



BUSINESS PAPER

GENERAL MEETING

**Wednesday 9 August 2023
at 6:30PM**



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SUPPLEMENTARY AGENDA

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AGENDA AND SUMMARY OF RECOMMENDATIONS

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."

PRESENT

NATIONAL ANTHEM

OPENING PRAYER/S

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."

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 12 July, 2023 be confirmed; a copy having been distributed to all Councillors.

PETITIONS**PRESENTATIONS****RESCISSION MOTIONS****MAYORAL MINUTES****Page Number 1****Item 1 MM3/23 SYDNEY METRO MAYORAL WASTE SUMMIT****RECOMMENDATION**

THAT Council:

1. Work with other Sydney councils on:
 - a) Reducing waste.
 - b) Improving environmental outcomes where waste has to be processed.
 - c) Finding solutions for the residue that is left.
2. Ask the NSW Government to invest the revenue from its waste levy for council and industry initiatives that:
 - a) Accelerate the transition to a circular economy.
 - b) Build the waste infrastructure needed to meet the growing pressures of population growth, loss of landfill capacity and a lack of competition in the sector.
 - c) Educate and support communities to reduce waste.

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

Nil

CORPORATE SUPPORT DIVISION**Page Number 4****Item 2 CS48/23 COUNCILLOR EXPENSES AND FACILITIES POLICY - REPORTING REQUIRED BY SECTION 15 OF THE POLICY****RECOMMENDATION**

THAT Council note that details regarding the provision of Councillor expenses and facilities for the period from 1 July 2022 to 30 June 2023 have been tabled in accordance with the Councillors' Expenses and Facilities Policy.

Page Number 11**Item 3 CS49/23 INVESTMENTS AND BORROWINGS (PRE-AUDIT) FOR 2022/2023 - STATUS FOR THE PERIOD ENDING 30 JUNE 2023****RECOMMENDATION**

THAT the contents of Director's Report No. CS49/23 be received and noted.

Page Number 14**Item 4 CS51/23 CLASSIFICATION OF PUBLIC LAND - ROAD WIDENING AT HORNSBY****RECOMMENDATION**

THAT pursuant to Section 31 of the Local Government Act 1993, Lot 1 DP 1284969 being land acquired for road widening be classified as "Operational Land" and dedicated as Public Road.

Page Number 17**Item 5 CS52/23 CLASSIFICATION OF LAND - 45 JERSEY STREET, HORNSBY****RECOMMENDATION**

THAT pursuant to Section 31 of the Local Government Act 1993, Lot 1 DP 105284 being 45 Jersey Street, Hornsby be classified as "Operational Land".

COMMUNITY AND ENVIRONMENT DIVISION**Page Number 21****Item 6 CE9/23 COMMUNITY EVENT GRANTS PROGRAM****RECOMMENDATION**

THAT Council:

1. Allocate funding to community groups as shown in Attachment 1 to Director's Report No. CE9/23.
2. Advertise an additional Place Activation funding round.

PLANNING AND COMPLIANCE DIVISION**Page Number 25****Item 7 PC16/23 VOLUNTARY PLANNING AGREEMENT - 90-92 FRANKLIN ROAD, CHERRYBROOK****RECOMMENDATION**

THAT the Voluntary Planning Agreement attached to Director's Report No. PC16/23 be endorsed to facilitate delivery of public road widening, footpath and drainage works at John Road and Franklin Road, Cherrybrook.

Page Number 30**Item 8 PC18/23 REPORTING VARIATIONS TO DEVELOPMENT STANDARDS****RECOMMENDATION**

THAT the contents of Director's Report No. PC18/23 be received and noted.

Page Number 33**Item 9 PC19/23 DRAFT VOLUNTARY PLANNING AGREEMENT - 7 CITY VIEW ROAD PLANNING PROPOSAL****RECOMMENDATION**

THAT:

1. The City View Road Planning Proposal attached to Director's Report PC19/23 be submitted to the Department of Planning and Environment for a Gateway Determination.
2. The draft Voluntary Planning Agreement attached to Director's Report PC19/23 be placed on public exhibition for at least 28 days concurrently with the Planning Proposal.

3. Council make representation to the NSW Minister for Planning and Public Spaces, expressing concern regarding the process for Gateway extensions of time.

INFRASTRUCTURE AND MAJOR PROJECTS DIVISION

Nil

CONFIDENTIAL ITEMS

Item 10 CS24/23 PURCHASE OF LAND FOR ROAD WIDENING AT CHERRYBROOK

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.

PUBLIC FORUM – NON AGENDA ITEMS

QUESTIONS WITH NOTICE

Page Number 41

Item 11 QWN2/23 SYNTHETIC TURF

MAYOR'S NOTES

Page Number 42

Item 12 MN9/23 MAYOR'S NOTES 01 JULY 2023 TO 31 JULY 2023

NOTICES OF MOTION

Page Number 43

Item 13 NOM6/23 JOHNSON ROAD GALSTON

COUNCILLOR SALITRA TO MOVE

THAT:

1. Council acknowledges the importance of suitable and accessible recreation space for the Galston community.

2. Council notes the many submissions already received by way of email and petition requesting protection of the parkland used by residents at No. 3 Johnson Rd, Galston (also known as the Old Pony Club).
3. Council conduct a feasibility analysis for these sites based on the following:
 - a) Rezoning No. 1 Johnson Rd, Galston to E4 General Industrial Zone to facilitate industrial units with appropriate protection of vegetation on the site.
 - b) Reclassifying No. 3 Johnson Rd, Galston to Community Land and rezoning the land to RE1 Public Recreation and C2 Environmental Conservation as requested by the Galston community.
4. The findings of the feasibility analysis be presented to Councillors at a workshop, prior to progressing preparation of any planning proposal.
5. Council undertake consultation with the community, consistent with Council's Community Engagement Plan as it applies to the preparation of owner-initiated planning proposals.

SUPPLEMENTARY AGENDA

MATTERS OF URGENCY

1 SYDNEY METRO MAYORAL WASTE SUMMIT

On 18 May 2023, I, along with Mayor's from numerous Sydney metropolitan councils attended a Mayoral Summit to discuss the significant challenges facing local government in managing their communities' waste. The Sydney Mayoral Summit was convened by Southern Sydney Regional Organisation of Councils (SSROC) on behalf of Resilient Sydney, which Hornsby Shire Council supports.

Together we heard from the waste industry, NSW EPA and Federal Government representatives and Sydney Mayors about the problems being experienced, and importantly the initiatives and areas of influence where councils can work together to improve the situation.

The NSW EPA has mandated that all local councils in NSW introduce a Food Organics and Garden Organics (FOGO) service for their residents. At present there isn't adequate organics processing capacity available for Sydney metropolitan councils to transition to FOGO, and there are high levels of uncertainty in how and when councils will be able to rollout a new FOGO service to their respective communities. Further, most councils will incur between \$4-\$8 million in additional expense rolling this new service out to their residents.

The NSW Government's Waste Levy, which imposes a charge of \$163.20 (2023-24) on each tonne of waste going to landfill, currently generates around \$800 million in revenue each year. However only 7% of this Waste Levy revenue is returned for the waste management purpose it was originally levied, with the bulk of the Waste Levy revenue funding other NSW Government services.

If local government is to achieve State and Federal waste diversion and resource recovery targets, improved strategic infrastructure planning and facilitation will be required, along with fast tracking essential waste infrastructure development and identifying available funding sources.

There is currently market failure being experienced in the waste sector, with private waste companies appearing to be unwilling to invest the hundreds of millions required to develop the needed waste infrastructure and services to allow Sydney to operate a modern and effective waste management network and system for a city of over 5 million.

The current strategic, policy and regulatory settings do not appear to be stimulating the required investment or the development of critical waste infrastructure. Planning approval processes for waste related infrastructure are highly problematic, with an inability to get processing or disposal facilities established within a reasonable proximity to the Sydney metropolitan area and other communities not wanting Sydney's waste.

Waste services to council's communities and the associated critical waste infrastructure, including transfer stations, materials recycling facilities, organics processing facilities, landfills or energy from waste plants, needs to hold the important status of an "essential city services" and be given priority treatment and fast track planning and development pathways.

Within the Sydney metropolitan area over 50% of domestic waste continues to go to landfill and there is a fast-looming landfill disposal capacity shortage approaching, with the landfills currently servicing

Sydney's waste disposal needs, running out of useable landfill space around 2030 or in about seven years.

