OF THE ARTS & CULTURAL ADVISORY GROUP****RECOMMENDATION**

THAT Council:

1. Appoints the voluntary community members identified in Director's Report No. CE21/22 as members of the Hornsby Arts & Cultural Advisory Group.
2. Nominates up to four Councillors as members of the Hornsby Arts & Cultural Advisory Group.
3. Notifies all applicants of Council's decision and thanks them for their interest.

Page Number 27**Item 8 CE19/22 MARK TAYLOR OVAL INDOOR CRICKET CENTRE LEASE****RECOMMENDATION**

THAT:

1. Council confirm its support to enter into a 21 year lease with Northern District Cricket Club to occupy and operate the Mark Taylor Oval indoor cricket centre.
2. Council determine its position regarding Northern Districts Cricket Club's requested amendments to the draft lease relating to the rent review process and use of profit rent.
3. Subject to point 2 above, Council endorse the lease agreement attached to Director's Report No. CE19/22.
4. Council give notice of the proposed lease for 28 days which includes website, signage at the site, and adjoining properties.
5. Subject to receiving no submissions objecting to the lease proposal, the terms generally outlined in Director's Report No. CE19/22, and any changes recommended by Council's legal advisers, Council delegate authority to the General Manager to sign the agreement attached to Director's Report No. CE19/22.
6. Where any objections are received, a report be prepared for Council's consideration regarding the matters raised and what action may then be taken.
7. Council agree to the creation of easements for OSD and drainage over Lot 30 DP 1273248 being land within Waitara Park.
8. Council authorise the use of Council's seal on any legal, survey or other documents directly related to creation of the easements as deemed appropriate by Council's legal advisors.

Page Number 34**Item 9 CE22/22 COMMUNITY EVENT GRANTS PROGRAM****RECOMMENDATION**

THAT Council:

1. Allocate funding to community groups as shown in Attachment 1 to Director's Report No. CE22/22.
2. Advertise an additional Place Activation funding round.

PLANNING AND COMPLIANCE DIVISION**Page Number 38****Item 10 PC24/22 PLANNING PROPOSAL - BYLES CREEK****RECOMMENDATION**

THAT:

1. Council endorse progression of the Byles Creek Planning Proposal attached to Director's Report No. PC24/22 for submission to the Department and Planning and Environment for a Gateway Determination.
2. The Planning Proposal be publicly exhibited in accordance with the Gateway Determination and consultation strategy identified in this report.
3. Council endorse the amendments to the Hornsby Development Control Plan 2013 attached to Director's Report No. PC24/22 for exhibition concurrently with the Planning Proposal.
4. Following exhibition, a report on submissions be presented to Council for its consideration.

Page Number 52**Item 11 PC25/22 AGRITOURISM PLANNING REFORMS****RECOMMENDATION**

THAT:

1. Council write to the Department of Planning and Environment to nominate:
 - a) Inclusion of the C3 Environmental Management zone as a zone in which farm experience premises and farm gate premises are permitted with development consent.
 - b) Adoption of the optional clauses for farm gate premises and farm stay accommodation (including an additional objective related to natural hazards as

outlined in Director's Report PC25/22) to be included in the Hornsby Local Environmental Plan 2013.

2. An amendment to the Hornsby Development Control Plan 2013 be drafted to provide development controls for the new agritourism land uses.

INFRASTRUCTURE AND MAJOR PROJECTS DIVISION

Page Number 61

Item 12 IM6/22 REVIEW OF POLICIES AND CODES - INFRASTRUCTURE AND MAJOR PROJECTS

RECOMMENDATION

THAT Council adopt the recommendations contained in the table in Deputy General Manager's Report No. IM6/22 in respect of the current policies and codes under the jurisdiction of the Infrastructure and Major Projects Division.

CONFIDENTIAL ITEMS

Item 13 CS100/22 RENEWAL OF LEASE OF OPERATIONAL LAND, DANGAR ISLAND

This report should be dealt with in confidential session, under Section 10A (2) (d) of the Local Government Act, 1993. This report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the council; or (iii) reveal a trade secret.

Item 14 CS101/22 PROPOSED CO-LOCATION OF TELECOMMUNICATION FACILITIES AT NORMANHURST.

This report should be dealt with in confidential session, under Section 10A (2) (d) of the Local Government Act, 1993. This report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the council; or (iii) reveal a trade secret.

Item 15 CS102/22 FURTHER REPORT - LAND AND PROPERTY MATTER

This report should be dealt with in confidential session, under Section 10A (2) (c) of the Local Government Act, 1993. This report contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

Item 16 GM40/22 REVIEW OF COUNCIL'S ORGANISATION STRUCTURE

This report should be dealt with in confidential session, under Section 10A (2) (a) of the Local Government Act, 1993. This report contains personnel matters concerning particular individuals (other than councillors)..

PUBLIC FORUM – NON AGENDA ITEMS**QUESTIONS WITH NOTICE****MAYOR'S NOTES**

Page Number 65

Item 17 MN11/22 MAYOR'S NOTES 01 NOVEMBER 2022 TO 30 NOVEMBER 2022**NOTICES OF MOTION**

Page Number 67

Item 18 NOM5/22 BUY RECYCLED**COUNCILLOR HEYDE TO MOVE**

THAT Council:

1. Note that as a combined result of the 2020 China Sword policy and the Federal Government's National Waste Export Ban impacts and implications on the recycling sector, there is a major structural change occurring to develop the required onshore re-manufacturing facilities to beneficially utilise our community's recyclables; and that the success of this transition depends on creating new circular economy markets for the recycled content materials and products produced.
2. Note that due to a recent soft plastics recycling service provider to the major supermarkets temporarily ceasing business, it has become even more important for Council to ensure it continues to provide the Community with a soft plastics recycling service at the Thornleigh Community Recycling Centre. Critical to the long-term viability of this and other recycling services is market demand for recycled content products.
3. Note that Federal, State and Local Governments have an important role to play in leading this critical change through buying recycled content products to assist in stimulating a sustainable circular economy marketplace.
4. Hold an Informal Councillor Briefing to further examine how Council might address its role in buying recycled content products and supporting the development of a circular economy including exploring:
 - a) What Council is currently doing to support buying recycled content products.

- b) Opportunities, barriers and constraints that exist for buying recycled content products including what strategies and actions could increase Council take up of recycled content products.
- c) The resource and financial implications for increasing the purchase of recycled content products.

SUPPLEMENTARY AGENDA

MATTERS OF URGENCY

1 CODE OF CONDUCT COMPLAINTS - ANNUAL REPORT

EXECUTIVE SUMMARY

- Clause 11.1 of Council's Procedures for the Administration of the Code of Conduct requires the Complaints Coordinator to report annually to Council on Code of Conduct complaints made about Councillors and/or the General Manager.
- One Code of Conduct complaint was received about Councillors and/or the General Manager in the year to 30 September 2022 and it was determined by the independent conduct reviewer that no action be taken.

RECOMMENDATION

THAT the contents of General Manager's Report No. GM33/22 be received and noted.

PURPOSE

The purpose of this Report is to meet the requirements of Council's Procedures for the Administration of the Code of Conduct (Procedures) in respect of the receipt of Code of Conduct complaints during the period 1 October 2021 to 30 September 2022.

BACKGROUND

Clause 11.1 of Council's Procedures for the Administration of the Code of Conduct states:

The Complaints Coordinator must arrange for the following statistics to be reported to the Council within 3 months of the end of September of each year:

- a) *The total number of codes of conduct complaints made about Councillors and the General Manager under the code of conduct in the year to September (the reporting period).*
- b) *The number of codes of conduct complaints referred to a conduct reviewer during the reporting period.*
- c) *The number of codes of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage and the outcome of those complaints.*
- d) *The number of codes of conduct complaints investigated by a conduct reviewer during the reporting period.*
- e) *Without identifying particular matters, the outcome of investigations completed under these procedures during the reporting period.*
- f) *The number of matters reviewed by the Office of Local Government (OLG) during the reporting period and, without identifying particular matters, the outcome of the reviews.*
- g) *The total cost of dealing with code of conduct complaints made about Councillors and the General Manager during the reporting period, including staff costs.*

DISCUSSION

There was one (1) Code of Conduct complaint made against Councillors and/or the General Manager in the period from 1 October 2021 to 30 September 2022. Statistics in relation to this matter, as required by the Office of Local Government, are shown in the summary table below:

Total number of code of conduct complaints made about Councillors and the General Manager under the code of conduct in the year to September (the reporting period).	1
Number of code of conduct complaints referred to a conduct reviewer during the reporting period.	1
Number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage during the reporting period and the outcome of those complaints.	1
Outcome - Take no action.	1
Outcome – Resolve the complaint by alternative and appropriate strategies.	0
Number of code of conduct complaints investigated by a conduct reviewer during the reporting period.	0

Without identifying particular matters, the outcome of investigations completed under these procedures during the reporting period.	0
Number of matters reviewed by the Office of Local Government (OLG) during the reporting period and, without identifying particular matters, the outcome of the reviews.	0
Total cost of dealing with code of conduct complaints made about Councillors and the General Manager during the reporting period, including staff costs.	\$1,190.00 (excl GST)

ITEM 1**BUDGET**

There are no budgetary implications associated with this Report.

POLICY

There are no policy implications associated with this Report.

CONCLUSION

Council's consideration of this Report ensures the requirements of Council's Procedures for the Administration of the Code of Conduct are met.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Risk and Audit Manager (and Council's Complaints Coordinator) – Scott Allen, who can be contacted on 9847 6609.

SCOTT ALLEN
Risk and Audit Manager
Office of the General Manager

STEVEN HEAD
General Manager
Office of the General Manager

Attachments:

There are no attachments for this report.

File Reference: F2005/00156
Document Number: D08507623

2 HOUSEKEEPING AMENDMENTS - COMMUNITY ENGAGEMENT PLAN

EXECUTIVE SUMMARY

- On 14 July 2021, Council adopted its Community Engagement Policy and Community Engagement Plan (incorporating the Community Participation Plan).
- Council's resolution on Item 2 GM30/21 Draft Community Engagement Policy and Plan at the 14 July 2021 meeting included an amendment (recommendation 5) to refer the documents to the new Council for consideration of further inclusions.
- The Community Engagement Policy was reviewed and presented to the 11 May 2022 Council Meeting under Item 1 CS4/22 Review of Policies and Codes - General Manager's and Corporate Support Divisions and no changes were made.
- The Community Engagement Plan has been reviewed in response to the amendment noted above and additionally, to address new requirements set out in the Integrated Planning & Reporting (IP&R) Guidelines released in September 2021.
- The housekeeping amendments to the Plan include:
 - Minimum mandatory exhibition periods for the IP&R suite of reports
 - Minimum and recommended exhibition periods for Council documents including major projects, strategies and plans
 - Key stakeholder groups within the Hornsby Shire community
 - Minor text edits.

RECOMMENDATION

THAT:

1. Council endorse the exhibition of the Housekeeping Amendments to the Community Engagement Plan attached to General Manager's Report No. GM38/22.
2. A further report be brought to Council following the conclusion of the exhibition and submission period.

PURPOSE

The purpose of this Report is to provide Council with the proposed housekeeping amendments to the adopted Community Engagement Plan and to seek Council's endorsement to exhibit the revised document.

BACKGROUND

Community Engagement Policy and Plan

Council's Community Engagement Plan supports Council's Community Engagement Policy and provides a guide for staff and consultants in the deliverance of best-practice community and stakeholder engagement with high-quality outcomes. It incorporates Council's Community Participation Plan (CPP), which prescribes consultation requirements and processes for planning matters.

Drafts of the Community Engagement Policy (the Policy) and Community Engagement Plan (the Plan) were adopted at the 14 July 2021 Council Meeting, including the following amendment to the resolution:

The Engagement Policy and Plan be referred to the new Council for consideration to ensure that our policies publicly state our exhibition, engagement and consultation mechanisms and minimum standards not just in regard to planning matters, but for all matters that affect our community such as major projects, strategies and plans.

An overview of the Policy and Plan was provided to the newly elected Council at an informal workshop on 16 February 2022. Councillors were notified at this workshop that the Community Engagement Policy would be reviewed as part of the broader Policy Review scheduled for May 2022, with the Plan to be reviewed at a later date.

The Community Engagement Policy was reviewed and presented to the 11 May 2022 Council Meeting under Item 1 CS4/22 Review of Policies and Codes - General Manager's and Corporate Support Divisions and no changes were made.

Integrated Planning & Reporting Guidelines

In September 2021, the Office of Local Government issued updates to the Integrated Planning & Reporting (IP&R) Guidelines for Local Government in NSW. All councils in NSW use the IP&R framework to guide their planning and reporting activities.

The requirements for IP&R are set out in the Local Government Act 1993 (the Act) and the Local Government (General) Regulation 2021 (the Regulation). The Guidelines explain what councils, county councils and joint organisations must do to ensure they comply with their planning and reporting requirements set out in the Act. The Guidelines are issued under section 406 of the Act and the Regulation.

This report documents revisions to the Community Engagement Plan in response to the updated IP&R Guidelines requirements and to address the amendment to the resolution.

DISCUSSION

Table 1 - Community Engagement Plan revisions

Source	Detail	Revision
IP&R	2.1 A Community Engagement Strategy must be prepared,	The IP&R Guidelines set the minimum mandatory exhibition period of 'at least 28

Guidelines Page 15 Community Engagement Strategy	<p>adopted and implemented, based on social justice principles, for engagement with the local community to support council in developing its plans and determining key activities. This includes development of the Community Strategic Plan, and all relevant council plans, policies and programs.</p>	<p>days', for the IP&R suite of reports.</p> <p>These timeframes have now been included in the revised Plan on page 12.</p>
	<p>2.2 As a minimum, the Community Engagement Strategy must identify relevant stakeholder groups within the community and outline methods that will be used to engage each group.</p>	<p>Relevant stakeholder groups have now been included in the revised Plan on page 13.</p>
	<p>2.3 The Strategy must be reviewed by 31 December in the year of the local government election, as part of the broader review of the Community Strategic Plan.</p> <p>Note: the timeframe was extended by 12 months due to the delay of the Local Government Elections from September 2021 to December 2021.</p>	<p>This report to Council addresses the requirement to review and present the Plan to Council by 31 December 2022.</p>
Council resolution Item 2 GM30/21 Draft Community Engagement Policy and Plan 14 July 2021 Council Meeting	<p>Recommendation 5:</p> <p><i>The Engagement Policy and Plan be referred to the new Council for consideration to ensure that our policies publicly state our exhibition, engagement and consultation mechanisms and minimum standards not just in regard to planning matters, but for all matters that affect our community such as major projects, strategies, and plans.</i></p>	<p>Minimum and recommended exhibition periods for Council documents have been included on page 13.</p>
Minor text	Revisions to wording throughout	Amendment to page 7 to reference IP&R

revisions	the document for clarity.	<p>requirements:</p> <p><i>We have prepared this plan to make engagement with Council more inclusive and also to meet the requirements of the Local Government Act 1993 and Integrated Planning and Reporting Guidelines which requires the establishment of a community engagement strategy.</i></p> <p>Further amendments to pages 9, 11, 13, 14, 16, 18, 20 and 29.</p> <p>A comparison report to the current published Community Engagement Plan is available on Council's website https://www.hornsby.nsw.gov.au/council/forms-and-publications/publications/council-community-engagement-plan.</p>
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In addition to this, to address the amendment to the resolution, exhibition periods for prominent Council projects have been included to the document as tables.

