



ATTACHMENTS

GENERAL MEETING

**Wednesday 13 August 2025
at 6:30 PM**



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ATTACHMENT/S

REPORT NO. CS38/25

ITEM 2

- 1. HSC INVESTMENTS SUMMARY REPORT JUNE 2025**
- 2. HSC BORROWINGS SUMMARY REPORT JUNE 2025**



Investment Summary Report
June 2025

ATTACHMENT 1 - ITEM 2

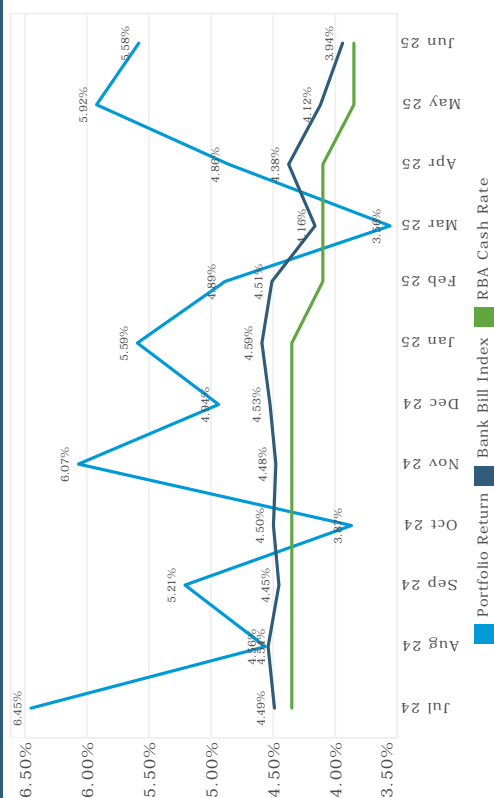
Hornsby Shire Council Executive Summary - June 2025



Investment Holdings

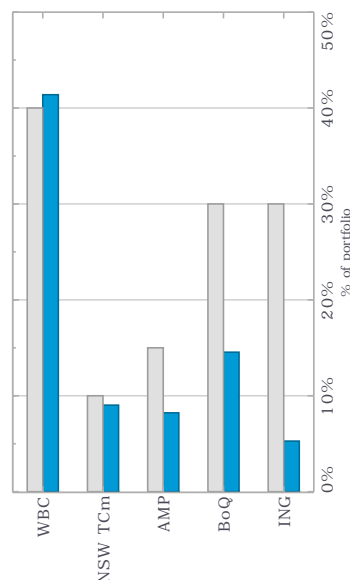
	Face Value (\$)	Current Value (\$)	Current Yield (%)	FYTD Yield (%)
Cash	65,270,121	65,270,121	4.0395	4.2740
Floating Rate Note	38,150,000	38,348,889	4.3152	4.9085
Managed Funds	25,658,837	25,658,837	15.9836	8.1203
Term Deposit	155,309,000	160,480,637	4.9609	5.0025
	284,387,958	289,758,484	5.5819	5.1203

Investment Performance

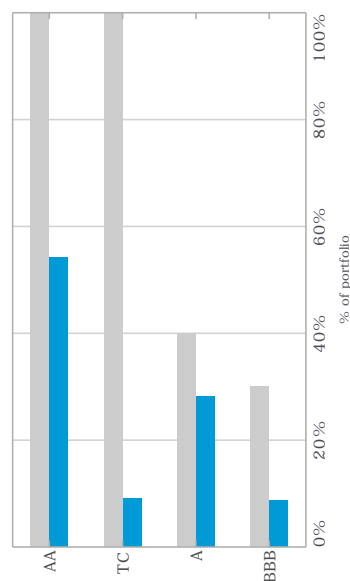


Investment Policy Compliance

Individual Institutional Exposures



Total Credit Exposure



Term to Maturities

	Face Value (\$)	Policy Max *
Between 0 and 0.25 years	106,779,121	38%
Between 0.25 and 1 years	20,500,000	7%
Between 1 and 2 years	26,450,000	9%
Between 2 and 5 years	105,000,000	37%
Between 5 and 10 years	25,658,837	9%
	284,387,958	25%