The time to get planning approvals and develop new replacement landfills (or waste to energy facilities) is in the order of 5-10 years, which means it is likely Sydney is heading into a major waste crisis towards 2025-30. Some councils in Sydney Metro may experience difficulty in accessing landfill disposal services for their garbage, and it is reasonably expected that landfill gate rate charges will rapidly escalate causing avoidable financial pressures on councils and their residents.

Urgent NSW Government intervention is required to avoid the pending waste infrastructure crisis, where Sydney Councils are likely to experience significant problems properly managing their communities waste.

Local government alone will not solve this fast-looming crisis and it is time to get all three levels of Government dedicating the required attention and actions to ensure our communities waste is adequately managed.

It is recommended that Council resolve to take strategic advocacy action on waste by:

- Calling on the Commonwealth Government to expedite bans on materials that cannot be recycled or recovered, and to increase extended producer responsibilities.
- Calling on the NSW Government to set the waste levy at an appropriate level with realistic hypothecation allocation, to streamline planning approvals for infrastructure, and to increase clarity and efficiency of licensing procedures.
- Working with other metropolitan Sydney Councils to coordinate our advocacy, communications and collective buying power to bring the benefits of scale, efficiency and industry confidence.
- Working with the other tiers of government to ensure the delivery of infrastructure solutions locally to reduce waste hauled long distances or to landfill.

RECOMMENDATION

THAT Council:

1. Work with other Sydney councils on:
 - a) Reducing waste.
 - b) Improving environmental outcomes where waste has to be processed.
 - c) Finding solutions for the residue that is left.
2. Ask the NSW Government to invest the revenue from its waste levy for council and industry initiatives that:
 - a) Accelerate the transition to a circular economy.
 - b) Build the waste infrastructure needed to meet the growing pressures of population growth, loss of landfill capacity and a lack of competition in the sector.
 - c) Educate and support communities to reduce waste.

The Honourable Cr PHILIP RUDDOCK

Mayor

Attachments:

There are no attachments for this report.

File Reference: F2018/00082

Document Number: D08663699

2 COUNCILLOR EXPENSES AND FACILITIES POLICY - REPORTING REQUIRED BY SECTION 15 OF THE POLICY

EXECUTIVE SUMMARY

- The Councillors' Expenses and Facilities Policy, which is modelled on the Office of Local Government's Better Practice Template, requires that a report on the provision of facilities and payment of expenses to Councillors is to be tabled at a Council Meeting at six monthly intervals.
- Council last considered the required report at the General Meeting of 8 February 2023.
- This report covers the 12-month period from 1 July 2022 to 30 June 2023. Details are provided of expenditure grouped according to specific categories, summarised by individual Councillor and as a total for all Councillors.
- It is recommended that Council note the contents of the Report.

RECOMMENDATION

THAT Council note that details regarding the provision of Councillor expenses and facilities for the period from 1 July 2022 to 30 June 2023 have been tabled in accordance with the Councillors' Expenses and Facilities Policy.

PURPOSE

The purpose of this Report is to comply with Clause 15 of the Councillors' Expenses and Facilities Policy which requires regular reporting of the details of expenses incurred, and cost of facilities provided, for each Councillor. The Report is to include expenditure grouped according to specific categories, summarised by individual Councillor and as a total for all Councillors.

BACKGROUND

The Councillors' Expenses and Facilities Policy requires that a report on the provision of expenses and facilities to Councillors be tabled at a Council Meeting at regular intervals. The relevant Clause states:

15.1 Council will report on the provision of expenses and facilities to councillors as required in the act and regulations.

15.2 Detailed reports on the provision of expenses and facilities to councillors will be publicly tabled at a council meeting every six months and published in full on council's website. These reports will include expenditure summarised by individual councillor and as a total for all councillors.

Council last considered a report on Councillors' Expenses and Facilities at the 8 February 2023 General Meeting (Report No. CS2/23). In accordance with Section 15 of the Policy reporting takes place on a six-monthly basis. This Report includes expenses incurred in the 12-month period from 1 July 2022 to 30 June 2023.

The main categories of expenses facilities are summarised in the table below. The Councillors – Expenses and Facilities Policy was reviewed at the 11 May 2022 General Meeting, as part of Director's Report No. CS4/22. The table below shows the amounts which apply to the financial year 2021/2022, as stated in the Policy Summary, these amounts are to be increased by CPI each year.

General travel expenses (other than travel associated with Conferences and Professional Development)	\$5,250 total for all Councillors	Per year
Interstate, overseas and long-distance intrastate travel expenses	\$0	Per year
Accommodation and meals	As per the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, adjusted annually	Per meal/night
Professional development (includes associated travel and subsistence where applicable)	\$31,500 total for all Councillors	Per year
Conferences and seminars	\$36,700 total for all Councillors	Per year

ITEM 2

(includes associated travel and subsistence where applicable)	(Increased to \$51,700 in the years where the LGNSW Conference is held outside the Sydney metropolitan region.)	
ICT expenses	\$4,750 per Councillor \$2,650 per Councillor	Per year (first year of election) Per year (following years of election)
Carer expenses	\$2,100 per Councillor	Per year
Home office expenses (equipment and facilities other than stationery)	\$350 per Councillor	Per year
Stationery	\$3,150 total for all Councillors	Per year
Postage stamps	Provided by Council	Not relevant
Christmas or festive cards	\$1500 for the Mayor \$500 total for all other Councillors	Per year
Access to facilities in a Councillor common room	Provided to all Councillors	Not relevant
Council vehicle and fuel card	Provided to the Mayor	Not relevant
One reserved parking space at Council offices One shared parking space at Council offices	Provided to the Mayor Shared by all Councillors	Not relevant
Furnished office	Provided to the Mayor	Not relevant
Number of exclusive staff supporting Mayor and Councillors	Provided to the Mayor and Councillors	Two
Spousal attendance at conferences	\$1,050 for the Mayor \$550 per Councillor	Per year
Attendance at non-Council functions	\$1,050 for the Mayor \$550 per Councillor	Per year

DISCUSSION

When Council last reviewed its Councillors' Expenses and Facilities Policy in May 2022, it was required to ensure that the Policy was in line with, and modelled on, the "Councillor Expenses and Facilities Policy – Better Practice Template" issued by the Office of Local Government (OLG).

To ensure greater accountability across councils, and public availability of information regarding expenditure on councillor expenses and facilities, the OLG's Better Practice Template, and subsequently Council's adopted Policy, incorporates a requirement to record expenditure for each individual Councillor, as well as a total for all Councillors, across the categories detailed in the above table. This reporting is required to occur at six monthly intervals and is generally provided to Council in August and February each year.

[N.B. The reporting requirements of the Councillors Expenses and Facilities Policy are in addition to, and provide greater detail than, those which are required by Section 217 of the Local Government (General) Regulation to be included in Council's Annual Report.]

Council officers have established appropriate administrative procedures to ensure that the relevant information is captured in a manner which satisfies the reporting requirements of the Policy.

The table below provides the required information for the 12-month period from 1 July 2022 to 30 June 2023. Where an explanation or clarification is required about particular expenditures (marked with a * in the table), comments are provided in the text following the table.

Expense or Facility July 2022 - June 2023															
	General travel (other than associated with Conferences + Professional Development)	Interstate, overseas + long distance intrastate travel expenses	Accomm + meals (When not associated with a Conference etc)	Professional development (Incl associated accom & travel)	Conferences & seminars (Incl associated Travel & Accom)	ICT - Computer / Ipad Only	Mobile Phone + Data Plan (Incl Internet etc for Computer)	Carer expenses	Home office expenses	Stationery	Postage stamps	Christmas or festive cards	Spousal attendance at conferences Name Badges	Attendance at non-Council functions	Total
Ruddock	80	-	-	220	2,245	-	2,078	-	-	-	-	2,150	-	-	\$ 6,773
Tilbury	-	-	-	-	1,845	818	2,686	-	83	175	-	-	-	-	\$ 5,608
Waddell	236	-	-	220	2,246	-	1,419	-	-	-	-	-	-	-	\$ 4,121
McIntosh	-	-	-	2,802	3,235	-	1,900	-	-	-	-	-	-	-	\$ 7,937
Heyde	274	-	-	220	2,246	-	68	-	-	-	-	-	-	-	\$ 2,809
Ball	-	-	-	220	2,323	-	-	-	-	-	-	-	-	-	\$ 2,543
Greenwood	54	-	-	-	-	-	753	-	-	-	-	-	-	-	\$ 807
McClelland	-	-	-	1,943	3,799	-	527	-	-	-	-	-	-	-	\$ 6,270
Pillamarri	-	-	-	220	2,246	-	1,619	-	-	-	-	-	-	-	\$ 4,086
Salitra	978	-	-	602	2,323	-	87	570	-	-	-	-	-	-	\$ 4,559
Total	\$ 1,621.61	\$ -	\$ -	\$ 6,446.99	\$ 22,508.32	\$ 818.18	\$ 11,138.11	\$ 569.50	\$ 83.45	\$ 174.61	\$ -	\$ 2,150.00	\$ -	\$ -	\$ 45,510.76

ITEM 2

Notes:

- * In supporting the expenditure of \$2,150 on Christmas and Festive cards, it was recognised that the sending of the cards by the Mayor represented, festive greetings on behalf of all Councillors, the General Manager and staff across the organisation. This expenditure is also supporting a local charity organisation.