The recommended length of a community engagement period is 28 days but may vary depending on the nature of the project, funding agreements or statutory requirements. Also, we may extend exhibition periods when they cross over school and public holidays. The days between 20 December and 10 January are not included in minimum exhibition periods.

CONSULTATION

The updated Community Engagement Plan will be publicly exhibited in late January 2023 for 28 days through the following channels: -

- Advertisement on Council's website – Have Your Say
- Council's eNews – February edition
- Social Media (Facebook)
- Advertising and Mayor's message – Bush Telegraph, Galston & Glenorie News, Dural Roundup, Hornsby Ku-ring-gai Post and Living Heritage

During the exhibition period the community will be invited to provide feedback on the proposed amendments. A summary of the engagement outcomes will be reported back to Council.

BUDGET

There are no budgetary implications associated with this Report.

POLICY

The Community Engagement Policy acts as a guide for Council staff and representatives who engage in public consultation with the Hornsby Shire community. The Plan supports Council's Community Engagement Policy and provides a guide for staff and consultants in the deliverance of best-practice community and stakeholder engagement with high-quality outcomes.

CONCLUSION

Together, the Community Engagement Policy and Community Engagement Plan act as a guide for Council staff and representatives who communicate and engage with our community on behalf of Council. They serve as the foundation for building on Council's current practices to continuously improve how we engage with our community and involve them in decisions that affect them. The revisions to the Plan provide additional detail on our commitment to minimum exhibition periods and identify the key stakeholder groups with whom Council may engage on matters of importance to the community.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Communications and Engagement Manager – Tracy Bass – who can be contacted on 9847 6790.

JULIE RYLAND
Strategy Manager - Strategy and Place
Office of the General Manager

STEVEN HEAD
General Manager
Office of the General Manager

Attachments:

1.  HSC5963 Community Engagement Plan.2 - Draft 2

File Reference: F2018/00308
Document Number: D08534965

3 INVESTMENTS AND BORROWINGS FOR 2022/23 - STATUS FOR PERIOD ENDING 31 OCTOBER 2022

EXECUTIVE SUMMARY

- This Report provides details of Council's investment performance for the period ending 30 October 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 an annualised return for October 2022 of 4.37% which includes a yield of 27.66% from TCorp Managed Funds. On a financial year to date basis the portfolio achieved an annualised return of 2.65% which includes a yield 6.40% from TCorp Managed Funds.

RECOMMENDATION

THAT the contents of Director's Report No. CS96/22 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 31 October 2022 is detailed in the attached document. In summary, the portfolio achieved an annualised return for October 2022 of 4.37%. On a financial year to date basis the portfolio achieved an annualised return of 2.65% which includes a yield of 6.40% 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 at 31 October is also attached for Council's information.

BUDGET

Budgeted investment income for the year is \$4,788,420 with an average budgeted monthly income of \$399,035. Net investment income for the month ended 31 October was \$1,134,613 includes an unrealised gain of \$440,803 from TCorp Managed Funds.

Budgeted investment income year to date at 31 October 2022 was \$1,596,140. Total investment income year to date at 31 October 2022 was \$2,689,893 which includes a year-to-date unrealised net gain of \$444,240 from TCorp Managed Funds.

Approximately 51.40% 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 external economic conditions caused by the recovery from the COVID-19 Pandemic. 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 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 31 October 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. Due to short term liquidity requirements for ongoing capital expenditure short term investments (maturity of three months or less) made up 22% of Council's total portfolio in October, which is marginally higher than the threshold of 20% stipulated in Council's policy. It is expected that the short term investment amount will reduce to less than 20% of the total portfolio in the coming months.



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 Investments Summary Report October 2022
2.  HSC Borrowings Schedule October 2022

File Reference: F2004/06987-02
Document Number: D08528533

4 CLASSIFICATION OF PUBLIC LAND AT GLORIA CLOSE, MOUNT COLAH

EXECUTIVE SUMMARY

- On 10 August 2022 Council approved the purchase of 5 Gloria Close, Mount Colah.
- The property adjoins Foxglove Oval which is located on the site of a former rubbish depot.
- The residence is currently vacant due to the contamination of parts of the backyard by methane gas. The contamination is being monitored and remediated.
- The property will eventually be incorporated into Council's Residential Property Rental Portfolio and/or sold. Classification as "Operational Land" is required to permit a future sale.
- On 10 August 2022 Council also approved a public notice of the intention to classify the property as "Operational Land".
- The required public notice has been exhibited and no objections were received.
- Council is requested to approve the classification.

RECOMMENDATION

THAT pursuant to Section 31 of the Local Government Act 1993, Lot 12 DP 259243 being 5 Gloria Close, Mount Colah be classified as "Operational Land".

PURPOSE

The purpose of this Report is to seek Council approval to the classification of a residential property at 5 Gloria Close, Mount Colah as “Operational Land”.

BACKGROUND

Council recently acquired a residential property at 5 Gloria Close, Mount Colah.

Part of the backyard of the property has been contaminated by methane gas from a former rubbish depot located on the adjoining land. The contamination is being monitored and remediated.

Council approved the purchase and also authorised a public notice of Council’s intention to classify the property as “Operational Land”.

DISCUSSION

The Local Government Act 1993 requires that, apart from public roads which are held under the Roads Act, all land owned by Council must be classified as either “Community” or “Operational” Land.

“Community Land” is typically public parks, sportsgrounds, drainage reserves and natural bushland held by Council on behalf of the residents and ratepayers. There are restrictions preventing Council from selling these properties or entering leases longer than 5 years without public consultation.

By comparison, these matters need not be considered by Council when dealing with “Operational Land” which is typically properties held for future strategic development such as business/retail sites and car parks. Subject to authorising resolutions, Council is able to sell or lease these properties.

Section 31(2) of the Local Government Act 1993 requires Council to classify land within three months of purchase or the property is deemed to be “Community Land”.

The property will eventually be incorporated into Council’s Residential Property Rental Portfolio and/or sold. Classification as “Operational Land” is required to permit a future sale.

Section 34 of the Act requires Council to give at least 28 days public notice of a proposed resolution to classify a property “Operational Land”. The required public notice was given on Council’s website to comply with this requirement. Plans of the land were also on public exhibition during this period.

No objections were received, and Council is now able to classify the property as “Operational Land”.

BUDGET

There are no budgetary implications associated with this Report.

POLICY

There are no policy implications associated with this Report.

CONCLUSION

Classification of the property as “Operational Land” will enable Council to rent the residence and/or sell the property without restrictions.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Property Asset Manager, Stewart Bates, who can be contacted on 9847-6725

STEWART BATES
Property Asset Manager - Land and Property
Services
Corporate Support Division

GLEN MAGUS
Director - Corporate Support
Corporate Support Division

Attachments:

There are no attachments for this report.

File Reference: F2021/00192
Document Number: D08536002

5 AMENDMENT OF THE ORDER OF BUSINESS AT COUNCIL MEETINGS - FEBRUARY 2023 TO SEPTEMBER 2023

EXECUTIVE SUMMARY

- In accordance with Clauses 3.2 and 8.1 of the Code of Meeting Practice, Council annually determines a schedule of meeting dates and the order of business to apply at those meetings.
- General Meetings are held on the second Wednesday of each month (excluding January) and Workshop Meetings are held on any other Wednesdays of the month, with appropriate notice being provided as required.
- It is proposed that the order of business be amended for the period February 2023 to September 2023 so that the Welcome to Country is the first item of business.

RECOMMENDATION

THAT Council amend the Order of business for Ordinary Council meetings for the period February 2023 to September 2023 as set out in Attachment 1. of Director's Report No. CS105/22.

PURPOSE

The purpose of this Report is to recommend an amendment to the order of business that apply to General and Workshop Meetings for the period February 2023 to September 2023.

BACKGROUND

Council last considered its schedule of meetings and order of business at those meetings at the 14 September 2022 General Meeting – refer Director's Report No. CS67/22. At the Meeting, Council decided to maintain the practice of holding one General Meeting per month with that Meeting to be held on the second Wednesday of each month (excluding January) and that Workshop Meetings and informal Councillor Workshops/Briefing sessions continue to be held as required, and with appropriate notice being provided, on the first, third, fourth and/or fifth Wednesdays of each month (except January) and to maintain the current Order of Business that applied to those meetings.

DISCUSSION

In accordance with Clauses 3.2 and 8.1 of the Code of Meeting Practice, Council annually determines a schedule of ordinary Meeting dates for the following year and the order of business to apply at those meetings. Such determinations generally occur in September of each year.

Section 3.2(a) of Council's Code of Meeting Practice states the following in respect of ordinary Meetings:

3.2(a) Ordinary Meetings of Council are defined as:

General Meetings which are held at 6.30pm on the second Wednesday of each month (excluding January) to consider all relevant matters.

Workshop Meetings which are held at 6.30pm on the first, third, fourth and/or fifth Wednesdays of each month as required (excluding January) to consider all relevant matters, especially those where a presentation by Council staff or an external person or organisation is required.

Order of Business

Since February 2022, Council has invited Traditional Owner representatives to attend Council Meetings and provide a Welcome to Country. The current order of business has the Welcome to Country after the National Anthem and opening prayer. Following consultation with the HATSIC committee it has been suggested that the Welcome to Country be delivered prior to the National Anthem and prayer, as such an amended order of business to apply at General and Workshop Meetings for the period, February 2023 to September 2023 has been drafted and is attached to this Report. The draft order of business moves the Welcome/Acknowledgement of Country to the first item of business.

BUDGET

There are no budgetary implications associated with this Report.

POLICY

This Report has been prepared in accordance with the requirements of Council's Code of Meeting Practice and the Local Government Act and Regulations.

CONCLUSION

An amendment to the current order of business to be conducted at General and Workshop Meetings is proposed, moving the Welcome/Acknowledgement of Country to the first item of business.


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.  Order of Business - Council Meetings

File Reference: F2004/07032
Document Number: D08545737

6 DRAFT HEALTHY AGEING HORNSBY STRATEGY

EXECUTIVE SUMMARY

- In September 2022, Council considered the Directors Report CE14/22 and resolved to place the draft Healthy Ageing Hornsby Strategy on public exhibition after Council agreed the public engagement strategy.
- The exhibition period commenced on 10 October and closed on 7 November. As part of the exhibition staff contacting a total of 208 organisations and service providers including the Hornsby Local Area Health Network, local dementia cafes, Hammond Care Homes, Anglicare Homes, McQuoin Park, Grange Village, Mt. Wilga Rehabilitation Hospital, Hornsby Hospital Geriatric Unit, along with local service organisations such as Rotary, Lions Clubs, Soroptimists Men's Sheds, and mobility equipment providers.
- At the conclusion of the exhibition period a total of 8 submissions were received. Officers have reviewed the submissions and note that issues raised in the submissions are already captured by actions contained in the draft Strategy. Accordingly, no amendments are proposed to be made to the draft Strategy.
- Two submitters would like Council to support local community groups by reducing community centre hire costs. In this regard it is noted that Council's fees and charges include differential hiring rates at its community centres with the lowest rates for not-for-profit groups. No amendments to the strategy are proposed, noting that any measure by Council to consider further concessions would be best addressed through the setting of its annual fees and charges.
- As our population ages, having a local strategy to address ageing and to support older residents has been identified as an emerging priority area for Council. This is particularly relevant to the Hornsby community as 24.1% of the Shire's population is over 60 – a higher percentage than either the NSW or Australian average. The draft Healthy Ageing Strategy is designed to outline how Council will make mainstream services and community facilities more accessible for Seniors, helping to build a more inclusive community in the Shire.
- It is recommended that Council adopt the draft Healthy Ageing Hornsby Strategy.

RECOMMENDATION

THAT Council adopt the draft Healthy Ageing Hornsby Strategy included as Attachment 1 to Director's Report No. CE20/22.

PURPOSE

The purpose of this Report is to enable Council to consider and adopt the draft Healthy Ageing Hornsby Strategy following public exhibition.

BACKGROUND

At the 14 September 2022 Ordinary/Planning Meeting, Council considered Group Manager's Report No. CE14/22 and resolved that:

1. *The draft Healthy Ageing Hornsby Strategy attached to Director's Report No. CE14/22 be placed on public exhibition for a period of 28 days.*
2. *Prior to the commencement of the public exhibition period, a consultation plan for the draft Healthy Ageing Hornsby Strategy be prepared and circulated to Councillors for comment.*
3. *Following exhibition, a report on submissions be presented to Council for its consideration.*

DISCUSSION

With the assistance of ARTD Consulting, Council has produced a draft Healthy Ageing Hornsby Strategy (Attachment 1). This plan benefitted from an extensive period of consultation beginning in June 2021.

Following the September 2022 Council meeting the draft Healthy Ageing Hornsby Strategy was placed on public exhibition. The exhibition period opened on 10th October and closed on 7th November. As part of the exhibition officers contacting a total of 208 organisations and service providers including the Hornsby Local Area Health Network, local dementia cafes, Hammond Care Homes, Anglicare Homes, McQuoin Park, Grange Village, Mt. Wilga Rehabilitation Hospital, Hornsby Hospital Geriatric Unit, along with local service organisations such as Rotary, Lions Clubs, Soroptimists Men's Sheds, and mobility equipment providers.

At the conclusion of the exhibition period a total of 8 submissions were received either through Council's Your Say portal or direct email to Council staff.

The submissions have been summarised in the table below along with an officer's comment.