* Council always retains the flexibility to invest as short as required by internal requirements or the economic outlook



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Hornsby Shire Council Investment Holdings Report - June 2025



Cash Accounts

Face Value (\$)	Current Rate (%)	Institution	Credit Rating	Current Value (\$)
25,339.98	4.4500%	Westpac Group	AA-	25,339.98
475,300.30	3.6500%	Bendigo and Adelaide Bank	A-	475,300.30
1,665,534.61	4.1500%	Macquarie Bank	A+	1,665,534.61
18,381,024.26	4.5000%	AMP Bank	BBB+	18,381,024.26
19,362,459.31	3.8500%	Westpac Group	AA-	19,362,459.31
25,360,462.68	3.8500%	Bank of Queensland	A-	25,360,462.68
65,270,121.14	4.0395%			65,270,121.14

Managed Funds

Face Value (\$)	Current Rate (%)	Institution	Credit Rating	Funds Name	Current Value (\$)
25,658,837.15	15.9836%	NSW T-Corp (MT)	TCm	Medium Term Growth Fund	25,658,837.15
25,658,837.15	15.9836%				25,658,837.15

Term Deposits

Purchase Date	Maturity Date	Term Days	Face Value (\$)	Current Rate (%)	Institution	Credit Rating	Book Value (\$)	Current Value (\$)
19-May-25	19-Aug-25	92	5,000,000.00	4.4000%	National Australia Bank	AA-	5,000,000.00	5,025,917.81
22-Aug-24	22-Aug-25	365	50,000.00	4.2500%	Westpac Group	AA-	50,000.00	51,822.26
28-May-25	28-Aug-25	92	5,000,000.00	4.3000%	National Australia Bank	AA-	5,000,000.00	5,020,027.40
28-Feb-25	28-Aug-25	181	61,000.00	3.5000%	Westpac Group	AA-	61,000.00	61,719.47
28-Feb-25	28-Aug-25	181	198,000.00	3.5000%	Westpac Group	AA-	198,000.00	200,335.32
11-Sep-23	11-Sep-25	731	30,000,000.00	5.2800%	Westpac Group	AA-	30,000,000.00	31,271,539.73
6-Jan-25	6-Jan-26	365	5,000,000.00	4.9500%	AMP Bank	BBB+	5,000,000.00	5,119,342.47
5-Mar-25	9-Sep-26	553	5,000,000.00	4.6600%	ING Bank (Australia)	A	5,000,000.00	5,075,326.03
4-Feb-25	3-Feb-27	729	5,000,000.00	4.6300%	ING Bank (Australia)	A	5,000,000.00	5,093,234.25
16-Aug-23	16-Aug-27	1461	8,000,000.00	5.1500%	ANZ Banking Group	AA-	8,000,000.00	8,360,076.71
23-Aug-23	23-Aug-27	1461	5,000,000.00	5.2200%	ING Bank (Australia)	A	5,000,000.00	5,223,101.37
30-Aug-23	30-Aug-27	1461	8,000,000.00	5.2800%	Westpac Group	AA-	8,000,000.00	8,352,964.38



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Hornsby Shire Council Investment Holdings Report - June 2025