It is noted that expenses incurred during the reporting period fall significantly under the allocation for each category and in total.

BUDGET

The categorisation and reporting of expenditure in respect of councillors' expenses and facilities in the manner required and presented within this Report assists with the monitoring of expenses for that provision within Council's adopted budget. The overall total expenses reported for the 12-month period from July 2022 to June 2023 of \$45,511 is considerably less than the total budget provision for the financial year. All expenses have been approved as required by the General Manager or other staff under delegation.

POLICY

The Report meets the requirements of the provisions of Section 15 of Council's Councillors' Expenses and Facilities Policy.

CONCLUSION

The Councillors' Expenses and Facilities Policy requires details of expenditure and the provisions of facilities to Councillors, summarised by individual Councillor and expense category, as well as a total for all Councillors, to be presented to Council at an open meeting. The expenditure by Councillors for the period July 2022 to June 2023 is well within the budget provision and requirements of the Policy. This Report provides the relevant information as required by the Policy and ensures all statutory requirements are met.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Manager, Governance and Customer Service Branch – 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:

There are no attachments for this report.

File Reference: F2004/09552-02

Document Number: D08685592

ITEM 2

3 INVESTMENTS AND BORROWINGS (PRE-AUDIT) FOR 2022/2023 - STATUS FOR THE PERIOD ENDING 30 JUNE 2023

EXECUTIVE SUMMARY

- This Report provides details of Council's investment performance for the period ending 30 June 2023 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 June 2023 of 4.17% which includes a positive yield of 1.86% from TCorp Managed Funds.
- The 2022/23 financial year to date return is 3.43% which includes a yield of 6.09% from TCorp Managed Funds. This result includes a year-to-date unrealised net gain of \$1,280,036 from TCorp Managed Funds.

RECOMMENDATION

THAT the contents of Director's Report No. CS49/23 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 investments must be in accordance with relevant legislative requirements and Council Policies, and the Chief Financial Officer must report monthly to Council on the details of the funds invested.

Council's investment performance for the month ending 30 June 2023 is detailed in the attached document. In summary, the portfolio achieved an annualised return for June 2023 of 4.17% including a positive yield from TCorp Managed Funds of 1.86%. On a financial year to date basis the portfolio achieved a return of 3.43% which includes a yield of 6.09% from TCorp Managed Funds.

It should be noted that as at 30 June 2023, Council made the final repayment on the last remaining loan which was borrowed in 2023. The Borrowings Schedule as at 30 June 2023 is attached for Council's information displaying no outstanding debt owed by Council.

BUDGET

Budgeted investment income for the year is \$4,788,416 with an average budgeted monthly income of \$399,035. Net investment income for the month ended 30 June was \$972,521, which includes an unrealised gain of \$33,690 from TCorp Managed Funds.

Budgeted investment income year to date at 30 June 2023 was \$4,788,416. Total investment income year to date at 30 June 2023 was \$10,350,419 which includes a year-to-date unrealised net gain of \$1,280,036 from TCorp Managed Funds. It is noted that the budget and actual investment income excludes a year-to-date unrealised capital gain from Floating Rate Notes of \$426,464 as at 30 June 2023.

Approximately 49.61% 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. 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 30 June 2023 is detailed in the documents attached to this Report. Council's consideration of the Report and its attachments.



RESPONSIBLE OFFICER

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

DUNCAN CHELL
Chief Financial Officer
Corporate Support Division

GLEN MAGUS
Director - Corporate Support
Corporate Support Division

Attachments:

1.  HSC Investment Summary Report June 2023 (Pre-Audit)
2.  HSC Borrowings Summary Report June 2023 (Pre-Audit)

File Reference: F2004/06987-02
Document Number: D08686734

4 CLASSIFICATION OF PUBLIC LAND - ROAD WIDENING AT HORNSBY

EXECUTIVE SUMMARY

- On 11 May 2022 Council approved the purchase of Lot 1 DP 1284969 for road widening.
- This is part of the Hornsby Fire Station site on the corner of Bridge Road & Peats Ferry Road at Hornsby, has an area of 16.1m² and is required for a splay corner.
- The acquisition is part of a project to upgrade the intersection by providing two designated left turn lanes and one designated right turn lane from Peats Ferry Road into Bridge Road.
- The land was acquired by Notice in the NSW Government Gazette published on 27 January 2023.
- The compensation authorised by Council was paid to Fire & Rescue NSW on 12 April 2023.
- Council also approved a public notice of the intention to classify the road widening as "Operational Land". This is required for the future dedication of the land as public road.
- The required public notice has been exhibited and no objections were received.
- Council is requested to approve the classification and road dedication.

RECOMMENDATION

THAT pursuant to Section 31 of the Local Government Act 1993, Lot 1 DP 1284969 being land acquired for road widening be classified as "Operational Land" and dedicated as Public Road.

PURPOSE

The purpose of this Report is to seek Council approval to the classification of land acquired for road widening at Hornsby as “Operational Land” and dedication of the land as Public Road.

BACKGROUND

Council considered Confidential Director’s Report No. CS36/22 – Purchase of Land for Road Widening at Hornsby (considered at the 11 May 2022 General Meeting) detailing commercial terms negotiated for the acquisition of road widening from within the Hornsby Fire Brigade site on the corner of Peats Ferry Road & Bridge Road at Hornsby.

The road widening is Lot 1 DP 1284969, has an area of 16.1m² and is required for a splay corner which is part of a project to upgrade the intersection by providing two designated left turn lanes and one designated right turn lane from Peats Ferry Road into Bridge Road.

Council approved the purchase from Fire & Rescue NSW and also authorised a public notice of Council’s intention to classify the road widening as “Operational Land”.

The land was acquired by public notice in the NSW Government Gazette published on the 27 January 2023. Compensation for the area acquired was paid to NSW Fire & Rescue on the 12 April 2023.

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”. However, Section 47F then restricts Council’s ability to dedicate “Community Land” as a public road.

For that reason, Council’s resolution at the 11 May 2022 General Meeting proposed a classification of the road widening as “Operational Land”. Section 34 of the Act requires Council to give at least 28 days public notice of a proposed resolution to classify a property as “Operational Land”.

Public notice was given on Council’s website to comply with this requirement. Plans of the land were also on exhibition during this period.

There were three requests for further information on the project including how the works would improve traffic congestion and public safety. All questions were answered to the satisfaction of the residents.

There were also three submissions in support of the proposal. No objections were received.

Council is now able to classify the road widening as “Operational Land” so that the land can be dedicated as public road after construction works on the intersection are completed.

BUDGET

There are no budgetary implications associated with this Report.

POLICY

There are no policy implications associated with this Report.

CONCLUSION

Classification of the road widening as “Operational Land” will permit the future dedication of the splay corner as public road.

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: F2021/00277

Document Number: D08689227

5 CLASSIFICATION OF LAND - 45 JERSEY STREET, HORNSBY

EXECUTIVE SUMMARY

- Council's purchase of vacant land at 45 Jersey Street, Hornsby completed on 23 June 2023.
- The land adjoins other Council properties at 302-308 Peats Ferry Road and 43 Jersey Street.
- In the future, as part of the vision for Hornsby Town Centre, those properties may be required to widen Jersey Lane and/or provide a link between Peats Ferry Road and Jersey Street, Hornsby.
- Purchase of 45 Jersey Street will ensure that the residue land after construction of the road link has the potential for either development or resale.
- On 10 May 2023 Council authorised the purchase and also public notice of its intention to classify the site as "Operational Land".
- Classification as "Operational Land" is required to facilitate these potential future uses.