Submission	Officers Comment
One submitter stated that they had moved into a one-bedroom unit, and they were lonely, isolated and that it was difficult getting meals and groceries delivered. The respondent suggested that emergency services could not access the building in an emergency.	<p>Issues raised in the submission are captured in the following actions contained in the Strategy:</p> <p>3.2.1 - Explore avenues to identify, reach and engage seniors and people with dementia who are isolated to link them with the community</p> <p>4.4.1 – Advocate for the needs of older residents and people with dementia to other levels of government, where needed</p> <p>4.5.1 – Identify opportunities for the development of resilience in the older population and people</p>

ITEM 6

Submission	Officers Comment
	<p>with dementia</p> <p>No amendments to the Strategy are proposed.</p>
<p>One submitter suggested that Council should include appropriate outdoor exercise facilities in local parks.</p>	<p>The issue raised in the submission is captured in the following action in the Strategy.</p> <p>3.1.3 – Provide seniors-friendly exercise facilities in park and recreational areas</p> <p>No amendments to the Strategy are proposed.</p>
<p>One submitter stated that the document was good and supported the strategies around staying safe and active.</p> <p>They suggested there should be focus on expos and availability of low budget / cost activities like u3a as many Seniors are on a fixed income.</p>	<p>The issues raised in the submission is captured in the following actions contained in the Strategy.</p> <p>1.3.3 - Promote events that are accessible and inclusive for older people and people with dementia and provide information to the community on the specific measures in place that make these events accessible for example, sign language.</p> <p>3.1.2 – Plan and promote active living, healthy lifestyle and community participation activities and events that include intergenerational and cross-cultural focus</p> <p>No amendments to the Strategy are proposed.</p>
<p>Two submitters including a member of the Hornsby Village Hub, which Council supports, would like Council to support local community groups by reducing Community Centre hire costs.</p>	<p>Council's fees and charges include differential hiring rates at its Community Centres with the lowest rates for not-for-profit groups.</p> <p>Council also maintains a range of centres and hall sizes to ensure that groups are able to hire a centre that best meets their needs and budget.</p> <p>Any measure by Council to consider further concessions would be best addressed through setting of its annual fees and charges.</p>

Submission	Officers Comment
	No amendments to the Strategy are proposed.
<p>One submitter listed four items, financial independence, companionship, easy access to health care and continuing mental and physical activities without references the plan and any additional actions</p>	<p>These four items are highlighted across Focus Area 3: Staying Safe, Active, And Healthy.</p> <p>In addition, an action is included at</p> <p>4.5.1 - Identify opportunities for the development of resilience in the older population and people with dementia</p> <p>No amendments to the Strategy are proposed.</p>
<p>One submitter questioned why Council was doing a strategy when asking for a Rate Variation and when it had recently approved the Disability Inclusion Action Plan which had similar plans and actions.</p> <p>The respondent stated that Council should focus on accessible paths, kerb ramps, crossings, and toilets. The respondent also suggested to peg individual rates for Seniors to no more than inflation.</p>	<p>Information regarding improved pathways etc is captured in the following action in the Strategy.</p> <p>1.1.1 – Investigate the location of specific information about footpaths, kerb ramps, and crossings, provided by DIAP and AFS respondents, and integrate identified actions into the proposed Pedestrian Access and Mobility Plan (PAMP)*</p> <p>No amendments to the Strategy are proposed.</p>
<p>One submitter stated that they thought it was a great initiative and asked that Council promotes their organisation called Love in the name of Christ, which provides free transportation for community members for need it for medical appointments.</p>	<p>Staff have contacted the organisation and are awaiting further information which will be added to the Community Directory.</p> <p>No amendments to the Strategy are proposed.</p>

As issues raised in the submissions are already captured by actions contained in the draft Healthy Ageing Hornsby Strategy no further amendments are proposed to be made to the draft Strategy

CONSULTATION

Council consulted widely with the community during the development of the draft Healthy Ageing Hornsby Strategy, and more recently through the exhibition of draft Strategy. 208 organisations and service providers were contacted and advised of the exhibition of the draft Healthy Ageing Hornsby Strategy including but was not limited to Hornsby Local Area Health Network, local dementia cafes, Hammond Care Homes, Anglicare Homes, McQuoin Park, Grange Village, Mt. Wilga Rehabilitation

Hospital, Hornsby Hospital Geriatric Unit, along with local service organisations such as Rotary, Lions Clubs, Soroptimists Men's Sheds and mobility equipment providers.

BUDGET

Initiatives arising from the Healthy Ageing Hornsby Strategy are designed to become core business of Council. Some actions contained within the strategy will be developed as part of existing programs and will not require additional resources. In many cases new actions are identified that are additional to Council's provision of services and will require additional resources to be allocated, existing resources to be reallocated or most likely a combination of both.

Implementation of actions contained within the strategy would occur through the development of Council's future Delivery Programs, annual budgets, and Operational Plans. Implementation would be subject to the strategic priorities of Council, the availability and allocation of resources by Council.

To accelerate delivery of the strategy, Council will seek, in part, alternative funding pathways such as applying for grants and working in collaboration with partners. Formal adoption of strategies is often a precursor to successful funding applications from providers such as the NSW and Australian government.

POLICY

Upon adoption the draft Healthy Ageing Hornsby Strategy would provide a roadmap for Council to address ageing and support older residents.

CONCLUSION

Council has produced the draft Healthy Ageing Hornsby Strategy in consultation with the community, local support and social organisations and staff of Hornsby Shire Council, outlining the steps that Council can take to help to build a more inclusive community.

The contents of the draft Healthy Ageing Hornsby Strategy should be considered as core business for local government in that they seek to ensure that all Council services and functions can be engaged with by all members of the community including Seniors.

A total of eight (8) submissions were received following exhibition of the draft Healthy Ageing Hornsby Strategy. In the main, issues raised in the submissions are already captured by actions contained in the draft Healthy Ageing Hornsby Strategy and accordingly no amendments are proposed to be made to the draft Strategy

Two submissions would like Council to support local community groups by reducing community centre hire costs. In this regard it is noted that Council's fees and charges include differential hiring rates at its community centres with the lowest rates for not-for-profit groups. No amendments to the strategy are proposed, noting that any measure by Council to consider further concessions would be best addressed through the setting of its annual fees and charges.

It is recommended that Council adopt the draft Healthy Ageing Hornsby Strategy.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Acting Manager Community & Cultural Development – Neil Chippendale - who can be contacted on 9847 6523.

CHERYL ETHERIDGE
Manager - Library and Community Services
Community and Environment Division

STEPHEN FEDOROW
Director - Community and Environment
Community and Environment Division

Attachments:

1.  Healthy Ageing Hornsby Strategy

File Reference: F2021/00196

Document Number: D08508597

7 MEMBERSHIP OF THE ARTS & CULTURAL ADVISORY GROUP

EXECUTIVE SUMMARY

- At the 14 September 2022 General Meeting Council endorsed the creation of an Arts and Cultural Advisory Group ('Advisory Group'), adopted terms of reference for the Advisory Group, and sought to call for expressions of interest for members of the Advisory Group. The Terms of Reference provide for up to seven (7) community members and four (4) councillors to comprise the Advisory Group.
- The purpose of the Advisory Group is to provide a formal mechanism for Council to consult with key stakeholders, seek specialist advice and enable community members to participate in arts and cultural planning through the development of an Arts and Cultural Plan. The Advisory Group would also provide advice and input into the delivery of Council's Community and Cultural Facilities Strategic Plan.
- Advertisements were placed across social media, hard copy newspapers and Council's website for a period of 28 days seeking nominations for the Advisory Group and a mail merge was created through Council's Community Directory and sent to Arts related organisations across the Shire. Nominations for the Advisory Group closed on 7 November 2022.
- Council received a positive response with 25 strong nominations received. Councillors were provided with an overview of the community nominations at an informal workshop on 30 November 2022.
- Upon assessment, the following individuals are recommended as community members to the Advisory Group. Chris Beard, Penny Becchio, Ann-Marie Callahan, Nicola Coady, Matthew O'Rourke, Anne Steiner and Kirry Toose.

RECOMMENDATION

THAT Council:

1. Appoints the voluntary community members identified in Director's Report No. CE21/22 as members of the Hornsby Arts & Cultural Advisory Group.
2. Nominates up to four Councillors as members of the Hornsby Arts & Cultural Advisory Group.
3. Notifies all applicants of Council's decision and thanks them for their interest.

PURPOSE

The purpose of this Report is to seek Council's endorsement for the community representative positions on the Arts & Cultural Advisory Group.

BACKGROUND

At the 14 September 2022 General Meeting Council endorsed the creation of an Arts and Cultural Advisory Group ('Advisory Group'), adopted terms of reference for the Advisory Group, and sought to call for expressions of interest for members of the Advisory Group. The Terms of Reference provide for up to seven (7) community members and four (4) councillors to comprise the Advisory Group.

The purpose of the Advisory Group is to provide a formal mechanism for Council to consult with key stakeholders, seek specialist advice and enable community members to participate in arts and cultural planning through the development of an Arts and Cultural Plan. The Advisory Group would also provide advice and input into the delivery of Council's Community and Cultural Facilities Strategic Plan.

DISCUSSION

Advertisements were placed across social media, hard copy newspapers and Council's website for a period of 28 days seeking nominations for the Advisory Group and a mail merge was created through Council's Community Directory and sent to Arts related organisations across the Shire. Nominations for the Advisory Group closed on 7 November 2022.

Following the close of nominations, a total of 25 responses had been received. Responses were of a high standard and demonstrated strong interest in this matter within the arts community.

Nominations have been reviewed by Council officers and an overview of all nominations was provided to Councillors at an informal workshop held on 30 November 2022. A full list of nominations is provided at Attachment 1.

Having regard to the very strong response and limited positions available on the Advisory Group, the following individuals are recommended for membership to the group.

Recommended Members of Arts & Cultural Advisory (in alphabetical order)

1. Chris Beard
2. Penny Becchio
3. Ann-Marie Callahan
4. Nicola Coady
5. Matthew O'Rourke
6. Anne Steiner
7. Kirry Toose

The Terms of Reference also provide for up to four (4) Councillors on the Advisory Group. Accordingly, Councillors will need to nominate four Councillors to the Advisory Group.

BUDGET

There are no budgetary implications associated with this Report.

POLICY

The filling of the voluntary community representative positions would meet the requirements of the Hornsby Arts & Cultural Groups Terms of Reference.

CONCLUSION

Following its call for community nominations to the Arts and Cultural Advisory Group, Council received 25 high quality submissions to fill seven (7) positions on the Group. Nominations have been reviewed by Council officers and an overview was provided to Councillors at an informal workshop.

Having regard to the very strong response and limited positions on the Advisory Group, the following individuals are recommended as community members. Chris Beard, Penny Becchio, Ann-Marie Callahan, Nicola Coady, Matthew O'Rourke, Anne Steiner and Kirry Toose.

Council will also need to up to four Councillors as members of the Hornsby Arts & Cultural Advisory Group.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Acting Manager Community & Cultural Development – Neil Chippendale - who can be contacted on 9847 6523.

CHERYL ETHERIDGE
Manager - Library and Community Services
Community and Environment Division

STEPHEN FEDOROW
Director - Community and Environment
Community and Environment Division

Attachments:

1.  Arts & Cultural Advisory Group Nominees

File Reference: F2004/06058
Document Number: D08512069

8 MARK TAYLOR OVAL INDOOR CRICKET CENTRE LEASE

EXECUTIVE SUMMARY

- In May 2019, the NSW Government provided a grant to Council for the upgrade of Waitara Park including the oval surface, an indoor cricket centre and new pavilion.
- In April 2021, Council agreed to enter into a sub-funding agreement with the Northern District Cricket Club (NDCC) to ensure probity, governance and budget control for the construction of the indoor cricket centre.
- In June 2021, DA approval was issued by the local planning panel for the indoor cricket centre. The facility was designed with specific input of the NDCC and Cricket NSW.
- At the request of NDCC, a 21-year lease has been drafted to allow the Club to manage the facility and receive income that could then be used to offset the operating, maintenance and ultimate renewal of the facility at no cost to Council.
- Whilst the vast majority of the lease has been negotiated and agreed between Council and NDCC, there are two clauses where agreement has not been reached. These are related to the rent review process and NDCC's request that Council agree to include a profit rent sub-clause in the lease to restrict Council's use of any profit rent from the indoor centre to cricket across the Shire. Council will need to provide direction on both of these matters to enable the draft lease to be finalised and publicly exhibited.
- Subject to Council providing direction on NDCC's requested changes to clauses related to the rent review process and use of profit rent by Council, approval of the draft lease to NDCC is recommended, noting that 28-days public notice is required to be provided allow for public submissions.
- Easements for drainage and On-site Detention tanks are also required over Waitara Park. It is recommended that Council agree to the proposed easements.

RECOMMENDATION**THAT:**

1. Council confirm its support to enter into a 21 year lease with Northern District Cricket Club to occupy and operate the Mark Taylor Oval indoor cricket centre.
2. Council determine its position regarding Northern Districts Cricket Club's requested amendments to the draft lease relating to the rent review process and use of profit rent.
3. Subject to point 2 above, Council endorse the lease agreement attached to Director's Report No. CE19/22.
4. Council give notice of the proposed lease for 28 days which includes website, signage at the site, and adjoining properties.
5. Subject to receiving no submissions objecting to the lease proposal, the terms generally outlined in Director's Report No. CE19/22, and any changes recommended by Council's legal advisers, Council delegate authority to the General Manager to sign the agreement attached to Director's Report No. CE19/22.
6. Where any objections are received, a report be prepared for Council's consideration regarding the matters raised and what action may then be taken.
7. Council agree to the creation of easements for OSD and drainage over Lot 30 DP 1273248 being land within Waitara Park.
8. Council authorise the use of Council's seal on any legal, survey or other documents directly related to creation of the easements as deemed appropriate by Council's legal advisers.

PURPOSE

The purpose of this Report is to confirm Council's support to enter into a 21-year lease with the Northern District Cricket Club to occupy and operate the Mark Taylor Oval Indoor Cricket Centre.

In endorsing the lease agreement attached to Director's Report No. CE19/22, Council will give public notice of the proposal and provide the opportunity for submissions.

BACKGROUND

In May 2019, the NSW Government provided a grant of \$9M to Council for the upgrade of Waitara Park including the oval surface, an indoor cricket centre and new pavilion.

In April 2021, Council agreed to enter into a sub-funding agreement with the Northern District Cricket Club (NDCC) to ensure probity, governance and budget control for the construction of the indoor cricket centre. This allowed NDCC to project manage and deliver the Indoor Cricket Centre.

In May 2021, DA/96/2021 for the indoor cricket centre was approved by the local planning panel. The indoor centre essentially encompasses the area that was formerly used for outdoor cricket practice nets.