Purchase Date	Maturity Date	Term Days	Face Value (\$)	Current Rate (%)	Institution	Credit Rating	Book Value (\$)	Current Value (\$)
6-Feb-23	7-Feb-28	1827	10,000,000.00	4.1300%	Westpac Group	AA-	10,000,000.00	10,164,068.49
6-Feb-23	7-Feb-28	1827	5,000,000.00	4.1200%	Westpac Group	AA-	5,000,000.00	5,081,835.62
6-Feb-23	7-Feb-28	1827	10,000,000.00	4.0900%	Westpac Group	AA-	10,000,000.00	10,162,479.45
28-Jul-23	28-Jul-28	1827	8,000,000.00	5.3200%	Bank of Queensland	A-	8,000,000.00	8,392,951.23
9-Aug-23	9-Aug-28	1827	8,000,000.00	5.2200%	Bank of Queensland	A-	8,000,000.00	8,372,979.73
4-Sep-23	4-Sep-28	1827	15,000,000.00	5.2800%	Westpac Group	AA-	15,000,000.00	15,650,958.90
4-Sep-23	4-Sep-28	1827	15,000,000.00	5.2800%	Westpac Group	AA-	15,000,000.00	15,650,958.90
19-Feb-25	18-Feb-30	1825	8,000,000.00	5.1500%	Rabobank Australia	A	8,000,000.00	8,148,997.26
			155,309,000.00	4.9609%			155,309,000.00	160,480,636.78
Floating Rate Notes								
Purchase Date	Maturity Date	Term Days	Face Value (\$)	Current Rate (%)	Security Name	Credit Rating	Book Value (\$)	Current Value (\$)
22-Aug-22	22-Aug-25	1096	1,200,000.00	4.6603%	SUN Snr FRN (Aug25) BBSW+0.93%	AA-	1,200,000.00	1,207,077.21
2-Dec-20	2-Dec-25	1826	3,400,000.00	4.2250%	BEN Snr FRN (Dec25) BBSW+0.52%	A-	3,320,984.00	3,412,637.29
9-Dec-20	9-Dec-25	1826	10,000,000.00	4.1952%	MAC Snr FRN (Dec25) BBSW+0.48%	A+	9,776,443.50	10,029,925.17
24-Feb-21	24-Feb-26	1826	2,100,000.00	4.1595%	SUN Snr FRN (Feb26) BBSW+0.45%	AA-	2,047,584.00	2,109,014.29
24-Aug-21	24-Aug-26	1826	4,700,000.00	4.1195%	NAB Snr FRN (Aug26) BBSW+0.41%	AA-	4,592,840.00	4,719,190.42
15-Sep-21	15-Sep-26	1826	4,250,000.00	4.1938%	SUN Snr FRN (Sep26) BBSW+0.48%	AA-	4,129,002.50	4,256,729.79
23-Sep-21	23-Dec-26	1917	6,000,000.00	4.0739%	CBA Green Snr FRN (Dec26) BBSW+0.41%	AA-	5,850,960.00	6,000,977.46
10-Feb-22	10-Feb-27	1826	1,500,000.00	4.8003%	NPBS Snr FRN (Feb27) BBSW+1.00%	BBB+	1,460,115.00	1,512,218.63
11-Nov-22	11-Nov-27	1826	5,000,000.00	5.0303%	WBC Snr FRN (Nov27) BBSW+1.23%	AA-	5,000,000.00	5,101,119.11
			38,150,000.00	4.3152%			37,377,929.00	38,348,889.37
Total Investments								
			Face Value (\$)					Current Value (\$)
			284,387,958.29					289,758,484.44