RECOMMENDATION

THAT pursuant to Section 31 of the Local Government Act 1993, Lot 1 DP 105284 being 45 Jersey Street, Hornsby be classified as "Operational Land".

PURPOSE

The purpose of this Report is to seek Council approval to the classification of Lot 1 DP 105284 being 45 Jersey Street, Hornsby as “Operational Land”.

BACKGROUND

Council considered Confidential Director’s Report No. CS27/23 – Possible Purchase of Vacant Land at Hornsby (considered at the 10 May 2022 General Meeting) and resolved to authorise the General Manager to progress the matter in line with the next steps outlined in the Discussion Section of this report.

Those next steps were:

1. *Council approves purchase of 45 Jersey Street, Hornsby as identified within Confidential Director’s Report No. CS27/23 for \$1.35 million plus GST.*
2. *That, if prior to exchange of Contracts, the owners receive a higher offer or attempt to increase the sale price, then the General Manager be authorised to negotiate on Council’s behalf up to an amount no more than 10% above the upper range recommended by Council’s Valuer.*
3. *That the General Manager be authorised to negotiate, make offers and execute any documents in relation to this matter as deemed appropriate by Council’s legal advisors.*
4. *That if required by the absence of the General Manager or by legal statute, Council authorise the use of Council’s seal on any legal documents in relation to this matter as deemed appropriate by Council’s legal advisors.*
5. *That upon purchase, Council give public notice of its intention to classify the subject property as “Operational Land” in accordance with Section 31(2) of the Local Government Act 1993.*

DISCUSSION

The property (45 Jersey Street, Hornsby) was offered for sale by the owners through Selling agent, Camelle Real Estate Hornsby.

It is noted that the adjoining properties being 43 Jersey Street and 302 to 306 Peats Ferry Road, Hornsby are in Council ownership. It was therefore recognised that this acquisition would increase current options for the future widening of Jersey Lane, Hornsby and a possible traffic link with Jersey Street, Hornsby. In addition to a future possible link the residue may be able to more broadly contribute to the realisation of Council’s vision for the Hornsby Town Centre.

Council’s Valuer had assessed a market value range for the acquisition of this property between \$1.375 million to \$1.46 million plus GST. The amount negotiated with the selling agent and agreed to by the owner was \$1.43 million plus GST which is in-line with point 2 of the Next Steps resolved by Council at the General Meeting held in May 2023.

Land Classification

Apart from public roads held under the Roads Act, all land owned by Council must be classified as either “Community Land” 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. Any objections to a lease must be reported to the Minister through the Office of Local Government.

By comparison, these matters need not be considered by Council when dealing with “Operational Land” which is typically the case with 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.

Purchase of this site was a strategic acquisition recognising future proposals to create a traffic link between Jersey Street and Peats Ferry Road as well the proposed Bus Network in the vision for Hornsby Town Centre. These proposals have the potential to impact on the current landholdings but particularly 43 Jersey Street, Hornsby.

Purchase of the adjoining vacant land at 45 Jersey Street, Hornsby will ensure that the residue land after future construction of a road link has potential for either development or resale.

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”. However, Section 47F then restricts Council’s ability to dedicate “Community Land” as a public road and there are also restrictions on redevelopment of community land for other than public purposes.

For that reason, Council resolved at the General Meeting held in May 2023 that upon acquisition of the property Council would provide public notice of its intention to classify the subject property as “Operational Land”.

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.

There were two written submissions requesting further information and two submissions in support during the public notice period. The questions concerning potential future uses of the land were answered to the satisfaction of the residents. No objections were received.

Upon completion of the public notice period, it is appropriate for Council to now classify the property as “Operational Land”.

CONSULTATION

As required by the Local Government Act (1993) public notification of Council’s intention to classify the property outlined in this report was undertaken and any queries were addressed.

BUDGET

There are no budgetary implications associated with this Report.

POLICY

There are no policy implications associated with this Report.

CONCLUSION

This is an important strategic land acquisition negotiated for a purchase price that reflects the current market value and on terms that ensured that Council’s interests are protected. The property will eventually be consolidated with other adjoining Council strategic land holdings with a classification as “Operational Land” considered appropriate.

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: F2023/00136

Document Number: D08690348

6 COMMUNITY EVENT GRANTS PROGRAM

EXECUTIVE SUMMARY

- Council operates a Community Event Grants Program that provides seed funding to community-driven, event-based initiatives with a view to events being sustainably delivered by the community over time.
- Council called for Expressions of Interest from community groups under the Place Activation category that provides, grants of up to \$3,000 to one-off events.
- Expressions of Interest were opened on 1 June 2023 and closed to applications on 29 June 2023. At the close, a total of five applications had been received.
- Officers have undertaken an assessment of the applications having regard to Council's Policy and Guidelines for the program. Following this review:
 - Two applications were assessed as meeting Council's criteria.
 - One application did not engage the broader community.
 - One application did not submit a complete application and was therefore unable to be considered further.
 - One was ineligible for the program as the application was made by commercial entity.
- The Berowra Fauna Fair met the program criteria and is recommended for funding. The 2077 After Dark launch event was also assessed as meeting the program criteria. It is noted that the 2077 After Dark project is also the recipient of a separate grant from the NSW Government and in-kind support from Council including staff time/assistance from our place making team and additional marketing/promotional support.
- Noting that some applications were incomplete, and others did not adequately address the program criteria, it is recommended that Council seek to facilitate grant workshops to improve community groups capacity in applying for future grants.
- With funds remaining the program budget it is also recommended that Council advertise an additional grant round that would enable new groups to apply and enable unsuccessful applicants (where eligible) to update and submit a complete application for their proposed event.

RECOMMENDATION

THAT Council:

1. Allocate funding to community groups as shown in Attachment 1 to Director's Report No. CE9/23.
2. Advertise an additional Place Activation funding round.

ITEM 6

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 advertised for expressions of interest from community groups seeking funding support under its Community Events Grants Program to deliver sustainable local community events. Expressions were open for a period of 28 days from 1 to 29 June 2023 inclusive.

DISCUSSION

The purpose of Council's Community Event Grants Program is to provide 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 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.
- Place Activation grants are designed to support one-off, smaller scale events up to \$3,000 per application, with priority given but not limited to ward boundaries.

Public expressions of interest for community groups seeking funding support to deliver events were sought, specifically within the Place Activation funding pool. At the close of the expressions of interest period in late June, a total of 5 community applications seeking \$16,185.75 in funding support had been received.

Applications were spread across the Shire as follows:

- Three applications were received from A Ward.
- One application was received from B Ward.
- One application was received from C Ward.

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.

Noting that some applications were incomplete, and others did not adequately address the program criteria, there would be merit in Council facilitating grant workshops to improve community groups capacity in applying for future grants.

With funds remaining the program budget it is recommended that Council also advertise an additional grant round that would enable new groups to apply and enable unsuccessful applicants (where eligible) to update and submit a complete application for their proposed event.

BUDGET

A total of \$29,638 is available from an initial Community Event Grants budget allocation of \$60,000.

Should Council endorse the officer's recommendations, \$23,638 would remain in the Place Activation stream that could be used to support new one-off events in a subsequent Place Activation funding round.

POLICY

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

CONCLUSION

Public expressions of interest for community groups seeking funding support to deliver events were sought for a 28 day period between 1 and 29 June. At the close a total of 5 community applications seeking \$16,185.75 in funding support had been received.

Following assessment, funding recommendations for \$6,000 under the Place Activation Grant are presented for Council's consideration.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Manager, Community and 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.  Community Events Grants Program - Application Summary

File Reference: F2010/00630
Document Number: D08695273

7 VOLUNTARY PLANNING AGREEMENT - 90-92 FRANKLIN ROAD, CHERRYBROOK

EXECUTIVE SUMMARY

- A Voluntary Planning Agreement ('the Agreement') has been submitted on behalf of the owners of property Nos. 90-92 Franklin Road, Cherrybrook.
- On 22 December 2020, Development Application No. DA/1146/2020 was lodged for demolition of structures, Torrens title subdivision of 1 allotment into 10 lots, civil works and an associated planning agreement for public road construction.
- The Agreement would facilitate the timely delivery of public road, footpath and drainage works on the part of the land reserved for acquisition for local road widening under the Hornsby Local Environmental Plan 2013 at John Road and Franklin Road, Cherrybrook.
- No submissions were received commenting on the Agreement during the exhibition period.
- It is recommended that Council endorse the Agreement for the widening of the public road at John Road and Franklin Road, Cherrybrook.