As part of the process of developing the plans and funding of the indoor cricket centre, the Club requested tenure over the new facility. This tenure would allow the club to manage the facility and receive income that could then be used to offset the operating, maintenance and ultimate renewal of the facility. See attachment 1, regarding the Club's request for a lease.

On June 2021, Council adopted an amendment to the Waitara Park Plan of Management that expressly authorises the lease of the indoor facility.

In 2021 a Project Control Group (PCG) was established to provide Council, NDCC and Cricket NSW joint oversight of the design, procurement, project and financial management of the Indoor Cricket Centre. Council retains a casting vote in all matters.

In May 2022, works commenced on the indoor centre with works scheduled to be completed in December 2022.

DISCUSSION

The indoor cricket centre is a specialist indoor venue that is designed to cater for high level to elite cricket use. This operation is often in conjunction with the use adjacent Mark Taylor Oval and adjacent outdoor cricket nets. The indoor cricket facility was designed by the NDCC with input from Cricket NSW.

Therefore, it is logical for the indoor facility to be used and operated by the NDCC considering their long-standing presence at the site since 1925 and continued use of Mark Taylor Oval. NDCC participate in the Sydney Cricket Association (SCA) which provides players to state and national competition levels.

The Club fields teams from seniors to U16 and covers both male and female competitions. NDCC also collaborate with the Hornsby, Ku-ring-gai & Hills District Cricket Association for joint coaching clinics and skills coaching.

Noting Council's limited funding resources are focussed upon the provision of 'grass roots' sports facilities, the indoor facility is an elite sports venue which its construction has been funded by the NSW Government together with Cricket NSW.

The operation, repairs, maintenance, all outgoings and ultimate renewal is therefore proposed to be funded NDCC following an asset management plan prepared by Council. This is reflected in a lease between Council and NDCC which allows the Club to re-coup costs from users which are then used to offset all outgoings / maintenance costs.

Council will not be funding any aspect of the indoor cricket centre.

Councillors have been stepped through the main provisions of the lease at an Informal Workshop 15 November 2022 being:

- 21 year lease term.
- NDCC to operate and manage the centre (including the ability to charge users for use of the facility).
- An Asset Management Plan has been developed for the facility and the rental amount would be aligned to the projected Asset Management Costs for the facility. This would ensure that maintenance and renewal of the facility would not come at a cost to Council.
- Council would be responsible for undertaking structural maintenance of the facility, however the full costs for this would be covered by the rent to be paid by NDCC.
- NDCC responsible for outgoings associated with the facility (e.g. electricity), and replacement of wearing items such as the synthetic wickets.
- Any profit generated by the facility after the costs associated with operating and maintenance the facility have been taken into account, to be equally shared between Council and NDCC.
- A six month 'rent free' period has been requested and supported to allow the Club to commence operation and develop a 'hirer base'.

Noting a time delay will occur before any lease can be entered into due to the public consultation required, a six month licence agreement will be entered into to allow the Club to operate.

A copy of the lease is provided as attachment 2.

Whilst the vast majority of the draft lease has been negotiated and agreed between Council officers and NDCC, there are two clauses where agreement has not been reached. These are summarised below:

- Rent Review Process.
- Restricting where Council can allocate its share of any profit generated by the facility.

Rent review process

The draft lease establishes a commencing rental amount that is derived from an Asset Management Plan (AMP) prepared by Council for the facility. Rent (AMP costs) would be escalated by CPI annually for years 2-5. Every fifth year, a condition assessment would be conducted on the facility and the AMP updated accordingly.

The rent would then be reset to reflect the updated AMP costs (which could be lower) and CPI escalation would then apply annually until the next scheduled condition assessment and AMP update in 5 years' time.

NDCC have expressed reservations about the proposed rent review process and suggested an alternative whereby the commencing rent should be informed by the AMP prepared for the facility,

and that the rental amount for the remaining 20 year term of the lease should be escalated annually by CPI.

Rent Review Considerations

NDCC support the key principle that maintenance and renewal of the facility should not come at a cost to Council.

Periodically updating AMP's is consistent with the approach taken for other Council buildings, and by adjusting rent to match the AMP costs would satisfy that the key principle that maintenance and renewal of the facility should not come at a cost to Council.

Standard leasing practice for long term leases is to include periodic market rent reviews. Whilst this lease does not include a periodic market rent review, it seeks to incorporate a similar principle with AMP reviews and adjusting the rent to mirror AMP costs. Officers suggest that this is a suitable mechanism to give effect to the agreed principle that maintenance and renewal of the facility should not come at a cost to Council.

Given NDCC's request, a decision of Council is required on this matter. If Council supports the Club's position, the attached lease will be required to be amended and reflected in the resolution.

Use of Profit Rent

The draft lease includes a Profit Rent clause which enables any profit generated by the facility equally shared between Council and NDCC (after the costs associated with operating and maintaining the facility have been taken into account).

NDCC have agreed to the inclusion of the Profit Rent clause with the inclusion of an additional sub-clause where Council would agree to restrict its share of any profit generated by the facility, solely to the improvement cricket facilities across the Shire. NDCC's rationale for this is that the NSW Government Grant funds were directed towards cricket.

Council needs to be mindful of not setting a challenging financial precedent if the approach requested by the Club is accepted being:

- Council does not have any other leases where it has agreed to clauses that restrict its ability to apply rental income to specific purposes.
- It is considered highly likely that agreeing to a clause as requested by NDCC would raise expectations for many other sporting and community groups that they could also seek similar clauses restricting Council's use of rental income.

Feedback has been provided to NDCC that officers are unable to support their request for a clause that restricts Council's use of any profit rent generated by the facility.

Given NDCC's maintain their desire to include such a clause, Council's direction will be required on this matter. If Council support's the Club's position the attached lease will need to be amended and reflected in the resolution.

Easements for Drainage and On-site Detention System

In order to comply with the conditions of consent DA/96/2021, the creation of an appropriate "*Positive covenant*" and "*Restriction of User*" is required for the constructed on-site detention system and outlet works. To achieve this an easement is required to be established in favour of Council.

The creation of this easement will have minimal impact on Waitara Park noting the benefits of the project for the sport of cricket.

As such it is recommended that Council agree to the proposed easements.

CONSULTATION

In the preparation of this Report there was consultation with the Northern District Cricket Club in conjunction with Council's legal advisors.

For leases such as this with a term greater than 5 years, and not exceeding 21 years, Council must:

- a) Give public notice of the proposal for not less than 28 days (including Council's website).
- b) Exhibit notice of the proposal on the land which the proposal relates.
- c) Give notice to adjoining properties and adjoining park users.

Before granting the lease, Council must consider all submissions.

Where a person makes an objection through the public notice and submission period, the Minister of Local Government's consent will be required. If an objection is received, a report for Council's consideration will be prepared outlining the matters raised and what action may then be taken.

BUDGET

There are no budgetary implications associated with this Report as professional costs for the development of the lease document have been covered within the operating budget. Further the draft lease has been prepared on the principle that the operation, repairs, maintenance, all outgoings and ultimate renewal of the facility would be funded by NDCC following an asset management plan prepared by Council

POLICY

The lease document has been prepared with the input of Council's legal advisors on the basis that the indoor cricket facility will not impose any cost to Council for any outgoings, repairs, maintenance and ultimate renewal at the end of its useful life.

An asset management plan has been prepared by Council that supports the lease and which outlines key maintenance activities and responsibilities.

All negotiations with NDCC have been conducted in accordance with Council's Code of Conduct and accepted probity principles including, impartially, managing conflicts of interest, maintenance of confidentiality and obtaining value for money.

CONCLUSION

The proposed lease of the Mark Taylor Indoor Cricket Facility provides reasonable tenure to the NDCC to the venue where the Club has existed for close to 100 years. Aspects of the sport of cricket has changed over time including the focus upon skills training using all-weather indoor facilities such as the venue being constructed at Mark Taylor Oval. The lease has been drafted with input from Council's legal advisors and in consultation with the Club itself.

The lease provides no cost to Council in the operation, repairs, maintenance, all outgoings and ultimate renewal of facility. It also allows the Club to re-coup costs from users which are then used to offset the outgoings.

The creation of an easement for OSD and stormwater is required as part of the development consent. The provision of the easement is supported and is reflected in the recommendations.



RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Manager Parks, Trees and Recreation – David Sheils - who can be contacted on 9847 6792.

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

STEPHEN FEDOROW
Director - Community and Environment
Community and Environment Division

Attachments:

1.  Northern District Cricket Club letter - Mark Taylor Oval Indoor Cricket Centre Lease
2.  Mark Taylor Oval Indoor Cricket Centre Lease

File Reference: F2022/00270
Document Number: D08497433

9 COMMUNITY EVENT GRANTS PROGRAM

EXECUTIVE SUMMARY

- Council adopted a revised Community Grants and Sponsorship Policy in September 2022 and subsequently called for expressions of interest from community groups seeking funding support under the Policy to deliver sustainable local community events.
- The purpose of the Policy is to provide seed funding to community driven, event-based initiatives with a view to events being sustainably delivered by the community over time.
- A budget of \$60,000 is allocated for the Community Event Grants program, with two funding streams available:
 - \$42,000 Community Event Seed Funding stream. Under this funding stream, seed funding up to \$7,000 per annum, per agreement would be provided. Funding agreements would run for up to four years in line with terms of Council and conclude on 30 June following the end of a Council term.
 - \$18,000 Place Activation Grant Stream. Under this funding stream, one off grants of up to \$3,000 would be available for place activation activities.
- At the close of the Expression of Interest period in early November, 12 applications seeking \$78,500 in support had been received.
- Officers have reviewed the applications and conducted an informal workshop of Council where the applications were explained, noting that applicants had provided varying levels of information with their submissions.
- Following review a number of applications are recommended for funding, and it is suggested that others who provided more limited information be invited to resubmit in a subsequent grant round with additional details.

RECOMMENDATION

THAT Council:

1. Allocate funding to community groups as shown in Attachment 1 to Director's Report No. CE22/22.
2. Advertise an additional Place Activation funding round.

PURPOSE

The purpose of this Report is to provide Council with the information required to consider expressions of interest from community groups for funding under Council's Community Event Grants Program and to allocate funds under the Program.

BACKGROUND

Council updated a revised Community Grants and Sponsorship Policy in September 2022 and subsequently called for expressions of interest from community groups seeking funding support under the Policy to deliver sustainable local community events.

The grants program is designed to encourage community-based organisation to develop and run sustainable events which meet and enhance community activities in the Hornsby Local Government Area.

DISCUSSION

The purpose of Council's Community Event Grants Program is to provide seek funding to community driven, event-based initiatives with the view to events being sustainably delivered by the community over time.

The objectives of the program are to:

- Encourage community-based organisations to develop and run sustainable events which meet and enhance community activities in the LGA, and preference be given to events that involve local residents.
- Promote the active participation of local residents in community initiatives, and the development of their capacity, skills, knowledge and opportunities.
- Provide assistance to the community to develop initiatives and services, which are consistent with Council objectives and programs, but not directly operated by Council.
- Community event partnership grant projects should be self-sustaining at the end of the funding term.

Council allocates a total budget of \$60,000 per annum to the program. This is made up of two streams as follows:

- The 'Community Event Partnership' stream (\$42,000 total) provides multi-year support for community groups of up to \$7,000 p.a. to deliver ongoing community events across a term of Council.
- The 'Place Activation' stream (\$18,000 total) provides community groups up to \$3,000 to deliver a one- off community event.

To enable an even distribution across the Shire, the Policy notes that priority will be given to two grants in each funding pool per Council ward.

Following Council's adoption of its updated Policy in September 2022, public expressions of interest for community groups seeking funding support to deliver events were sought. At the close of the expressions of interest period in early November, a total of 12 community applications seeking \$78,500 in funding support had been received.

Applications were spread across the Shire as follows:

- Five applications under the Community Event Partnership stream, and one application under the Place Activation stream were received from A Ward.
- Two applications under the Community Event Partnership stream, and one application under the Place Activation stream were received from B Ward.
- One application under the Community Event Partnership stream was received from C Ward.
- A further two applications were received under the Community Event Partnership stream however the event location was unable to be determined from the application or was outside of the Shire.

Officers have reviewed the applications and conducted an informal workshop of Council where the applications were explained, noting that applicants had provided varying levels of information with their submissions. A summary of applications received, funding sought, considerations and funding recommendations is included at Attachment 1.

Should Council endorse the recommendations contained in Attachment 1, the \$42,000 'Community Event Partnership' funding stream would be fully allocated. Noting that the 'Community Event Partnership' stream provides groups with multi-year funding, there would be no further opportunity for any additional events to be supported under this program during this term of Council.

\$6,362 in one-off 'Place Activation' funding is recommended from a total budget of \$18,000. Should Council endorse the recommendations contained in Attachment 1, \$11,638 would remain available for Council to support other one-off events under its 'Place Activation' program.

This would result in the following spread of events across the Shire:

- A Ward - Three Community Event Partnership and one Place Activation grant totalling \$25,162.
- B Ward – One Community Event Partnership and one Place Activation grant totalling \$9,200.
- C Ward – One Community Event Partnership grant totalling \$7,000
- Other – One Community Event Partnership grant totalling \$7,000.

Other Council Support for the Community

Other Council initiatives to assist community groups include a Community Fundraising Barbeque Trailer and a Community Stage that are available for use by community groups as part of their fundraising activities and/or local events.

BUDGET

A budget allocation of \$60,000 per annum is available for the Community Donations Program split into two funding streams.

Should Council endorse the officer's recommendations, the Community Event Partnership stream would be fully allocated and \$11,638 would remain in the Place Activation stream that could be used to support new one-off events as they arise.

POLICY

There are no policy implications arising as a result of this Report.

CONCLUSION

Following Council's adoption of its updated Policy in September 2022, public expressions of interest for community groups seeking funding support to deliver events were sought. At the close of the expressions of interest period in early November, a total of 12 community applications seeking \$78,500 in funding support had been received.

Funding recommendations for \$42,000 under the Community Event Partnership stream and \$6,362 are presented for Council's consideration and endorsement.

Council staff are available to assist unsuccessful applicants to identify alternative funding opportunities that may better align with their proposed projects or advise on how to revise their submissions in order to satisfy Council's policy framework for future applications.


RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Manager, Library & Community Services – Cheryl Etheridge – who can be contacted on 9847 6801.