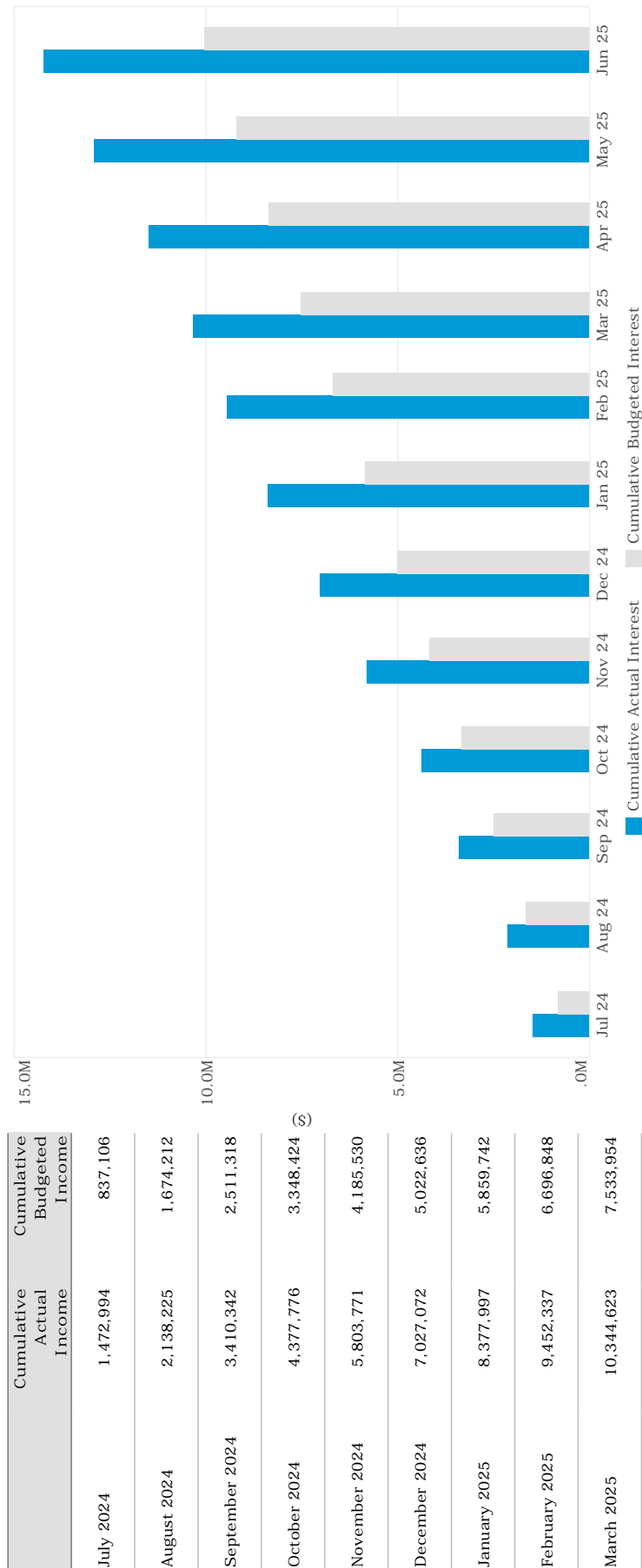


ATTACHMENT 1 - ITEM 2



Hornsby Shire Council Investment Budget Report - June 2025

Budgeted vs Actual Returns



ATTACHMENT 1 - ITEM 2

Hornsby Shire Council Environmental Commitments Report - June 2025



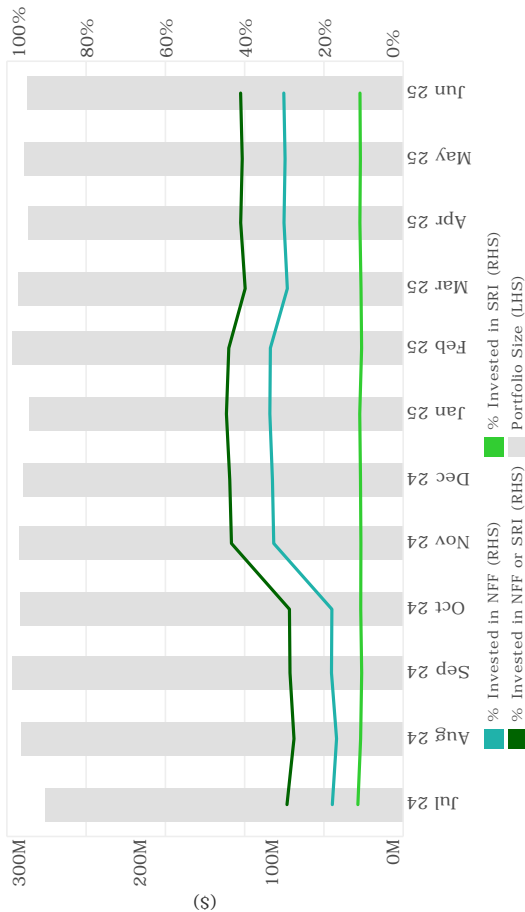
Current Breakdown

ADI Lending Status *	Current Month (\$)	Previous Month (\$)
Fossil Fuel Lending ADIs		
ANZ Group	8,000,000	8,000,000
ING Bank Australia	15,000,000	15,000,000
Macquarie Bank	11,665,535	11,659,685
National Australia Bank	14,700,000	19,700,000
Westpac Group	92,696,799	90,707,235
	142,062,334	145,066,920
	50%	51%
Non Fossil Fuel Lending ADIs		
AMP Bank	23,381,024	23,313,290
Bank of Queensland	41,360,463	41,280,466
Bendigo and Adelaide Bank	3,875,300	3,873,879
Newcastle Greater Mutual Group	1,500,000	1,500,000
Rabobank Australia	8,000,000	8,000,000
Suncorp Bank	7,550,000	7,550,000
	85,666,787	85,517,634
	30%	30%
Other		
NSW T-Corp (MT)	25,658,837	25,348,024
	25,658,837	25,348,024
	9%	9%