RECOMMENDATION

THAT the Voluntary Planning Agreement attached to Director's Report No. PC16/23 be endorsed to facilitate delivery of public road widening, footpath and drainage works at John Road and Franklin Road, Cherrybrook.

PURPOSE

The purpose of this report is to present a Voluntary Planning Agreement ('the Agreement') which proposes that the developer of Nos. 90-92 Franklin Road, Cherrybrook constructs public road, footpath and drainage works on the part of the land reserved for local road at John Road and Franklin Road, Cherrybrook.

THE SITE

The site is trapezoidal in shape with a northern frontage to John Road of 176m, an eastern frontage to Franklin Road of 62m and a total area of 9,228m². There is a fall of approximately 24m from the south-eastern corner to the north-western corner.

A single storey brick dwelling with metal roof is located at the eastern end of the site and east of this is a detached building which appears to have been a garage, now converted to habitable space. There are no other built structures of note.

The western end of the site is affected by an easement for overhead electricity transmission lines 30m wide. A sewer line traverses the eastern end of the site within this easement.

A significant portion of the site is heavily vegetated with mature trees, mainly west of the transmission line and east of the dwelling and along the north, eastern and southern boundaries. There are approximately 118 trees located on, or directly adjoining, the site.

The subject allotment was created by a subdivision registered in 1930, at which time the site was used for rural residential purposes. The site has not been subdivided since and is one of the largest remaining lots in the wider Cherrybrook area.

The immediate surrounding area comprises mostly low-density housing comprising detached dwellings on lots typically 600-800m². However, there are also several townhouse style developments nearby with lots as small as 350m².

To the east is Franklin Road and on the opposite side of this road are detached dwellings. Adjoining to the south are numerous residential properties accessed from Franklin Road, Fernleigh Close and Claridge Close. To the north is John Road and on the opposite side of this road are a variety of single dwellings on large and small lots.

The site is located approximately 560m north-east of the new Cherrybrook metro station.

BACKGROUND

The Hornsby Local Environmental Plan 2013 identifies a strip of land in John and Franklin Roads under the Land Reservation Acquisition Map. The purpose of acquisition of the land is for local road widening.

On 22 December 2020, Development Application No. DA/1146/2020 was lodged for demolition of structures, Torrens title subdivision of 1 allotment into 10 lots, civil works and an associated Planning Agreement for public road construction.

The Planning Agreement proposes:

- Construction of the public road, footpath and drainage works in John Road and Franklin Road by the developer to be completed within 12 months of obtaining a Subdivision Works Certificate in respect of the above works or prior to issuing of a Subdivision Certificate for the entirety of subdivision works.

- Waiving of Section 7.11 and 7.12 contributions as compensation for the delivery of road, footpath and drainage works as designed and constructed at no cost to Council providing a public benefit to the community.

A separate report Confidential Director's Report No. CS24/23 has been prepared for the purchase of the road.

The development application is currently under assessment by an independent planning consultant given Council's interest in the Planning Agreement and consideration of purchase of a portion of the site to facilitate the road widening. Following Council's consideration of the Planning Agreement and land purchase, the development application will be reported to a future meeting of the Hornsby Local Planning Panel for determination.

DISCUSSION

The Agreement proposes that the developer construct the road, footpath and drainage works in John Road and Franklin Road within 12 months of obtaining a Subdivision Works Certificate for the above works or Subdivision Certificate.

Section 7.4 of the *Environmental Planning and Assessment Act 1979* ("the Act") defines a planning agreement as:

- (1) *A planning agreement is a voluntary agreement or other arrangement under this Division between a planning authority (or 2 or more planning authorities) and a person (the developer)—*
- (a) *Who has sought a change to an environmental planning instrument, or*
 - (b) *Who has made, or proposes to make, a development application or application for a complying development certificate, or*
 - (c) *Who has entered into an agreement with, or is otherwise associated with, a person to whom paragraph (a) or (b) applies,*

Under which the developer is required to dedicate land free of cost, pay a monetary contribution, or provide any other material public benefit, or any combination of them, to be used for or applied towards a public purpose.

The Act prescribes the content, form, subject matter and procedures for making planning agreements. The Agreement submitted by the applicant has been made in accordance with the Act.

Council's Policy on Planning Agreements

Council's *Policy on Planning Agreements* (2007) provides that Planning Agreements should meet the acceptability test set out in the Practice Note issued by the Department of Planning to ensure that Agreements:

- *Are directed towards proper or legitimate planning purposes, ordinarily ascertainable from the statutory planning controls and other adopted planning policies applying to development.*

Comment: The acquisition of a portion of the site for local road widening has been a planning strategy encompassed within Council's planning controls for a long period of time to ensure the construction of a full width local road with appropriate pedestrian footpath and landscape carriageway. The subject lands are reserved for acquisition under the Hornsby Local Environment Plan confirming Council's intention to pursue construction of the Road. The

construction of the road would complete and complement the balance of John Road to the west of the subject site.

- *Provide for public benefits that bear a relationship to development that are not wholly unrelated to the development.*

Comment: Under Council's *Policy on Planning Agreements*, road reconstruction and upgrade works are listed as an appropriate benefit for a planning agreement. In addition to improving circulation and traffic safety within the local traffic network, the construction of the road has a direct relationship with the development application as it would facilitate safe and efficient access to the proposed subdivision.

- *Produce outcomes that meet the general values and expectations of the public and protect the overall public interest.*

Comment: The Agreement would have a significant public benefit by facilitating the timely implementation of planned upgrades to the local road network.

- *Provide for a reasonable means of achieving the relevant purposes and outcomes and securing the benefits.*

Comment: The Agreement provides a reasonable means of achieving and securing the benefits of construction of public road, footpath and drainage works at John Road and Franklin Road, Cherrybrook by waiving of Section 7.11 contributions.

- *Protect the community against planning harm.*

Comment: The Agreement provides for interested persons to consider and comment on the merits of the proposal through a public exhibition process. Council will be able to withhold Subdivision Certificates and Occupation Certificates for the development until such time as the road works are completed ensuring certainty for the community.

In summary, the Agreement is consistent with previous executed agreements, Council's *Policy on Planning Agreements* and Section 7.4 of the Act. The Agreement has been reviewed by Council's solicitor to confirm that the Agreement may be legally made.

CONSULTATION

The Agreement was placed on public exhibition for a period of 28 days in accordance with Section 7.5(1) of the *Environmental Planning and Assessment Act 1979* and Council's *Policy on Planning Agreements 2007*. During this period, no submissions were received.

BUDGET

The cost of construction of the public infrastructure works is estimated to be \$500,000. Waiving of Section 7.11 and 7.12 contributions as compensation for the delivery of road, footpath and drainage works would forgo \$180,000 of development contribution fees to Council. There would be an overall positive financial benefit to Council of approximately \$320,000 for the developer to undertake the public infrastructure works.

POLICY

There are no policy implications associated with this Report.

CONCLUSION

The proposal to enter an agreement is consistent with Council's current *Policy on Planning Agreements* and satisfies the acceptability test of a proper planning purpose.

The Agreement provides a reasonable means of achieving and securing the benefits of construction of public road, footpath and drainage works at John Road and Franklin Road, Cherrybrook by waiving of Section 7.11 contributions.

The VPA was placed on public exhibition for 28 days and nil submissions were received.





RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Manager of Development Assessments - Rod Pickles who can be contacted on 9847 6731.

JAMES FARRINGTON

Director - Planning and Compliance
Planning and Compliance Division

Attachments:

1.  Explanatory Note
2.  Planning Agreement
3.  VPA - Land Acquisition Plan
4.  VPA - Plan of Road Works

File Reference: DA/1146/2020

Document Number: D08673777

8 REPORTING VARIATIONS TO DEVELOPMENT STANDARDS

EXECUTIVE SUMMARY

- In accordance with the Department of Planning and Environment's *Planning Circular PS 20-002*, Council is required to report variations to development standards for development applications approved under delegated authority, which relied upon Clause 4.6 (Exceptions to development standards) of the *Hornsby Local Environmental Plan 2013 (HLEP)*.
- Council's consideration of this report ensures Council's obligation to monitor variations to development standards is complied with.