CHERYL ETHERIDGE
Manager - Library and Community Services
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STEPHEN FEDOROW
Director - Community and Environment
Community and Environment Division

Attachments:

1.  Summary of Community Event Grants Application

File Reference: F2013/00283
Document Number: D08539525

10 PLANNING PROPOSAL - BYLES CREEK

EXECUTIVE SUMMARY

- In May 2022, Council endorsed the Byles Creek Planning Study (Planning Study) and its recommendations to amend controls in the *Hornsby Local Environmental Plan 2013* (HLEP) to protect and maintain the environmental, social and aesthetic qualities of the Byles Creek Study Area (Study Area).
- The Study Area is located north-east of Beecroft train station, bound by Azalea Grove and Kurrajong Street to the north, Lane Cove National Park to the east, Malton Road to the south and Sutherland Road to the west. It comprises the RE1 Public Recreation zoned land within the Byles Creek corridor and the adjoining R2 Low Density Residential zoned land.
- This report presents a Council-initiated Planning Proposal to rezone the R2 Low Density Residential land to C4 Environmental living, increase the minimum lot size of the residential land from 600m² to 40ha, amend the objectives of HLEP Clause 4.1 'Minimum subdivision lot size' and introduce an additional 'Riparian Lands' local provision with supporting mapping. Associated amendments to the Hornsby Development Control Plan 2013 are also recommended.
- The changes to planning controls would assist minimise the impact of residential development and protect the environmental, social and aesthetic qualities of the Byles Creek corridor, as recommended by the Planning Study.
- The Planning Proposal is consistent with applicable objectives and priorities of NSW State Strategic plans, Section 9.1 Ministerial Directions and Council strategic land use plans.

RECOMMENDATION

THAT:

1. Council endorse progression of the Byles Creek Planning Proposal attached to Director's Report No. PC24/22 for submission to the Department and Planning and Environment for a Gateway Determination.
2. The Planning Proposal be publicly exhibited in accordance with the Gateway Determination and consultation strategy identified in this report.
3. Council endorse the amendments to the Hornsby Development Control Plan 2013 attached to Director's Report No. PC24/22 for exhibition concurrently with the Planning Proposal.
4. Following exhibition, a report on submissions be presented to Council for its consideration.

PURPOSE

The purpose of this report is to present a Council-initiated Planning Proposal to implement the recommendations of the endorsed Byles Creek Planning Study.

BACKGROUND

In December 2020, Council endorsed preparation of the Byles Creek Planning Study. The purpose of the Planning Study was to review the suitability of existing planning controls for R2 Low Density Residential zoned land adjoining the RE1 Public Recreation zoned land within the Byles Creek corridor, focusing on the protection and maintenance of environmental values.

The RE1 Public Recreation land and R2 Low Density Residential land is collectively named the Byles Creek Study Area (the Study Area) and is bounded by Azalea Grove and Kurrajong Street to the north, Lane Cove National Park to the east, Malton Road to the south and Sutherland Road to the west.

A draft Planning Study was completed in July 2021. At its August 2021 meeting, Council resolved to publicly exhibit the draft Study. The exhibition took place from 1 September 2021 to 1 November 2021 and 168 submissions were received. Submissions were generally supportive of the draft Study and its recommendations.

At its meeting on 11 May 2022, Council endorsed the Planning Study and recommendations which include:

1. Rezone land within the Study Area currently zoned R2 Low Density Residential to C4 Environmental Living.
2. Increase the minimum subdivision lot size for land proposed to be zoned C4 Environmental Living to 40ha.
3. Strengthen the objectives of Clause 4.1 'Minimum subdivision lot size' of the HLEP to protect and enhance existing bushland and significant native vegetation.
4. Insert a 'Riparian Land' clause under Part 6 'Additional local provisions' of the HLEP and provide supporting riparian corridor mapping.
5. Increase community engagement programs targeting the Study Area.

The first four recommendations require amendment of the HLEP and are the subject of this report. The community engagement programs for the Study Area will be investigated and instigated separately.

This report presents a Planning Proposal and draft supporting amendments to existing environmental controls within the Hornsby Development Control Plan 2013 (HDCP).

DISCUSSION

1. The Site

The Study Area is located north-east of Beecroft train station. It is bound by Azalea Grove and Kurrajong Street to the north, Lane Cove National Park to the east, Malton Road to the south and Sutherland Road to the west. It covers 657,924m² over 433 allotments which are zoned R2 Low Density Residential, RE1 Public Recreation or a combination of the two. Existing residential development within the Study Area is generally characterised by one or two storey detached dwellings.

The Planning Study identifies that the Study Area possesses significant biodiversity values. It contains critically endangered Blue Gum High Forest, regionally significant Coachwood Rainforest, locally significant Blackbutt Gully Forest and other threatened flora. It is habitat for threatened fauna including the Powerful Owl, Gang-gang Cockatoo, Red-crowned Toadlet, Little Bent-winged Bat and microbats.

Physical characteristics of the Study Area include steep terrain that slopes down towards the Byles Creek watercourse and its tributaries and existing vegetation which contributes to its bush fire prone nature. The Study Area is also located within the Beecroft – Cheltenham Heritage Conservation Area (HCA) and contains several locally significant heritage items.

2. The Planning Proposal

The Planning Proposal would implement the recommendations of the Planning Study, which apply to the R2 Low Density Residential zoned land within the Study Area. It is proposed to amend the HLEP as follows:

1. Rezone land within the Study Area currently zoned R2 Low Density Residential to C4 Environmental Living.
2. Increase the minimum subdivision lot size for land proposed to be zoned C4 Environmental Living to 40ha.
3. Amend the objectives of Clause 4.1 'Minimum subdivision lot size' of the HLEP to protect and enhance existing bushland and significant native vegetation.
4. Insert a 'Riparian Land' clause under Part 6 'Additional local provisions' of the HLEP and provide supporting riparian corridor mapping.

Supporting documents attached to the Planning Proposal include:

- Attachment 1: Byles Creek Planning Study
- Attachment 2: Byles Creek Land Use and Environmental Constraints Assessment
- Attachment 3: Byles Creek Planning Study – Economic Implications Analysis
- Attachment 4: Byles Creek Planning Study – Consultation Outcomes Report

3. Strategic and Statutory Context

Relevant policies and legislation are discussed below.

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

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

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

The Planning Proposal would give effect to the sustainability objectives and actions of the State and local strategic planning framework by bringing consideration of environmental values to the forefront when managing future residential development in the Study Area.

Under the Regional Plan, Objective 25 seeks to ensure that “*the coast and waterways are protected and healthier*”. In the District Plan, under *Planning Priority N15: Protecting and improving the health and enjoyment of Sydney Harbour and the district’s waterways*, the following action is relevant to the proposal:

Action 62: Protect environmentally sensitive areas of waterways and the coastal environment areas.

The Planning Proposal would amend the HLEP to introduce a riparian corridor local provision with associated mapping. The provision would require environmental impacts to water quality and flora and fauna to be considered in the evaluation of development applications located wholly or partially within the buffer areas. The provision would require the consent authority to be satisfied with the matters for consideration prior to issuing development consent.

Regional Plan Objective 27 seeks to ensure that “*biodiversity is protected, urban bushland and remnant vegetation is enhanced*”. In the District Plan, under *NDP Priority N16: Protecting and enhancing bushland and biodiversity*, the following action is relevant to the proposal:

NDP Action 66: Protect and enhance biodiversity by:

- a) *Supporting landscape-scale biodiversity conservation and the restoration of bushland corridors.*
- b) *Managing urban bushland and remnant vegetation as green infrastructure.*
- c) *Managing urban development and urban bushland to reduce edge-effect impacts.*

The Byles Creek Land Use and Environmental Constraints Assessment recognises the Study Area as holding significant biodiversity values including containing Blue Gum High Forest, Coachwood Rainforest and Blackbutt Gully Forest. It is also habitat for threatened fauna including the Powerful Owl, Gang-gang Cockatoo, Red-crowned Toadlet, Little Bent-winged Bat and microbats.

The HLEP amendments proposed as part of the Planning Proposal seek to allow continuing low-impact residential development while placing focus on minimising impacts of development on the ecological, scientific and aesthetic values of the Study Area.

Regional Plan Objective 28 seeks to ensure that “*scenic and cultural landscapes are protected*”. In the District Plan, under *NDP Priority N17: Protecting and enhancing scenic and cultural landscapes* the following action is relevant to the proposal:

NDP Action 67: Identify and protect scenic and cultural landscapes.

The Study Area has unique scenic qualities arising from natural features such as Byles Creek, steep topography and vegetated ridgelines accentuating the dense bushland interlaced with riparian vegetation and waterways. The Study Area is also within the Beecroft – Cheltenham HCA and contains several heritage-listed properties and trees which contribute to the visual character.

The Planning Proposal would assist preserve the natural and cultural qualities of the Study Area by managing the scale of future development. The amendments would introduce greater focus on environmental impacts when considering the merits of development applications within the Study Area.

Section 9.1 Local Planning Directions

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

The Planning Proposal has been considered against the following directions relevant to the proposal:

Direction 1.1 Implementation of Regional Plans

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

The Planning Proposal would manage development potential of private properties within the Study Area by minimising opportunities for further subdivision and requiring that development proposals be designed and located to preserve the environmental, social and aesthetic qualities of the Byles Creek corridor. Accordingly, the Planning Proposal is generally consistent with the sustainability priorities of the North District Plan as demonstrated in Part 3 of this report.

Direction 3.1 Conservation Zones

The objective of this direction is to protect and conserve environmentally sensitive areas. The direction requires planning proposals to include provisions that facilitate the protection and conservation of environmentally sensitive areas. Planning proposals that apply to land within a conservation zone or land otherwise identified for environment conservation/protection purposes must not reduce the conservation standards that apply to the land.

As discussed above, the Study Area includes a range of flora and fauna that is suitable for a conservation zone and the requisite conservation measures.

The Planning Proposal would continue to allow low impact residential development associated with the C4 Environmental Living zone, typical of existing development. High impact activities would be prohibited, such as future subdivision which may require significant tree removal to accommodate new dwellings, services and bushfire asset protection zones (APZ).

The amendments sought by the Planning Proposal would facilitate the protection of the environmental qualities of the Byles Creek corridor and is therefore, consistent with this direction.

Direction 3.2 Heritage Conservation

The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. The Study Area is located within the Beecroft – Cheltenham HCA as identified in Schedule 5 of the HLEP.

The Planning Proposal does not propose to amend heritage related LEP provisions or schedules. The Planning Proposal would facilitate the retention of vegetation, residential density and building typology within the Study Area. The Proposal would complement the current heritage provisions of the LEP by seeking to maintain the character of the Study Area. Accordingly, the Planning Proposal is consistent with this direction.

Direction 4.3 Planning for Bushfire Protection

The objectives of this direction are to protect life property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas and encourage sound management of bush fire prone areas.

The direction requires consultation with the Commissioner of the NSW Rural Fire Service following receipt of a Gateway Determination, having regard to *Planning for Bushfire Protection 2019* (PBP 2019), and for controls to be compatible with bush fire prevention outcomes.

The Study Area is bush fire prone land and is predominantly mapped as Vegetation Category 1, considered by the RFS to be the highest risk for bush fire. New development on residential allotments within 100 metres of Vegetation Category 1 would be subject to high bush fire attack level (BAL) ratings.

The Planning Proposal does not propose to amend any bush fire related LEP provisions. The Proposal would manage residential density by prohibiting future subdivision. This would serve to limit the number of new dwelling houses and other sensitive land uses that would be exposed to bush fire risk. Therefore, the Planning Proposal is consistent with this direction.

Direction 6.1 Residential Zones

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

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

The Planning Study notes that the majority of private land within the Study Area has already been subdivided with the few remaining lots with sufficient area to theoretically being capable of subdivision subject to environmental constraints such as steep land, vegetation and bush fire risk. The existing site constraints limit the potential for further subdivision.

As such, the rezoning of R2 Low Density Residential land to C4 Environmental Living and the increase of minimum lot size from 600m² to 40ha would reflect the constrained development potential of the land and not reduce the development potential of private properties.

On balance, the Planning Proposal is consistent with this direction.

Hornsby Local Strategic Planning Statement

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

Relevant priorities in the LSPS include:

- Priority SP1: Improving the overall health of our natural environment and ecosystem.
- Priority SP2: Protecting and increasing the extent and quality of natural areas in Hornsby Shire.
- Priority SP3: Protecting and improving the health of catchments and waterways and deliver well planned and designed local water infrastructure solutions.
- Priority SP5: Embedding biodiversity conservation principles throughout local planning policies.

The Planning Study identifies that the Study Area contains the Byles Creek watercourse and several ecological communities. It also represents a vegetation corridor linking with Lane Cove National Park and is an area of significant biodiversity values.

The Planning Proposal would facilitate protection of the existing environmental values of the Byles Creek corridor and Study Area by managing the impacts of future residential development. Through four amendments to the HLEP, the Planning Proposal seeks to prohibit future subdivision which minimises the need for tree removal on private land. Future residential development would be required to be of low environmental impact.

Accordingly, the Planning Proposal is consistent with the sustainable priorities of the LSPS.

Hornsby Biodiversity Conservation Strategy

The Hornsby Biodiversity Conservation Strategy, endorsed by Council in March 2021, sets out a 20 year vision to ensure that biodiversity in Hornsby Shire is well managed, resilient and adaptable to land use change, identifying recommendations, tools and priorities to be integrated into Council operations. Objectives of the Biodiversity Conservation Strategy that are of relevance to the Planning Proposal include the need to:

Conserve, management and enhance biodiversity upon both public and private lands within the LGA' and 'ensure environmental planning instruments and processes provide a strategic approach to achieving biodiversity conservation outcomes.

The Planning Proposal aims to protect and conserve the ecological values present within the Study Area by amending local planning controls to minimise tree removal on private land associated with subdivision, promote future residential development with a low environmental impact and ensure that development does not have unreasonable adverse impacts on the health and quality of Byles Creek.

This is consistent with the objectives, strategies and actions of the Biodiversity Conservation Strategy.

Hornsby Urban Forest Strategy

The Hornsby Urban Forest Strategy, endorsed by Council in March 2021, seeks to provide guidance on the future care and management of Hornsby Shire's urban forest, balancing a need to protect and restore the tree canopy with reasonable expectations for development. To achieve this, the Urban Forest Strategy sets out a number of objectives including the need to '*maintain and improve Hornsby Shire's unique character*' and '*protect, secure and create habitat.*'

The Planning Proposal is consistent with the objectives and targets of the Urban Forest Strategy as the proposed HLEP amendments would reduce the need for extensive tree removal on private property within the Study Area.