Socially Responsible Investment		
CBA (Green)	6,000,000	6,000,000
Westpac Group (Green TD)	25,000,000	25,000,000
	31,000,000	31,000,000
	11%	11%
	284,387,958	286,932,578

* source: Marketforces

Percentages may not add up to 100% due to rounding

Historical Portfolio Exposure to NFF Lending ADIs and SRI s



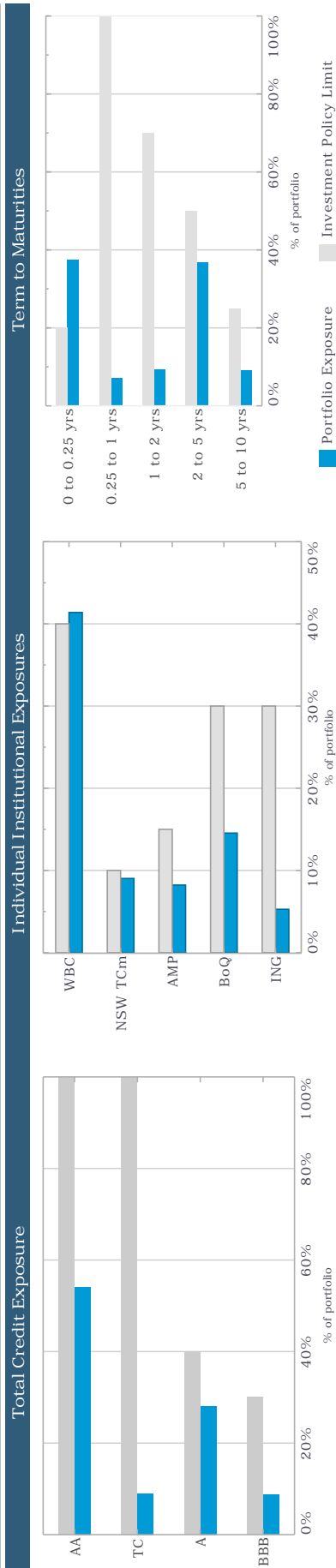
Green Products Summary

	Current Month (\$)	Previous Month (\$)
AMP Bank	23,381,024	23,313,290
Bank of Queensland	41,360,463	41,280,466
Bendigo and Adelaide Bank	3,875,300	3,873,879
CBA (Green)	6,000,000	6,000,000
Newcastle Greater Mutual Group	1,500,000	1,500,000
Rabobank Australia	8,000,000	8,000,000
Suncorp Bank	7,550,000	7,550,000
Westpac Group (Green TD)	25,000,000	25,000,000
	116,666,787	116,517,634
	41%	41%
	284,387,958	286,932,578



ATTACHMENT 1 - ITEM 2

Hornsby Shire Council Investment Policy Compliance Report - June 2025



Credit Rating Group	Face Value (\$)	Policy Max
AA	153,946,799	54%
TC	25,658,837	9%
A	79,901,298	28%
BBB	24,881,024	9%
	284,387,958	