RECOMMENDATION

THAT the contents of Director's Report No. PC18/23 be received and noted.

PURPOSE

The purpose of this report is to advise Council of determined development applications under delegated authority involving a Clause 4.6 variation to a development standard for the period 1 April to 30 June 2023.

DISCUSSION

Clause 4.6 (variation to development standards) of the Hornsby Local Environmental Plan 2013 provides flexibility in the application of planning controls by allowing council to approve development applications that may not strictly meet the requirements of the subject development standard but are consistent with the objectives of the development standard and the objectives of the zone.

In these instances, varying a development standard may be allowed by Council when there are sufficient environmental planning grounds to justify contravening the standard. The concurrence of the Secretary of the Department of Planning and Environment must be obtained before consent for development that contravenes a development standard is granted. However, in many cases this concurrence may be assumed by Council.

In 2008, the Department published Planning Circular PS08-014 Reporting variations to development standards. The Circular outlined the procedural and reporting requirements councils must implement with respect to their use of the Secretary's assumed concurrence. The requirements include measures to increase the transparency and accountability in Clause 4.6 decisions, including reporting of decisions, online information on the councils' use of the Secretary's assumed concurrence and quarterly reporting of clause 4.6 variations to the Department.

Monitoring of variations to development standards is important to provide the Department and councils with an overview of the manner in which established development standards are being varied and whether the assumed concurrence is being used as intended. This enables Council and the Department to determine whether development standards are appropriate, or whether changes are required.

Planning Circular PS 20-002 Variations to Development Standards was published by the Department in May 2020 and is the current applicable planning Circular. The Circular retained all the same procedural and reporting requirements as the previous Circular, and further included the requirement for all council reports to be submitted to the Department through the Planning Portal.

The *Circular* provides that councils are required to report on a quarterly basis and adopt the following measures:

1. Establish a register of development applications determined with variations in standards under Clause 4.6.
2. Require all development applications where there has been a variation greater than 10% in standards to be determined by the Hornsby Local Planning Panel.
3. Provide a report to Council on the development applications determined where there had been a variation in standards under Clause 4.6.
4. Make the register of the development applications determined with variations in standards under Clause 4.6 available to the public on Council's website.

In accordance with Point 3 of the Department Circular, attached is a list of development applications determined between 1 April to 30 June 2023.

A copy of the attachment to this report is also reproduced on Council's website.

BUDGET

There are no budget implications.

POLICY

This report addresses Council's reporting obligations for development applications determined where there has been a variation in standards under Clause 4.6.

CONCLUSION

Council is required to monitor the manner in which development standards are being varied. This assists in determining whether changes are required to relevant standards. This report provides advice to Council on standards varied under delegated authority which relied upon Clause 4.6 of the HLEP during the reporting period from 1 April to 30 June 2023.

RESPONSIBLE OFFICER


The officer responsible for the preparation of this report is the Director of Planning and Compliance Division – James Farrington, who can be contacted on 9847 6750.

JAMES FARRINGTON

Director - Planning and Compliance

Planning and Compliance Division

Attachments:

1.  Clause 4.6 - 1 April to 30 June 2023

File Reference: F2022/00271

Document Number: D08686030

9 DRAFT VOLUNTARY PLANNING AGREEMENT - 7 CITY VIEW ROAD PLANNING PROPOSAL

EXECUTIVE SUMMARY

- In April 2022, an owner-initiated Planning Proposal was lodged for 7 City View Road, Pennant Hills, to facilitate a mixed use development of apartments, seniors housing and office space.
- The Planning Proposal was accompanied by a Letter of Offer to enter a Planning Agreement (VPA), with community benefits of open space, affordable housing and pedestrian works.
- At its 13 July 2022 meeting, resolved to support progression of the Planning Proposal and seek a Gateway Determination (received in August 2022 with conditions).
- Council also resolved to receive a future report presenting a draft VPA after negotiation on the details of community benefit to be provided.
- A draft VPA has since been negotiated with the proponent. The draft VPA includes four affordable housing units dedicated to Council in perpetuity, construction of a public access way and a contribution of \$450,000 towards improvements in the Pennant Hills Town Centre.
- Due to the time taken to negotiate the Planning Agreement, Council requested an extension of time from the Department of Planning and Environment to complete the Planning Proposal.
- Although recognising Council's significant effort to advance the Planning Proposal, the DPE denied Council's request for an extension of time and withdrew the Gateway Determination with instructions to seek a new Gateway.
- It is recommended that the Planning Proposal attached to this report be resubmitted to DPE, representations be made to the Minister for Planning expressing concern with the process, and that the draft VPA be placed on public exhibition for 28 days with the Planning Proposal, following receipt of a Gateway Determination.

RECOMMENDATION

THAT:

1. The City View Road Planning Proposal attached to Director's Report PC19/23 be submitted to the Department of Planning and Environment for a Gateway Determination.
2. The draft Voluntary Planning Agreement attached to Director's Report PC19/23 be placed on public exhibition for at least 28 days concurrently with the Planning Proposal.
3. Council make representation to the NSW Minister for Planning and Public Spaces, expressing concern regarding the process for Gateway extensions of time.

PURPOSE

The purpose of this report is to present a draft VPA associated with the 7 City View Road Planning Proposal for endorsement for exhibition and to seek a resolution to resubmit the Planning Proposal to the Department of Planning and Environment for Gateway Determination.

BACKGROUND

In April 2022, an owner-initiated planning proposal was lodged for 7 City View Road Pennant Hills. The Planning Proposal sought to increase permissible density on the site and allow residential and seniors housing as part of a mixed-use development. No additional height was proposed.

The Planning Proposal was accompanied by a Letter of Offer to enter into a VPA, with community benefits including open and community space, affordable housing and pedestrian improvements.

At its meeting on 13 July 2022, Council considered the Proposal and resolved to support progression of the Planning Proposal for a Gateway Determination and to receive a future report presenting a draft VPA. The Council report noted that the categories of items identified in the Letter of Offer were generally supported by Council's strategic goals, but that the details required further negotiation.

In August 2022, the Department of Planning and Environment (DPE) granted a Gateway Determination for the Planning Proposal, requiring the proponent to undertake additional design and traffic analysis. That work was completed by the proponent and submitted to Council in February 2023. The additional design and traffic analysis is available on Council's website, along with the supporting documentation for the original Planning Proposal.

The DPE confirmed that the proponent's additional analysis met the requirements of the Gateway Determination and the Planning Proposal could be publicly exhibited. The Gateway Determination stated that the Planning Proposal should be finalised, with the Hornsby LEP amended, on or before 26 June 2023.

In March 2023, Council provided an update to the DPE regarding the status of VPA negotiations and likely timeframes for reporting to Council and public exhibition.

On 5 April 2023, Council staff formally requested that the Gateway Determination be amended with an extension of time to allow for the timely progression of the Planning Proposal, in line with DPE guidelines. The reason for this was to allow for VPA negotiations to continue to achieve the best outcomes for the community.

On 16 May 2023, the DPE amended the Gateway Determination so that the Planning Proposal would not proceed (attached). In its covering letter, the DPE noted Council's effort in progressing the Planning Proposal and VPA. The letter concludes that, due to planning reforms seeking to reduce assessment times, Council's request would not be approved and that Council was requested to submit the Planning Proposal for a new Gateway Determination.

DISCUSSION

This report discusses changes made to the Planning Proposal post Gateway Determination and the draft VPA.

Post Gateway Planning Proposal

In supporting the Planning Proposal for submission for Gateway Determination, Council resolved to proceed with an alternative mechanism from that originally proposed by the applicant to provide more certainty for the development outcome through a new additional local provision under Part 6 of the Hornsby LEP (rather than a stand-alone increase in floor space).