Hornsby Local Environmental Plan 2013

Changing the zoning of R2 Low Density Residential zoned land to C4 Environmental Living would result in a change of zone objectives and the permissibility of land uses. The objectives of the R2 and C4 zones are:

R2 zone objectives	C4 zone objectives
<ul style="list-style-type: none"> To provide for the housing needs of the community within a low density residential environment. To enable other land uses that provide 	<ul style="list-style-type: none"> To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values. To ensure that residential development

<i>facilities or services to meet the day to day needs of residents.</i>	<i>does not have an adverse effect on those values.</i> <ul style="list-style-type: none"> <i>To permit development that is compatible with the character, infrastructure capacity and access limitations of the area.</i>
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Given the findings and recommendations of the Planning Study, the C4 zone objectives are aligned with the significant biodiversity values of the Byles Creek area and the type of low-impact residential development appropriate for the area.

The land uses permitted with consent of the R2 and C4 zones are:

R2 uses permitted with consent	C4 uses permitted with consent
<i>Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Educational establishments; Emergency services facilities; Exhibition homes; Flood mitigation works; Group homes; Home-based child care; Home businesses; Information and education facilities; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Public administration buildings; Recreation areas; Recreation facilities (outdoor); Respite day care centres; Roads; Tank-based aquaculture; Tourist and visitor accommodation; Veterinary hospitals; Water reticulation systems</i>	<i>Building identification signs; Business identification signs; Dwelling houses; Flood mitigation works; Group homes; Home-based child care; Oyster aquaculture; Pond-based aquaculture; Roads; Tank-based aquaculture; Tourist and visitor accommodation; Water reticulation systems</i>

The proposed change in zoning would prohibit inappropriate uses with the potential to impact on the environmental qualities of the area such as child care centres, educational establishments, information and education facilities, places of public workshop and veterinary hospitals.

Along with the increase to the minimum lot size for the proposed C4 Environmental Living zoned land from 600m² to 40 hectares, it is proposed that the objectives of Clause 4.1 'Minimum subdivision lot size' be amended to assist protect and enhance existing bushland and significant native vegetation. The following is potential wording for amended Clause 4.1 objectives based on existing objectives implemented by other Sydney metropolitan councils identified in the Planning Study:

Existing Clause 4.1 objectives	Potential Clause 4.1 objectives
<p>1. <i>The objectives of this clause are as follows:</i></p> <p>a. <i>To provide for the subdivision of land at a density that is appropriate for the site constraints, development</i></p>	<p>1. <i>To objectives of this clause are as follows:</i></p> <p>a. <i>To provide for the subdivision of land at a density that is appropriate for the site constraints, development potential and infrastructure capacity of the</i></p>

<p><i>potential and infrastructure capacity of the land.</i></p> <p>b. <i>To ensure that lots are of a sufficient size to accommodate development.</i></p>	<p><i>land.</i></p> <p>b. <i>To ensure that lots are of a sufficient size to accommodate development consistent with relevant development controls.</i></p> <p>c. <i>To ensure that resulting lots are consistent with the predominant pattern, size and configuration of existing lots in the locality, to support the amenity of adjoining properties and the desired future character of the area.</i></p> <p>d. <i>To ensure that lot sizes and dimensions allow development to be sited to protect natural and cultural features including heritage items and conservation areas, vegetation, habitat and waterways.</i></p>
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ITEM 10

The amended objectives better describe outcomes for subdivision across the Shire and are consistent with the approach to limit further subdivision within Study Area.

The Planning Proposal proposes the insertion of a 'Riparian Land' clause under Part 6 'Additional local provisions' with supporting riparian corridor mapping. The Planning Study provides the following example clause:

1. *The objectives of this clause are to protect and maintain the following:*
 - a) *Water quality within waterways.*
 - b) *Native flora and fauna and their habitats.*
 - c) *Ecological processes within waterways and riparian land.*
 - d) *Scenic and cultural values of waterways and riparian lands.*
2. *This clause applies to land identified as 'Riparian Land' on the Riparian Lands Map.*
3. *In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider:*
 - a) *Whether the development is likely to have an adverse impact on the following:*
 - i. *The surface and groundwater characteristics of the land, including water quality, water flows and salinity.*
 - ii. *Native flora and fauna, including migratory species and the provision and quality of their habitats.*

- iii. *Impact on indigenous trees and other vegetation, including opportunities for additional planting.*
 - iv. *Public access to, and use of, any public waterway and its foreshores.*
- b) *Any future rehabilitation or re-creation of the waterway and riparian areas.*
- c) *Any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*
- d) *Whether or not the development is likely to increase water extraction from the watercourse.*
- e) *Opportunity for the rehabilitation of existing piped or channelised waterways to a near natural state.*
- 4. *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:*
 - a) *Is consistent with the objectives of this clause.*
 - b) *Is designed, sited, and will be managed to avoid any potential adverse environmental impacts.*
 - c) *If a potential adverse environmental impact cannot be avoided – the development will be managed to mitigate that impact.*

The above proposed wording is consistent with Standard Instrument model clause provisions and other Council LEPs.

Hornsby Development Control Plan 2013

The HDCP applies to all land within the Shire and is a comprehensive framework for the development of land. The HDCP aims to outline procedures, responsibilities, and processes consistent with Council's vision of maintaining an environment which is sustainable and liveable. Future development applications would be considered in the context of the provisions of the HDCP.

The relevant parts of the HDCP applicable to the Planning Proposal are Part 1C.1.3 Watercourses, Part 3.1 Dwelling Houses and Part 8.1 River Settlement Land. Draft HDCP amendments have been prepared to support the Planning Proposal and are attached to this report. The DCP amendments seek to align prescriptive measures with the proposed 'Riparian Land' clause and mapping. There are also minor administrative amendments proposed due to the proposed application of the C4 Environmental Living zone within the Study Area. The draft DCP amendments would be exhibited concurrently with the Planning Proposal

4. Impacts of the Proposal

The impacts of the Planning Proposal are discussed below.

Change in permissible land uses

The rezoning of all R2 Low Density Residential land to C4 Environmental Living within the Study Area would change the land uses permissible on private land.

The Economic Implications Analysis notes that the majority of land uses permitted in an R2 zone and prohibited in a C4 zone are unlikely to be developed within the Study Area. Uses such as boarding houses, childcare centres and exhibition homes may be found within a residential neighbourhood

context. These uses are not currently observed within the Study Area and given the characteristics of the Area along with land size and other demand drivers, would be unlikely to proceed.

Non-residential land uses permitted in R2 zones, such as educational establishments, respite day care centres and veterinary hospitals, are not currently observed in the Study Area and would be unlikely to be developed due to associated land requirements, parking and traffic impacts.

Based on the findings of the Economic Analysis, the Planning Study concludes that the common 'highest and best use' between R2 Low Density Residential and C4 Environmental Living zoned land, being low density housing, would be similar. Accordingly, it is not anticipated that there would be a significant economic implication associated with the rezoning.

Exempt and complying development

The rezoning of R2 Low Density Residential land to C4 Environmental Living within the Study Area would prevent complying development under *State Environmental Planning Policy (Exempt and Complying Development) 2008* (Codes SEPP). The Codes SEPP only permits residential development as complying development on lots zoned R1, R2, R3, R4 and RU5.

Notwithstanding, the Planning Study identifies that opportunity to undertake complying development on residential properties within the Study Area is already limited for the following reasons:

- The Byles Creek corridor is predominantly mapped as Vegetation Category 1, the highest bushfire prone land category and corresponds to the highest bushfire risk. Complying development is not permitted on land subject to BAL 40 or BAL Flame Zone ratings.
- The Byles Creek Study Area is located within the Beecroft – Cheltenham HCA as identified in Schedule 5 of the HLEP. Most forms of complying development are not permitted on land in an HCA.

The permissibility of exempt development within the Study Area would not be impacted by the Planning Proposal.

Increased lot sizes

The increase to minimum subdivision lot size from 600m² to 40ha would effectively prevent future residential subdivision within the Study Area.

The Economic Implications Analysis identified a number of lots within the Study with the minimum size required for subdivision (greater than 1,200m²). Although these lots could theoretically be subdivided, there are several practical matters that would prevent a subdivision. These include accessways, irregular lot shapes and on-site physical constraints.

The Economic Analysis notes that five lots of the total 433 allotments within the Study Area that have subdivision potential. Consequently, it is considered that the economic impact of the minimum lot size increase is minimal when considering the Study Area as a whole.

Retaining the existing minimum subdivision lot size of 600m² is not conducive to meeting the objectives of the C4 Environmental Living zone to provide for low impact residential development. Should even a small proportion of the lots be able to subdivide, there would be significant tree removal to accommodate future dwellings, services and bushfire APZs, with impacts to the locality.

Riparian land local provision and mapping

The introduction of a riparian land additional local provision and accompanying mapping would enable a consistent approach to the protection, management and enhancement of the Study Area. The

riparian land mapping identifies buffers to each side of Byles Creek and its tributaries with the widths corresponding to the watercourse stream order, in accordance with the Strahler classification system.

Future DAs for development located partially or wholly within these buffers would need to demonstrate the proposal satisfies the objectives and heads of consideration of the riparian land local provision. In conjunction with existing prescriptive watercourse measures in the HDCP, the additional local provision enables a more rigorous assessment to ensure that development would have a low impact on the environmental values of the Study Area.

Given that the additional clause and mapping does not change or affect the zoning of land, or the permissibility of uses, and is only applicable to proposals that require a DA, its introduction would not have a significant impact on land values.

CONSULTATION

Preliminary Consultation

In the preparation of the Planning Study, community and stakeholder consultation was undertaken from 7 May to 30 May 2021. Consultation activities, as described in the Consultation Outcomes Report attached to the Planning Proposal, sought to obtain views and feedback on the key environmental, economic, social and aesthetic attributes of the Byles Creek corridor. It also sought to identify opportunities and barriers with existing planning controls, opportunities for changes to planning controls and other mechanisms to enhance protection and management.

Key themes identified during the consultation process include:

- The most valued characteristics of Byles Creek are the native canopy trees and vegetation, the native fauna which occur in the area, its function as a biodiversity corridor and its scenic amenity.
- Impacts of residential development on Byles Creek include the loss of canopy trees, the loss of native fauna and key habitats, loss of bushland character, increased stormwater runoff and erosion.
- Reducing development opportunities on residential lands would be an appropriate way to protect and enhance the environmental values of the corridor and residents request improved enforcement of planning controls and post development approval regulation.

These themes were considered in the development of the Planning Study recommendations.

Byles Creek Planning Study Public Exhibition

The draft Byles Creek Planning Study was exhibited for a period of 60 days from 1 September 2021 to 1 November 2021. Exhibition included advertisement on Council's website, advertisement in Council's eNewsletter and on Facebook, letter and emails to people who registered for updates, and letters to property owners within the Study Area and community groups.

168 submissions were received, generally supportive of the Study and recommendations. The key issues raised by submissions included financial impacts on property values, current planning controls, and the extent of the Study Area boundary.

On 11 May 2022, Council considered Director's Report No. PC7/22, presenting submissions received and resolved to adopted the Study recommendations, leading to the preparation of the Planning Proposal.

Local Planning Panel Advice

The Planning Proposal was referred to the Hornsby Local Planning Panel for advice on 26 October 2022, as prescribed by the *Local Planning Panels Direction – Planning Proposals*. The Direction requires the Local Planning Panel to provide advice on a Planning Proposal before Council considers whether to forward it Department of Planning and Environment (DPE) for a Gateway determination.

The Panel noted that the Planning Proposal seeks to give effect to some of the recommendations of the Council-endorsed Planning Study and considered that the proposal has strategic merit. The proposed HLEP amendments would serve to allay concerns from local residents regarding development that is unsympathetic to the local character and environmental constraints of the Study Area.

The Panel advised it supports the progression of the proposal for a Gateway determination.

Planning Proposal and Development Control Plan Consultation Strategy

Should the Planning Proposal receive a Gateway determination, the consultation would follow the requirements of the determination, the *Hornsby Shire Community Engagement Plan 2021* (CEP) and the Public Exhibition requirements of the Local Environmental Plan Making Guidelines 2022.

Consultation for the Planning Proposal and accompanying HDCP amendments would include:

- Advertisements in local publications identifying the purpose of the Planning Proposal and HDCP amendments providing a weblink to where the exhibition materials can be viewed – Hornsby Kuring-Gai Post.
- Advertisement on Council's 'Your Say Hornsby' website.
- Letters to affected owners within and in proximity to the Study Area.
- Displays at Council's Administration Building, 296 Pacific Highway, Hornsby and at the Hornsby and Pennant Hills libraries.
- Consultation with public authorities identified in the Gateway determination. A copy of the Planning Proposal and relevant supporting material will be provided.

BUDGET

Costs associated with the preparation of the Planning Proposal have been covered by the restricted asset funds from the sale of No.179 Beecroft Road, Cheltenham.

POLICY

The *Local planning Panels Direction – Planning Proposals* requires that the Local Planning Panel must give its advice on the Planning Proposal before Council considers whether or not to forward it to the Minister or Greater Sydney Commission in accordance with Section 9.1(2)(b1) of the EP&A Act. The Panel advised it supports the progression of the proposal for a Gateway determination.

CONCLUSION

This report presents a Council-initiated Planning Proposal for the Byles Creek Study Area to give effect to the recommendations of the adopted Byles Creek Planning Study. The Planning Proposal seeks to:

1. Rezone land within the Study Area currently zoned R2 Low Density Residential to C4 Environmental Living.
2. Increase the minimum subdivision lot size for land proposed to be zoned C4 Environmental Living to 40ha.

3. Amend the objectives of Clause 4.1 'Minimum subdivision lot size' of the HLEP to protect and enhance existing bushland and significant native vegetation.
4. Insert a 'Riparian Land' clause under Part 6 'Additional local provisions' of the HLEP and provide supporting riparian corridor mapping.

This report also presents draft HDCP amendments to be exhibited concurrently with the Planning Proposal.

The proposal has strategic merit due to its consistency with the *Greater Sydney Region Plan, North District Plan, Section 9.1 Ministerial Directions*, the Hornsby LSPS, the Biodiversity Conservation Strategy and the Hornsby Urban Forest Strategy. Clear community benefit has been identified to justify the proposed changes to planning controls in relation to minimising the impact of residential development on the environmental, social and aesthetic qualities of the Byles Creek corridor.