Specific Sub Limits	Face Value (\$)	Policy Max
BBB+	24,881,024	9%
		30%

Institution	% of portfolio	Investment Policy Limit
Westpac Group (AA-)	41%	40%
NSW T-Corp (TCm)	9%	10%
AMP Bank (BBB+)	8%	15%
Bank of Queensland (A-)	15%	30%
ING Bank Australia (A)	5%	30%
Macquarie Bank (A+)	4%	30%
National Australia Bank (AA-)	5%	40%
Rabobank Australia (A)	3%	30%
ANZ Group (AA-)	3%	40%
Suncorp Bank (AA-)	3%	40%
Commonwealth Bank of Australia (AA-)	2%	40%
Bendigo and Adelaide Bank (A-)	1%	30%
Newcastle Greater Mutual Group (BBB+)	1%	15%

	Face Value (\$)	Policy Max*
Between 0 and 0.25 years	106,779,121	38%
Between 0.25 and 1 years	20,500,000	7%
Between 1 and 2 years	26,450,000	9%
Between 2 and 5 years	105,000,000	37%
Between 5 and 10 years	25,658,837	9%
	284,387,958	

* Council always retains the flexibility to invest as short as required by internal requirements or the economic outlook

a = compliant
r = non-compliant



ATTACHMENT 1 - ITEM 2



2. OPERATING LEASES												
		Lessor	Date Executed	Expiry date	Total Lease Payments	\$'000	\$'000	01/07/2024 Opening Balance	\$'000	New Leases	2024/2025 Repayments YTD	\$'000
		Vestone Capital Pty Ltd - previously known as Macquarie Equipment Finance (118)	15-Aug-22	15-May-26	34			17		-	8	8
		Vestone Capital Pty Ltd - previously known as Macquarie Equipment Finance (119)	15-Nov-22	15-Aug-27	64			41		-	13	29
		Vestone Capital Pty Ltd - previously known as Macquarie Equipment Finance (120)	15-Aug-23	15-Aug-28	31			25		-	6	18
		Vestone Capital Pty Ltd - previously known as Macquarie Equipment Finance (121)	15-Nov-23	15-Nov-28	453			382		-	90	292
		Vestone Capital Pty Ltd - previously known as Macquarie Equipment Finance (122)	15-Nov-23	15-Nov-27	134			109		-	33	75
		Vestone Capital Pty Ltd - previously known as Macquarie Equipment Finance (123)	15-May-24	15-Feb-27	37				37		16	21
		Vestone Capital Pty Ltd - previously known as Macquarie Equipment Finance (124)	15-Aug-24	15-Aug-27	77				77		24	53
		Vestone Capital Pty Ltd - previously known as Macquarie Equipment Finance (125)	15-Feb-25	15-Nov-28	69				69		9	60
		TOTAL			899			574		183	200	557

ATTACHMENT/S

REPORT NO. CE1/25

ITEM 3

- 1. POLICY - ABORIGINAL RECONCILIATION STATEMENT
OF COMMITMENT**
- 2. POLICY - COMMUNITY GRANTS AND SPONSORSHIP**
- 3. POLICY - LEASE/LICENCE OF COUNCIL LAND AND
BUILDINGS TO COMMUNITY GROUPS**
- 4. POLICY - STREET LIBRARY ON PUBLIC LAND**
- 5. POLICY - DUAL NAMING AND/OR RE-NAMING OF
COUNCIL FACILITIES**
- 6. POLICY - GREEN OFFSETS**
- 7. POLICY - WATER QUALITY AND CONSERVATION**
- 8. POLICY - BIOSECURITY MANAGEMENT**
- 9. POLICY - ASSISTED LIVING WASTE SERVICES TO
DOMESTIC HOUSEHOLDS**
- 10. POLICY - SINGLE USE PLASTICS**



POLICY REGISTER

POLICY TITLE: ABORIGINAL RECONCILIATION STATEMENT OF COMMITMENT

FOLDER NUMBER: F2007/00307

POLICY OWNER / DIVISION: Community and Environment

POLICY OWNER / BRANCH: Library and Community Services

FUNCTION: Community Services

RELEVANT LEGISLATION: Flags Act

POLICY ADOPTION/AMENDMENT DATE: ~~13 August 2025~~ ~~12 October 2022~~
CE1/25CE3/22