The DPE's Gateway Determination dated 26 August 2022 supported Council's requested amendments to the Planning Proposal and required that:

1. *The planning proposal is to be updated to:*
 - (a) *Reflect the changes to the proposal made by Council, consistent with its resolution date 13 July 2022.*
 - (b) *Demonstrate consistency with the Regional Plan and relevant objectives of the Regional Plan.*
 - (c) *Update the transport impact assessment's modelling conditions, including queue lengths and level of service during peak hours, with scenarios for existing, concept design and cumulative impacts. This updated modelling should be prepared in accordance with the relevant guidelines and be provided to Transport for NSW for comment.*
 - (d) *Provide further evidence demonstrating compliance can be achieved with SEPP 65, particularly for units on the lower ground floors and the south and east of the development.*
 - (e) *Ensure the Project Timeline is updated to reflect the timelines to make the LEP included in this determination.*
2. *Prior to community consultation, the planning proposal is to be revised to address conditions 1 and forwarded to the Department for review and approval.*

Between August 2022 and February 2023, the proponent undertook additional traffic assessment and urban design analysis and provided an updated Planning Proposal to Council on 14 February 2023. The DPE confirmed on 24 February 2023 that the Gateway Determination's conditions had been met and that the Planning Proposal is suitable for public exhibition.

The exhibition is intended to occur concurrently with the exhibition of the Planning Agreement, which has been in negotiation since the Gateway Determination.

Draft Voluntary Planning Agreement

Section 7.4 of the *Environmental Planning and Assessment Act 1979* ("the Act") defines a planning agreement as:

- (1) *A planning agreement is a voluntary agreement or other arrangement under this Division between a planning authority (or 2 or more planning authorities) and a person (the developer)—*
 - (a) *Who has sought a change to an environmental planning instrument, or*
 - (b) *Who has made, or proposes to make, a development application or application for a complying development certificate, or*
 - (c) *Who has entered into an agreement with, or is otherwise associated with, a person to whom paragraph (a) or (b) applies,*

Under which the developer is required to dedicate land free of cost, pay a monetary contribution, or provide any other material public benefit, or any combination of them, to be used for or applied towards a public purpose.

The Act prescribes the content, form, subject matter and procedures for making planning agreements. The Agreement submitted by the applicant has been made in accordance with the Act.

As discussed above, a Letter of Offer was lodged with the Planning Proposal. In October 2022, Council officers provided formal feedback to the proponent regarding the Letter of Offer (attached) and the findings of the 13 July 2022 report to Council.

In summary, Council's response requested that the offer be amended as follows:

- Affordable housing:
 - Affordable housing should apartments dedicated in perpetuity.
 - Dwellings should be designed and constructed to a standard that is generally consistent with other dwellings (such as solar access) and be a mix of sizes.
- Public infrastructure
 - The pocket park and community space should not be included, as they do not align with Council's adopted strategies for delivery of the same.
 - Delivery of adopted strategic positions should be prioritised, namely the delivery of high-quality community and open space at the Pennant Hills local centre.
- Development contributions
 - Any offer should not impact development contributions associated with a future development application.

Council staff have negotiated with the proponent on how best to meet these requests. An informal workshop with Councillors was held on 29 March 2023 regarding the key elements offered by the proponent.

A draft VPA (attached) has been prepared by the proponent, with guidance from Council's solicitor. The contributions associated with the draft VPA are as follows:

Affordable housing

The draft VPA states that four units would be dedicated to Council in perpetuity for affordable housing, with a value of \$3,700,000.

The dwellings would:

- Consist of four units (one two-bedroom unit and three additional units consisting of a mix of studio and one bedroom units).
- Meet the size and solar access requirements of the Apartment Design Guide.
- Include one parking space for each unit, (unless there was no demonstrated need).
- Be identified specifically at the development assessment stage.

Through-site link

The draft VPA states that a through site link from City View Road to Boundary Road would be constructed as part of a future development, with an easement allowing public access at all times. The site of the crossing currently contains multiple informal tracks, indicating demand for more formal access. Delivery of the through-site link would allow for improved access in and around the area for residents, workers and visitors associated with the development and the surrounding the community.

Establishment of the easement would be the responsibility of the developer. Establishment of the easement would be required to be completed prior to an occupancy certificate being issued.

Monetary contributions to Pennant Hills Town Centre infrastructure

The draft VPA states that the developer will make a monetary contribution to the provision of open space, community facilities and civic improvements within the Pennant Hills Town Centre. The monetary contribution is to be \$450,000 (excluding GST) and would be delivered prior to the issue of an occupation certificate.

As noted in the 13 July 2022 Council report, multiple strategies adopted by Council have identified opportunities for improvements to community infrastructure within the Pennant Hills Town Centre, including *Play Plan* and *Community and Cultural Facilities Strategic Plan*.

If the VPA is entered into, options for improvements would be investigated further, costed and incorporated into a future delivery plan for Council review and adoption.

Development contributions

The draft VPA confirms that it does not exclude the application of Section 7.11 or 7.12 fees for future development. As such, the contributions associated with the draft VPA would be over and beyond those associated with those plans.

Council's Policy on Planning Agreements

Council's *Policy on Planning Agreements* (2007) provides that Planning Agreements should meet the acceptability test set out in the Practice Note issued by the Department of Planning to ensure that Agreements:

- *Are directed towards proper or legitimate planning purposes, ordinarily ascertainable from the statutory planning controls and other adopted planning policies applying to development.*

Comment:

Under Council's *Policy on Planning Agreements*, affordable housing, town centre and urban design improvements, and streetscape improvements are listed as an appropriate benefit for a planning agreement.

Council's Local Strategic Planning Statement and supporting strategies identify a need for the delivery of affordable housing within the Shire. The method of delivery, being dedication to Council, aligns with established policies in similar councils. That strategic body of work also identifies Pennant Hills Town Centre as a priority for centralising and improving community infrastructure, which would be aided by the proposed monetary contribution.

The proposed easement responds to existing informal walking tracks through a portion of the site. Construction of a pedestrian access with an associated easement would formalise that access, complementing the mixed use nature of the proposed future development.

- *Provide for public benefits that bear a relationship to development that are not wholly unrelated to the development.*

Comment:

Delivery of affordable housing within the development will assist in the delivery of diverse housing within the development, as well as the local community.

A through-site link would increase accessibility for residents, workers and visitors of the development.

The site is within the walking catchment of Pennant Hills Town Centre and improvements to that centre would benefit residents, works and visitors of the development.

- *Produce outcomes that meet the general values and expectations of the public and protect the overall public interest.*

Comment:

The draft VPA contributions will assist in the delivery of affordable housing in the Shire and improve amenity in the Pennant Hills Town Centre. These outcomes align with Council's adopted strategic goals, which have been developed in consultation with the community.

- *Provide for a reasonable means of achieving the relevant purposes and outcomes and securing the benefits.*

Comment:

The draft VPA provides clear criteria for the design and delivery of the contributions proposed.

- *Protect the community against planning harm.*

Comment:

The draft VPA will be placed on public exhibition, allowing for interested persons to consider and comment on the merits of the proposal through a public exhibition process.

Overall, the draft VPA represents an appropriate method for delivery of Council's strategic priorities. As such, the draft VPA satisfies the acceptability test and is consistent with Council's Policy on Planning Agreements.

CONSULTATION

Subject to a Gateway Determination, the Planning Proposal and VPA would be exhibited concurrently through the following channels:

- Advertisement on the Council's Your Say website.
- Displays at the Council Chambers, Hornsby Library and Pennant Hills Library.
- Letters to nearby land owners and public authorities, as identified in the Gateway Determination.

The draft VPA is required to be placed on public exhibition for a period of 28 days in accordance with Section 7.5 of the Environmental Planning and Assessment Act 1979 and Clause 204 of the Environmental Planning and Assessment Regulation 2021.

It is recommended that Council place the draft VPA on public exhibition alongside the Planning Proposal for at least 28 days in accordance with the above strategy.

BUDGET

The monetary contributions received from a finalised VPA would support Council's delivery of improvements in the Pennant Hills Town Centre, which is in proximity to 7 City View Road.

POLICY

While there has been significant and timely advancement of the Planning Proposal, DPE have revised the Gateway Determination so that it cannot proceed, requesting that the Planning Proposal be resubmitted. As such, it is recommended that the attached Planning Proposal be submitted to DPE for a new Gateway Determination.

In its letter dated 16 May 2023, the DPE stated that its reason for altering the 26 August 2022 Gateway Determination was to streamline and simplify processes and reduce assessment times. The

alteration is inconsistent with this reasoning, as it has the potential to complicate and delay the assessment of the Planning Proposal by requiring a new Gateway Determination.

It is recommended that Council make representations to NSW Minister for Planning and Public Spaces, expressing concern regarding the DPE's decision and instead encourage discretion in the interpretation of guidelines to prioritise the delivery of positive outcomes for the community.