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



RESPONSIBLE OFFICER

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Attachments:

1.  Byles Creek Planning Proposal
2.  Proposed Amendments to the Hornsby Development Control Plan 2013

File Reference: PP/4/2022
Document Number: D08513172

11 AGRITOURISM PLANNING REFORMS

EXECUTIVE SUMMARY

- In June 2022, the Hornsby Shire Council Rural Lands Study (RLS) was adopted by Council, which includes a recommendation to permit value adding land uses to support productive agriculture.
- On 1 December 2022, the Department of Planning and Environment, as part of its own “agritourism” planning reforms, amended legislation to permit agritourism land uses in rural areas as exempt development. New and amended land uses have been created, including farm stay accommodation, farm experience premises and farm gate premises. The new land uses are permissible without development consent in rural zoned lands or where extensive agriculture is permitted.
- In February 2023, it is anticipated the DPE will enact further reforms expanding the permissibility of agritourism land uses by making amendments to Local Environmental Plans (LEPs) across the State. These reforms will permit agritourism as complying development or with development consent in rural zones where certain requirements are met.
- In preparation for the February 2023 changes, Council may nominate additional zones where agritourism should be permitted with consent and elect to introduce optional clauses into the Hornsby Local Environmental Plan 2013 (HLEP).
- The DPE reforms closely align with the recommendations of Council's (RLS). An addition to the permissible zonings and adoption of new clauses for the HLEP would ensure the recommendations of the RLS are captured and implemented in the upcoming reforms.
- Amendments would also be required to the Hornsby Development Control Plan 2013 to provide development controls for the new agritourism land uses.

RECOMMENDATION

THAT:

1. Council write to the Department of Planning and Environment to nominate:
 - a) Inclusion of the C3 Environmental Management zone as a zone in which farm experience premises and farm gate premises are permitted with development consent.
 - b) Adoption of the optional clauses for farm gate premises and farm stay accommodation (including an additional objective related to natural hazards as outlined in Director's Report PC25/22) to be included in the Hornsby Local Environmental Plan 2013.
2. An amendment to the Hornsby Development Control Plan 2013 be drafted to provide development controls for the new agritourism land uses.

PURPOSE

The purpose of this Report is to discuss the State Government's agritourism reforms and seek a resolution to nominate additional changes, consistent with Council's adopted Rural Lands Study, to be implemented as part of the reforms.

BACKGROUND

Council commenced the Rural Lands Study (RLS) in March 2019, which sought to review planning controls for the rural lands of Hornsby Shire through a place-based approach. In September 2020, the draft RLS was exhibited for public comment. The draft RLS contained a range of proposed planning changes, including those aimed at ensuring activities on primary production land are flexible, allowing businesses that support productive agriculture to innovate and flourish with value adding land uses.

During the exhibition period, the Department of Primary Industries (DPI) advised that they were considering changes to expand the permissibility of "agritourism" opportunities in rural areas. DPI noted that agritourism changes overlapped with some of the proposed RLS amendments regarding value adding activities on commercial farms.

In March 2021, the Department of Planning and Environment (DPE) released the *Agritourism and Small-scale Agriculture Development - Explanation of Intended Effect* (EIE) which outlined a number of amendments to planning legislation aimed at assisting commercial farms to diversify income streams to improve the productivity of rural lands.

In April 2021, Council officers reviewed the EIE and provided feedback to DPE that the proposed agritourism changes generally aligned with the then draft RLS which recommended planning changes to support diversified income streams through value adding land uses.

At its meeting on 8 June 2022, Council resolved to adopt the RLS and endorse the recommendations set out in Implementation Action Plans A (short term) and B (long term).

In October 2022, DPE notified councils that the agritourism changes had been published on the NSW Legislation website, with the first round of legislative reform due to commence on 1 December 2022. These changes primarily relate to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP) and allow certain agritourism uses as exempt development in rural zones and where extensive agriculture is permitted.

DPE has also notified councils that further agritourism changes will be made to all Local Environmental Plans in February 2023. The changes will further expand the permissibility of agritourism in rural lands by permitting them with development consent in rural zones.

DISCUSSION

This report outlines the legislative changes that will come into effect in rural areas as part of the State Government's agritourism reforms. It also seeks a resolution to nominate additional changes, consistent with Council's RLS, to be implemented as part of the reforms.

1. Agritourism Planning Reforms – New (and amended) Land Use Definitions

On 1 December 2022, the *Standard Instrument—Principal Local Environmental Plan* (Standard Instrument LEP) and the Codes SEPP were amended to introduce agritourism land uses and supporting definitions.

The land uses are now permissible without development consent within the limitations of the Codes SEPP. The three primary agritourism land uses are described below.

Agritourism Land Use	Description
<i>Farm experience premises</i>	A building or place on a commercial farm and ancillary to the farm. It is used to provide visitors small scale and low impact tourist or recreational activities such as horse riding, farm tours, functions, conferences, farm field days and fruit picking.
<i>Farm gate premises</i>	<p>A building or place on a commercial farm and ancillary to the farm. It is used to provide visitors agricultural products, services or activities related to the products from the farm, and farms in the region.</p> <p>Farm gate premises include premises that package, process and sell products, serve food and drink on a retail basis, provide tastings, workshops and education to visitors. They may also serve liquor, subject to licensing requirements.</p>
<i>Farm stay accommodation</i> <i>(Amended Land Use)</i>	<p>Farm stay accommodation is a type of tourist and visitor accommodation that is on a commercial farm and ancillary to the farm. It provides temporary accommodation to paying guests in buildings or moveable dwellings such as caravans, tents and manufactured homes.</p> <p>Previously, farm stay accommodation could only be undertaken in buildings. The amendment to the land use description adds the ability for farm stay accommodation to be undertaken in moveable dwellings and reinforces that farm stay accommodation is an ancillary land use to commercial farming.</p>

DPE also introduced new definitions to the Standard Instrument LEP to detail what constitutes a “commercial farm” and added a new definition for the umbrella term of “agritourism”:

New Definition	Plain English Description
<i>Commercial farm</i>	<p>A property that is actively used for farming. The type of farming that is undertaken on the property is not restricted, as long as it is a commercial undertaking. Properties used for hobby farms or rural residential purposes do not meet the definition.</p> <p>A commercial farm must also be identified as farmland under the <i>Local Government Act 1993</i> or satisfy the definition of a primary production business for tax purposes under the <i>Income Tax Assessment Act 1997</i>.</p>
<i>Agritourism</i>	Agritourism is an umbrella term that encompasses both farm gate premises and farm experience premises. Agritourism is a type of agriculture land use. Agritourism does not include Farm stay accommodation or roadside stalls.

The introduction of the agritourism land uses allow them to be undertaken as low scale exempt development, where specified development standards are met. The applicable development standards for each land uses are prescribed in the Codes SEPP and are attached to this report. The controls include setback requirements to adjoining properties, limits on the number of visitors at any one time (100 visitors) and other specific technical requirements regarding noise and separation from adjoining residential and agricultural development.

The exempt controls limit agritourism land uses to smaller scale enterprises that are undertaken ancillary to the primary use of a property as a commercial farm. If a rural property does not meet the commercial farm definition, they cannot undertake any agritourism land use.

Cellar Door Premises, Agritourism Signs and Roadside Stalls

The 1 December 2022 changes also expanded the permissibility of cellar door premises, agritourism signs and roadside stalls:

- Cellar door premises were changed from a type of “retail premises” to type of “farm gate premises” under the Standard Instrument LEP and HLEP. This will allow for cellar doors to be established as exempt development where certain development standards are met. Cellar doors can only be established on land that contains a commercial vineyard.
- Roadside stalls were added as exempt development to the Codes SEPP, allowing roadside stalls of up to 9m² in rural zoned areas to sell produce from. Prior to this change, roadside stalls were only permitted with development consent in Hornsby Shire.
- Provisions related to agritourism signage were added to allow for the erection of signage to advertise agritourism land uses. Agritourism signs must be located on the same land holding as the agritourism use and can have an area of no more than 2m².

1. Further Agritourism Reforms

In February 2023, DPE is anticipated to action further reforms to expand the permissibility of agritourism land uses by making mandatory amendments to LEPs across the State.

These amendments would permit agritourism, farm experience premises and farm gate premises with development consent in the following zones under the HLEP:

- RU1 Primary Production.
- RU2 Rural Landscape.
- RU4 Primary Production Small Lots

This will also allow the land uses to be undertaken as complying development, pursuant to the Codes SEPP. Council cannot opt out of this change.

Council may nominate additional zones where agritourism should be permissible with development consent. Council may also elect to adopt optional clauses for the HLEP to provide development controls for farm gate premises and farm stay accommodation. If Council chooses to nominate additional zones or adopt optional clauses, the nominations are required to be submitted to the DPE by 23 December 2022.

Nominations for permitting agritourism in other zones

Council may elect further zones that would permit agritourism land uses to be undertaken with development consent. DPE has asked councils to consider the C3 Environmental Management, C4

Environmental Living and RU5 Village zones for agritourism expansion. The suitability of these zones is considered below:

C3 Environmental Management

The C3 Environmental Management zone is generally located on farms that interface with remnant bushland or are located along the Hawkesbury River.

The zone permits a limited number of land uses including extensive agriculture, farm buildings, dwellings, tourist and visitor accommodation and recreation facilities. The objectives of the zone, combined with low intensity permissible land uses, protect the natural environment and aesthetic qualities of the rural area.

Council's RLS considered agritourism as a key principle for supporting and protecting productive land in the rural area. The RLS recommends that agricultural activities be supplemented with tourism and agribusiness opportunities in all rural areas where primary production occurs, including C3 zoned land where there are a number of commercial farms and orchards.

The agritourism reforms permit farm gate premises and farm experience premises as exempt development in the C3 zone, which is consistent with the permissible extensive agriculture and tourist and visitor accommodation land uses already in the zone. Permitting agritourism in the zone would allow these farms to apply for a development application where they do not meet the exempt development criteria. A complying development pathway would not be available for farms located on C3 zoned land therefore, a development application would be required allowing Council to assess the impacts of the proposal including consistency with the zone objectives and relevant development controls.

It is recommended that Council nominate inclusion of the C3 Environmental Management zone as a zone in which farm experience premises and farm gate premises are permitted with development consent, to be implemented as part of the Agritourism reforms. This would be consistent with the recommendations of the RLS and implementation of the adopted short term actions.

RU5 Village and C4 Environmental Living

The RU5 Village and C4 Environmental Living zones currently do not permit agricultural activities with or without development consent in either zone. The C4 Environmental Living zone is applied to riverfront properties along the Hawkesbury River, Berowra Creek and Dangar Island. The RU5 Village zone covers allotments in Dural that have a commercial or residential nature. These zones are not known to be used for commercial farming. Further, the Hornsby RLS does not identify the zones as being suitable for agritourism land uses. The addition of agritourism land uses to the RU5 and C4 zones would not be compatible with the objectives of these zones and should not be pursued.

Optional Clause Nominations

The DPE has added two new optional clauses to the Standard Instrument LEP which provide planning objectives and development standards for farm stay premises and farm gate premises. DPE has asked councils to nominate whether the optional clauses should be added to their LEPs. A copy of the new optional clauses is attached to this report.

The two new optional clauses would provide development standards for farm stay accommodation and farm gate premises. These development standards provide mandatory considerations for consent authorities in the assessment of development applications related to these land uses. The mandatory considerations cover:

- Amenity considerations for adjoining residential and primary production land uses.

- Considerations regarding whether the development would have an adverse impact on native flora and fauna, visual amenity, heritage, scenic areas, traffic, water quality or public safety.
- A requirement that bushfire and flood prone land be considered.
- The suitability of the site for development.
- The compatibility of the proposed development with nearby land uses.

HLEP and HDCP do not currently include specific controls related to farm stay premises and farm gate premises, as they are new land uses. The proposed optional clauses reflect important considerations when assessing a development application.

It is recommended that Council nominate to adopt the clauses to ensure careful and consistent development assessment across the rural area. The controls would also assist the community by providing clear planning direction for these new uses.

To ensure consistency with the RLS and in recognition that parts of the rural lands of Hornsby Shire are constrained by the natural hazards of bushfire and flooding, an additional objective should be added to the optional clauses. Adding an additional objective would ensure the environmental constraints of rural land are adequately considered in future development applications.

It is recommended that Council request the following additional objective for inclusion in both of the optional clauses:

- (c) *To ensure that tourism and related agritourism uses are sensitively located to minimise the risk to life and property from natural hazards including bushfire and flood risk*

The addition of this objective to both optional clauses would reinforce the importance of the development standards relating to natural hazards and is consistent with the recommendations of Council's RLS.

NEXT STEPS

The HDCP currently contains a range of general and specific requirements for development on rural lands, including controls for specific land uses. A HDCP amendment would be required to include new controls for agritourism land uses and revisit provisions for currently permitted land uses (e.g. roadside stalls and farm stay accommodation). The DPE has advised that model DCP clauses will be released imminently to assist councils prepare new controls.

It is recommended that draft DCP amendments be prepared once the model clauses are released and that a separate report be presented to Council with the draft amendments for exhibition.

CONSULTATION

Preliminary consultation was undertaken as part of the preparation of the draft RLS in 2019. The feedback from the preliminary exhibition informed the preparation of the draft Study. The draft RLS was exhibited for over six weeks in September – November 2020. The majority of submissions supported the Study or aspects of the Study. In response to submissions, some recommendations of the Study were not adopted or were amended when adopted, including the recommendation for value adding land uses. Council's report on submissions recommended that the more appropriate, rural-specific agritourism land uses be implemented once introduced by the State Government rather than stand-alone commercial uses.

The Agritourism reform process is being led by DPE, and community consultation on the changes was undertaken by the State Government in April 2021. Consultation regarding future draft DCP amendments to support agritourism uses would be outlined in a future report to Council.

BUDGET

There are no budgetary implications associated with this Report

POLICY

The DPE agritourism reforms align with the recommendations of Council's RLS. The RLS involved significant background research to support the introduction of value adding activities for commercial farms in the rural areas of Hornsby Shire. The DPE agritourism reforms will implement several short term implementation actions outlined in Implementation Action Plan A which was adopted by Council as part of the RLS.

The agritourism reforms impact the Standard Instrument LEP, and thus the operation of the HLEP. The amendments to the HLEP would be undertaken via a State Policy with no direct action required by Council after the completion of the nomination form for additional zones and adoption of optional clauses.

The short term recommendations of the RLS not covered by the agritourism reforms would continue to be progressed via a separate planning proposal.

A future report would consider amendments to the Hornsby Development Control Plan 2013 to seek consistency between the HDCP and the agritourism land uses.