REPORT NUMBER:

REVIEW YEAR: 2024

AMENDMENT HISTORY: ~~12 October 2022 (Report CE3/22)~~
13 February 2002 (Report CC2/02)
9 March 2005 (Report CC5/05)
11 April 2007 (Report CC11/07)
8 April 2009 (Report CC12/09)
20 April 2011 (Report CC10/11)
15 May 2013 (Report EH5/13)
9 September 2015 (Report EH8/15)
12 September 2018 (Report EH16/18)

RELATED POLICIES:

POLICY PURPOSE / OBJECTIVES:

1. To acknowledge the traditional owners of the Shire.
2. To recognise the Shire's Aboriginal heritage.
3. To celebrate the presence of Aboriginal and Torres Strait Islander residents in the community.

POLICY STATEMENT:

1. Council will, at the commencement of each formal Meeting and Citizenship Ceremony, acknowledge the traditional owners of land within the Hornsby Shire by the following statement by the Chairperson – "We acknowledge we are on the traditional lands of the Darug and Guringai Peoples. We pay our respects to elders past and present".
 2. Hornsby Shire Council will display the Aboriginal Flag in conjunction with the Australian Flag at relevant locations around the Shire.
 3. The determination of the relevant locations referred to in 2. above will be considered by Council from time to time.
-

4. When displaying the Aboriginal Flag:
 - a) The Australian Flag is to be flown on the far left of a person facing the flags;
 - b) The Australian Flag and the Aboriginal Flag cannot be flown from the same flagpole; and
 - c) The Aboriginal Flag should be the same size as the Australian Flag being flown beside it.
5. When displaying the Aboriginal Flag with other flags in a line of flagpoles, the Australian Flag will be displayed on the far left of a person facing the flags, followed by the Aboriginal Flag and other flags in their order of precedence.
6. Council purchasers of Aboriginal Flags will ensure that the Flag has been manufactured by Carroll and Richardson Flags, who hold the exclusive licence for the manufacture and marketing of Aboriginal flags, banners and bunting.



POLICY REGISTER

POLICY TITLE:	COMMUNITY GRANTS AND SPONSORSHIP
FOLDER NUMBER:	F2007/00307
POLICY OWNER / DIVISION:	Community and Environment
POLICY OWNER / BRANCH:	Library and Community Services
FUNCTION:	Finance
RELEVANT LEGISLATION:	Local Government Act 1993 - Section 356
POLICY ADOPTION/AMENDMENT DATE:	<u>13 August 2025</u> 12 October 2022 <u>CE1/25</u> CE3/22
REPORT NUMBER:	
REVIEW YEAR:	<u>2027</u> 2024
AMENDMENT HISTORY:	9 September 2015 (Report EH8/15) 12 September 2018 (Report EH16/18) 14 September 2022 (Report CE16/22) <u>12 October 2022 (Report CE1/25)</u>

GENERAL POLICY PURPOSE

This Policy provides an overarching framework to manage cash grants and in-kind sponsorship requests. The following funding streams are available.

1. Community Event Grants
2. Venue Support Program
3. Fee Waiver Requests for Waste Services
4. Fee Waiver Requests for Council Health, Building and Planning Services
5. Mayors Youth Trust Fund
6. Emergency Relief Fund

PROGRAM ONE:**COMMUNITY EVENT GRANTS****PURPOSE**

To provide seed funding to community driven, event-based initiatives with the view to events being sustainably delivered by the community over time.