CONCLUSION

The draft VPA outlining contributions associated with the 7 City View Road Planning Proposal has been negotiated in accordance with Council's 13 July 2022 resolution and reviewed by Council's solicitors. As written, the draft VPA would provide benefits to the community supported by Council's adopted strategies.

It is recommended that the draft VPA be placed on public exhibition for at least 28 days along with the Planning Proposal.






RESPONSIBLE OFFICER

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

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Planning and Compliance Division

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Attachments:

1.  7 City View Road Updated Planning Proposal
2.  7 City View Road Planning Proposal - DPE Alteration of Gateway Determination
3.  Council Response to 7 City View Letter of Offer
4.  VPA Explanatory Note
5.  Voluntary Planning Agreement

File Reference: PP/1/2022
Document Number: D08695346

11 SYNTHETIC TURF

ASKED BY COUNCILLOR BALL

TO THE Director Community and Environment:

1. Could officers provide a full list of all the materials, compounds and chemicals that are used and found in synthetic turf and infill - both added and incidental from manufacturers of best practice synthetic turf that might be considered in the future for use by Council at sportsgrounds. The requested information should be more detailed than the Safety Data Sheets or Material Safety Data Sheets as they do not contain the full list of components.
2. Could officers provide any end-of-life recycling or disposal options provided by synthetic turf manufacturers.
3. Could officers provide a full list of chemicals, compounds and materials recommended for the installation and maintenance of a synthetic turf sportsground.

Attachments:

There are no attachments for this report.

File Reference: F2004/08918-02

Document Number: D08698395

12 MAYOR'S NOTES 01 JULY 2023 TO 31 JULY 2023

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.

Tuesday 4th July 2023 – The Mayor attended the Riverboat Postman Cruise, Brooklyn.

Wednesday 5th July 2023 – The Mayor hosted four Citizenship Ceremonies in the Council Chambers at Hornsby Shire Council, Hornsby.

Thursday 6th July 2023 – The Mayor attended a photo shoot to accept donation of a Painting of the Battle of Hornsby.

Saturday 8th July 2023 – The Mayor attended a Dedication of Merit Ceremony for the Late Most Venerable Sudham Sudhammo and the Late Most Venerable Thich Phuoc Hue at Wat Phra Dhammakaya, in Berrilee.

Tuesday 11th July 2023 – The Mayor attended a photo shoot to receive a Certificate from the International Camellia Society at Lisgar Gardens, Hornsby.

Tuesday 11th July 2023 – The Mayor attended a photo shoot to launch the new 24-7 service Book Lockers at Berowra Library, Berowra.

Wednesday 12th July 2023 – The Mayor attended artwork inspired by the history and native bushland of Hornsby Shire by local artist Julie Debray and Penny Aiken at Wallarobba Arts and Cultural Centre, Hornsby.

Saturday 22nd July 2023 – On behalf of the Mayor, Councillor Waddell attended Sri Lankan Food Fair at Don Moore Community Centre, Carlingford.

Thursday 27th July 2023 – On behalf of the Mayor, Councillor McClelland attended the opening of a New Senior School Hub at Barker College, Hornsby.

Saturday 29th July 2023 – On behalf of the Mayor, Councillor Waddell attended the 60th Anniversary Black Tie Gala Dinner for Hornsby Rugby Club at Hornsby RSL Club.

Sunday 30th July 2023 – On behalf of the Mayor, Councillor Waddell attended a Community Planting for National Tree Day at Beecroft Village Green, Beecroft.

Sunday 30th July 2023 – The Mayor attended a Book Launch by Vanshika Virmani on behalf of the board and partner organisations of Women's Shed Hornsby Ku-ring-gai at Hornsby Library, Hornsby.

File Reference: F2004/07053
Document Number: D08690734

13 JOHNSON ROAD GALSTON

COUNCILLOR SALITRA TO MOVE

THAT:

1. Council acknowledges the importance of suitable and accessible recreation space for the Galston community.
2. Council notes the many submissions already received by way of email and petition requesting protection of the parkland used by residents at No. 3 Johnson Rd, Galston (also known as the Old Pony Club).
3. Council conduct a feasibility analysis for these sites based on the following:
 - a) Rezoning No. 1 Johnson Rd, Galston to E4 General Industrial Zone to facilitate industrial units with appropriate protection of vegetation on the site.
 - b) Reclassifying No. 3 Johnson Rd, Galston to Community Land and rezoning the land to RE1 Public Recreation and C2 Environmental Conservation as requested by the Galston community.
4. The findings of the feasibility analysis be presented to Councillors at a workshop, prior to progressing preparation of any planning proposal.
5. Council undertake consultation with the community, consistent with Council's Community Engagement Plan as it applies to the preparation of owner-initiated planning proposals.

Background

At its July 2022 General Meeting, Council resolved that a project cost benefit analysis be undertaken to assess the potential use of Nos. 1-3 Johnson Rd, Galston as a light industrial factory unit complex on the current Council Depot and former Pony Club site.

Following a Councillor briefing in February 2023, Council resolved to prepare a Planning Proposal to rezone the land at Nos. 1-3 Johnson Rd, Galston to E4 General Industrial Use, at its June 2023 General Meeting.

Prior to any informal or formal consultation with the community, Councillors and Council have already received a significant amount of feedback from Galston and Hornsby Shire residents.

Community forums have been held by Galston Area Resident Association (GARA) and Arcadia and Galston Residents Association (AGRA) with both meetings reporting high attendance and united community opposition to preparation of a Planning Proposal to rezone the land. Local residents have organised a petition to "Save 3 Johnson Rd" that attracted 832 signatures within two weeks. This

petition was tabled by Councillor Salitra at the July 2023 meeting.

A significant number of residents have also emailed their concerns regarding the rezoning of the land. Submissions received by way of email and the petition, indicate the land at 3 Johnson Rd (the old Pony Club) is not underutilised and vacant as initially thought, but a well-loved greenspace used by many residents. In part, this is due to its safe and accessible nature, with no other park for recreation in this vicinity. Walking distance to greenspace is an important factor in usability, especially for children and elderly residents.

The World Health Organisation report on greenspace lists a range of benefits to humans from greenspace including physical and mental well-being, social connectivity and environmental outcomes. There may be no other single public health intervention that can achieve these goals and so an investment in quality greenspace for residents by Council could be considered an investment in the health and well-being of Hornsby Shire residents.

Further, resident feedback expresses concern about impacts on existing vegetation on the land which includes a critically endangered ecological community of Sydney Turpentine Ironbark Forest and provides habitat for native wildlife. Of notable concern, is the possibility of pollution run off from light industrial usage that may affect the nearby creek, which is a known platypus habitat.

Resident feedback to date, is calling for protection of No. 3 Johnson Rd Galston in isolation from the balance of the site. They request that Council only investigate the rezoning of No.1 Johnson Rd, Galston (the current RFS site and Council depot) to 4 General Industrial Zone with protection of existing vegetation on site, and No. 3 Johnson Rd be re-classified as community land (currently classified as operational land) and rezoned RE1 Public Recreation and C2 Environmental Conservation zoning to protect the critically endangered vegetation on site.

Retention of No. 3 Johnson Rd, Galston as recreational land would be consistent with Council's Community Strategic Plan 'Your Vision Your Future 2032' with Hornsby's residents top ten priorities including our natural environment and the high value of open space.

Retention of No. 3 Johnson Rd as parkland aligns with Council's strategic directions of:

- Connected and cohesive community
- Inclusive and healthy living (G2.1, G2.3)
- Natural environment (G4.1, G4.2, G4.3)

Council's commitment to consideration of resident's requests for retention of their parkland is aligned with Council's strategic direction of being open and engaged G7.1: An organisation that is transparent and trusted to make decisions that reflect the community vision.

Protection of existing greenspace also aligns with adopted Hornsby Shire Council strategies:

- Unstructured Recreation Strategy 2008
- Sustainable Hornsby 2040 (2021)
- Biodiversity Conservation Strategy 2021
- Urban Forest Strategy 2021
- Rural Lands Strategy 2022

- Healthy Ageing Hornsby 2022-2026
- Active Living Hornsby Strategy 2016

This motion seeks to offer the community, some clarity and certainty in the Planning Proposal process by ensuring Council's commitment to investigating and considering resident's preferred outcome.

Attachments:

There are no attachments for this report.

File Reference: F2023/00047

Document Number: D08700474