CONCLUSION

The agritourism planning reforms being progressed by DPE will add new land uses to the HLEP that will become permissible as complying development and with development consent. The agritourism planning reforms are aimed at diversifying income streams for commercial farms to improve the financial viability of farmland.

The reforms are aligned the recommendations of the short term implementation plan of RLS and allow Council to progress the implementation plan without the need to undertake a planning proposal.

The agritourism reforms introduce mandatory land uses in rural zones. It is recommended that Council nominate the C3 Environmental Management Zone as a zone in which farm gate premises and farm experience premises be permissible with development consent. Allowing these land uses in the C3 zone would maintain consistency with the land use permissibility tables contained within the HLEP which permit extensive agriculture and tourist and visitor accommodation and would support commercial farms.

It is also recommended that Council adopt the optional HLEP clauses to provide development standards for farm stay accommodation and farm gate premises and certainty for operators and the community. Additional objectives for these provisions would elevate the importance of considering natural bushfire and flood hazards in the rural area.



RESPONSIBLE OFFICER

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Attachments:

1. State Environmental Planning Policy (Exempt and Complying Development Codes)
 Amendment (Agritourism) 2022
2. Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2022


File Reference: F2018/00162#04-002
Document Number: D08535045

12 REVIEW OF POLICIES AND CODES - INFRASTRUCTURE AND MAJOR PROJECTS

EXECUTIVE SUMMARY

- Council's Policy – "Adoption, Alteration and Review of Policies and Codes" – states each Division of Council is required to review all policies and codes under their control and recommend any changes to Council.
- The current policies and code pertaining to the Infrastructure and Major Projects Division have now been reviewed and recommendations have been made for each policy/code based on current service needs and legislative changes.

RECOMMENDATION

THAT Council adopt the recommendations contained in the table in Deputy General Manager's Report No. IM6/22 in respect of the current policies and codes under the jurisdiction of the Infrastructure and Major Projects Division.

PURPOSE

The purpose of this Report is to present to Council the outcomes of the review of policies and codes under the jurisdiction of the Infrastructure and Major Projects Division, and to seek Council's endorsement of the recommended actions in response to the review of those policies and codes.

BACKGROUND

Council's Policy – "Adoption, Alteration and Review of Policies and Codes" – requires each Division to review all policies and codes under their control and recommend any changes to Council.

The policies and codes under the jurisdiction of the Infrastructure and Major Projects Division have not been reviewed for two years.

ExCo has decided that current policies and codes should be combined into one category called policies, and that the following definitions should apply in respect of the terms Policy, Determination, Guideline and Procedure.

A "**Policy**" is a document which is:

1. Required or allowed by legislation to be determined by resolution of Council.
2. A broad statement of objectives, protocols, or principles in relation to specific activities/issues of Council, the merits of which require it to be determined by resolution of Council.
3. A collection of rules, regulations, codes and standards relating to a particular subject and designed to provide guidance to Council staff and external parties about how business is done with Council, the merits of which require it to be determined by resolution of Council.

A "Determination" is a document which has the same characteristics as a Policy but the merits of which does not require it to be determined by formal resolution of Council. A Determination is made effective by decision of the General Manager and/or ExCo.

A "**Guideline**" or "**Procedure**" is a document which provides more specific direction on how a Policy or Determination is to be implemented or applies or which outlines specific work tasks within the organisation. A Guideline or Procedure can be made effective by decision of a Branch Manager, Divisional Manager, General Manager or ExCo.

DISCUSSION

Infrastructure and Major Projects Division Policies and Codes

A review of the current policies and codes under the jurisdiction of the Infrastructure and Major Projects Division has now been undertaken and a listing, together with a summary of proposed amendments, are attached. Deletions are shown in the attachments by ~~strike through~~ and additions by **bold italics**.

Current Policy or Code Title	Comment and Recommendation
Asset Operations and Maintenance Branch	
Policy – Stormwater Management POL00144	The content and intent of this document remains relevant and should be retained. Recommendation – That this Policy be retained as is.

Current Policy or Code Title	Comment and Recommendation
Policy – Footpath Levels – Alterations POL00114	The content and intent of this document remains relevant and should be retained. Recommendation – That this Policy be retained as is.
Policy – Street Signs POL00123	The content and intent of this document remains relevant and should be retained. Recommendation – That this Policy be retained as is.
Policy – Street Lighting POL00122	The content and intent of this document remains relevant and should be retained. Recommendation – That this policy be retained as is.
Design and Construction Branch	
Policy – Vehicular Crossings POL00124	The content and intent of this document remains relevant and should be retained, subject to minor amendments as shown in the attached policy. Recommendation – That this Policy be retained subject to a minor amendment which proposes the deletion of stamped concrete patterns on vehicular crossings.
Traffic and Road Safety	
Policy – Parking Restrictions near Driveways and Laneways POL00405	The content and intent of this document remains relevant and should be retained. Recommendation – That this Policy be retained as is.
Policy – Parking Restrictions – Council Car Parks POL00116	The content and intent of this document remains relevant and should be retained. Recommendation – That this Policy be retained as is

It should be noted that the Asset Management Policy is now the responsibility of the Finance Branch as per Strategic Asset Management Policy.

BUDGET

There are no budgetary implications associated with this Report.

POLICY

Details of the review that has been undertaken of each current Policy and Code within the Division is summarised within this Report.

CONCLUSION

The review of Policies under the jurisdiction of the Infrastructure and Major Projects Division has been undertaken and updated where necessary. It is recommended that the above Policies be retained.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Deputy General Manager, Infrastructure and Major Projects – Robert Stephens who can be contacted on 9847 6665.

ROBERT STEPHENS

Deputy General Manager - Infrastructure and

Major Projects

Infrastructure and Major Projects Division

Attachments:

1.  Policy - Stormwater Management
2.  Policy - Footpath Levels - Alterations
3.  Policy - Street Signs
4.  Policy - Street Lighting
5.  Policy - Vehicular Crossings
6.  Policy - Parking Restrictions near Driveways and Laneways
7.  Policy - Parking Restrictions - Council Car Parks

File Reference: F2013/00454

Document Number: D08515952

17 MAYOR'S NOTES 01 NOVEMBER 2022 TO 30 NOVEMBER 2022

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.

Wednesday 2nd November 2022 – The Mayor hosted four Citizenship Ceremonies in the Council Chambers at Hornsby Shire Council in Hornsby.

Thursday 3rd November 2022 – The Mayor attended the Ground-breaking Ceremony at Living Choice Galston at 330-334 Galston Road, Galston followed by a BBQ lunch.

Saturday 5th November 2022 -The Mayor attended and participated in Hornsby Relay for Life, at Rofe Park, Galston Road, Hornsby.

Saturday 5th November 2022 – The Mayor attended the SEVA International Diwali Celebrations at Cherrybrook Community and Cultural Centre, 31 Shepherds Drive, Cherrybrook.

Sunday 6th November 2022 – The Mayor attended the Berowra Waters Progress Association Meeting Regarding Special Rate Variation (SRV) at Berowra Village Tavern, 1B Turner Road, Berowra Heights.

Sunday 6th November 2022 – The Mayor attended the Hindu Council of Australia and Australia India Cenotaph Committee Commemoration of Remembrance Day at Anzac Jawan Cenotaph, Cherrybrook Greenway Park, Shepherds Lane, Cherrybrook.

Monday 7th November 2022 – On behalf of the Mayor, Deputy Mayor, Councillor Tilbury, attended Berowra Christian School Celebration at Corner of Berowra Waters Road and King Street, Berowra.

Tuesday 8th November 2022 – The Mayor attended Asquith Girls High School Musical Production of “Call on Me” at The Concourse Theatre in Chatswood.

Wednesday 9th November 2022 - The Mayor attended a Photo Opportunity for the Opening of Hunt Reserve, 689 Pacific Highway, Mount Colah.

Thursday 10 November 2022 - The Mayor attended an evening at the North Epping Bowling Club to thank and farewell Janet McGarry (Ex-President) for her five years of excellent service to the Epping Civic Trust in the role of President.

Friday 11th November 2022 - The Mayor attended the Commemoration and lay a wreath at the Hornsby RSL Sub-Branch Remembrance Day Commemoration at Hornsby Cenotaph.

Friday 11th November 2022 – The Mayor attended the Hornsby Ku-ring-gai Post “Thanking our Sponsors Drinks” at Killara Hotel and Suites, 480 Pacific Highway Killara.

Saturday 12th November 2022 – The Mayor attended the Official Opening and Smoking Ceremony of the Hornsby Heights Bushland Fair at Hornsby Heights Public School, 8/20 Sommerville Road, Hornsby Heights.

Sunday 13th November 2022 – The Mayor attended the HSC Inaugural Community Recycling Centre (CRC) Open Day at 29 Sefton Road, Thornleigh.

Monday 14th November 2022 – The Mayor attended Pacific Hills School Tree Planting Ceremony and Morning Tea at Pacific Hills Christian School, 9-15 Quarry Road, Dural.

Wednesday 16th November 2022 - The Mayor hosted four Citizenship Ceremonies in the Council Chambers at Hornsby Shire Council in Hornsby.

Friday 18th November 2022 - The Mayor attended and spoke to Men's Probus Club at Asquith Golf Club.

Monday 21st November 2022 – The Mayor attended and spoke at "Friends, Food and Fun" as part of Social Inclusion Week at Hornsby RSL Club, 4 High Street, Hornsby.

Tuesday 22nd November 2022 – The Mayor attended Independent Living Villages Ltd Ribbon Cutting Ceremony at the opening of the SDA Complex at 139 Victoria Road, West Pennant Hills.

Wednesday 23rd November 2022 – The Mayor attended the Official opening of Lifeline Store in Pennant Hills at 108/110 Yarra Road, Pennant Hills.

Thursday 24th November 2022 - The Mayor had a photo opportunity at the Mark Taylor Oval Waitara.

Friday 25th November 2022 – The Mayor and Councillors attended a bus Tour of Waste and other facilities.

Friday 25th November 2022 – The Mayor and Councillors attended Hornsby's first Spring Westside Vibe at Dural Lane, Hornsby.

Saturday 26th November 2022 - The Mayor attended Christophorus House Retirement Village AGM at 396 Peats Ferry Road, Hornsby.

Saturday 26th November 2022 – The Mayor and Councillors attended the Hornsby Shire Council 2022 Bushcare and Nursery Christmas Party at Pennant Hills Bowling Club, 52 Yarra Road, Pennant Hills.

Saturday 26th November 2022- The Mayor and Councillors attended the Lisgar Gardens get together and lunch at Lisgar Gardens.

Saturday 26th November 2022 - On behalf of the Mayor, Councillor Waddell attended the Ferry Artist Gallery at Wisemans Ferry.

Tuesday 29th November 2022 – The Mayor, Councillor McIntosh, Councillor McClelland and Councillor Greenwood attended the Heritage Advisory Committee Meeting at Hornsby Shire Council Chambers.

Wednesday 30th November 2022 – The Mayor attended the Women's Shed Hornsby Ku-ring-gai (WSHK) Domestic Violence Walk at the PCYC Waitara.

File Reference: F2004/07053

Document Number: D08541189

18 BUY RECYCLED

COUNCILLOR HEYDE TO MOVE

THAT Council:

1. Note that as a combined result of the 2020 China Sword policy and the Federal Government's National Waste Export Ban impacts and implications on the recycling sector, there is a major structural change occurring to develop the required onshore re-manufacturing facilities to beneficially utilise our community's recyclables; and that the success of this transition depends on creating new circular economy markets for the recycled content materials and products produced.
2. Note that due to a recent soft plastics recycling service provider to the major supermarkets temporarily ceasing business, it has become even more important for Council to ensure it continues to provide the Community with a soft plastics recycling service at the Thornleigh Community Recycling Centre. Critical to the long-term viability of this and other recycling services is market demand for recycled content products.
3. Note that Federal, State and Local Governments have an important role to play in leading this critical change through buying recycled content products to assist in stimulating a sustainable circular economy marketplace.
4. Hold an Informal Councillor Briefing to further examine how Council might address its role in buying recycled content products and supporting the development of a circular economy including exploring:
 - a) What Council is currently doing to support buying recycled content products.
 - b) Opportunities, barriers and constraints that exist for buying recycled content products including what strategies and actions could increase Council take up of recycled content products.
 - c) The resource and financial implications for increasing the purchase of recycled content products.

Note From Councillor

Over the past two years there have been a number of major events and policy changes affecting the global and national recycling sectors. On a global level, the China Sword Policy kick-started several other countries either refusing to accept recycling from more developed nations or drastically limiting the quantities that can be imported and or stipulating stringent quality controls on inbound materials.

This resulted in a global recycling crisis where countries that exported recyclables for further processing and downstream manufacturing lost their current markets and urgently needed to either find new markets or look to retaining recyclables onshore.

In response the Australian Government initiated a number of Waste Export Bans on a range of materials with a view to stimulating the national recycling sector within Australia and avoiding the need to export waste materials. In essence, Australia now needs to look at fully managing its own recyclables onshore.

As a result of these circumstances, Australia is now undergoing a major structural change in how it manages its recyclables. This structural adjustment affects all levels of the recycling sector and the broader community and includes:

- Ensuring that product design and the materials products are made from are compatible with recycling systems
- How we undertake primary sorting of recycling
- Improving secondary sorting processes (to remove remaining contaminants)
- Producing recyclates ready for the manufacturing sector to compete with virgin resources
- Maximise the use of recyclates within our manufacturing and construction sectors to produce recycled content products for consumption in a circular economy; and
- Stimulating buy-recycled content programs by government, the private sector and consumers in general.

All levels of government have a critical role to play to ensure a successful transition into a circular economy. Government organisations have a social responsibility to ensure they are buying recycled content products across their procurements and operations to assist develop sustainable onshore markets for these goods.

As can be seen from the recent issues faced by a major soft plastics recycler, if recycled content products are not being adequately consumed within national markets, the recycling of such materials may become non-viable.

On behalf of our communities, local government is a key stakeholder in making recycling work. In addition to providing efficient collection and sorting of recyclables (through our contractors), Council has a role to play in purchasing recycled content products in an effort to secure a new productive circular economy.

Accordingly, I call for an informal workshop to be held to enable Councillors to:

- Receive an update from staff on Sustainable Procurement initiatives with a focus on purchases with recycled content.
- Examine the barriers, constraints and opportunities for Council in buying recycled content products.
- Determine the scope and process for developing a Buy Recycled Roadmap that would identify key strategies and actions to facilitate an increase in the purchasing of recycled content products within Council.

Attachments:

There are no attachments for this report.

File Reference: F2004/08781

Document Number: D08545455

ITEM 18