- \$60,000 will be available per annum through two (2) funding pools – either a 'Community Event Partnership Grant' or a 'Place Activation Grant'.
 - A total of \$42,000 per annum will be provided under Community Event Partnership Grant funding pool. Cash funding, in kind support and sponsorship is available up to a total value of \$7,000 per applicant organisation per annum under this pool.
 - A total of \$18,000 per annum will be provided under the Place Activation Grant Pool. Cash funding, in kind support and sponsorship is available up to a total value of \$3,000 per annum, per applicant organisation under the Place Activation Grant pool. Place Activation Grants are designed to be one-off grants.
- Priority will be given to two grants in each funding pool per Council ward.
- A Memorandum of Understanding (MOU) or agreement will form the basis of a funding agreement for both pools.
- Community Event Partnership Grant MOU's will run for up to four years in line with Council terms and conclude on 30 June following the end of a Council term.
- Successful applicants will not be eligible to apply for additional funding or in-kind support from Council for the duration of the grant/partnership.

EXPECTED OUTCOMES

- Increased vibrancy within the Shire.
- Increased participation in community life which will build a sense of community and promote social inclusion.
- Support Council's place making initiatives by supporting the delivery of local events by local community organisations.

CONDITIONS OF FUNDING

- Applicants must meet the conditions of funding set out in the Grants and Sponsorship Policy Guide as well as any other items stipulated in the MOU/agreement that is developed with successful applicants.

PROCESS

- Applications are only accepted online.
- Expressions of interest will be called for interested community organisations to develop and deliver events.
- Awarding of grants will be the subject of a Council resolution.

- Council may request further information in support of an application if required, in order to determine eligibility.
- Council is under no obligation to continue funding any given project beyond the term of the MOU/agreement.

ATTACHMENT 2 - ITEM 3

PROGRAM TWO:**VENUE SUPPORT PROGRAM****PURPOSE**

To support community not-for-profit groups utilising community and cultural facilities and parks to participate in fundraising activities for registered charities.

EXPECTED OUTCOMES

- To improve awareness and use of cultural and community services and resources within the Shire.
- Increase the capacity of local not for profit groups to undertake fundraising activities by waiving the fees associated with the hire of a Council facility.
- Increase participation at local events within the local community, building a sense of community and promoting social inclusion.

PROCESS

- Applicants must meet the conditions of funding set out in the grants and sponsorship policy guide.
- A total of \$17,000 is available annually.
- Applicants will complete a Fee Waiver Application Form and submit it to Council with accompanying information as required.
- Applications will be assessed monthly in the order of which they are received.
- Applications must be received at least six weeks prior to the hire of the centre, park or reserve.
- Once the funding allocation has been exhausted, the application process will close.
- Applicants will be notified in writing of the outcome of their application.
- Individual applicants must be residents of the Shire and organisations must be located within the Shire of Hornsby.
- Council officers will determine if a fee waiver request to support the provision of services that Council would otherwise provide is valid.

PROGRAM THREE:**FEE WAIVER REQUESTS FOR WASTE SERVICES****PURPOSE**

To support community not-for-profit groups, charities, churches and schools to provide activities and that encourage participation in social, creative, cultural, and community driven events and activities.

EXPECTED OUTCOMES

- Increase the capacity of local not-for-profit groups, charities, churches and schools to undertake fundraising activities by waiving the fees associated with Council waste services.
- Increase participation at local events within the local community, building a sense of community and promoting social inclusion.
- Increasing capacity for local non-for-profit groups to undertake fundraising activities by waiving the fees associated with hire of rubbish bins.
- Increasing community participation in waste education and management.
- Improving awareness of waste education and management strategies needed for events.
- Improving waste disposal methods and encouraging reductions in waste to landfill.

PROCESS

- Applicants must meet the conditions of funding set out in the grants and sponsorship policy guide.
- A total of \$5,000 is available annually.
- Applicants will complete a Fee Waiver Application form and submit it to Council with accompanying hire/service fee information, a separate Bin Hire Form may also be required.
- Applications will be assessed monthly in the order of which they are received.
- Applications must be received at least six weeks prior to the fee payment date.
- Once the funding allocation has been exhausted, the application process will close
- Applicants will be notified in writing of the outcome of their application.
- Council officers will determine if a fee waiver request to support the provision of services that Council would otherwise provide is valid.

PROGRAM FOUR:**FEE WAIVER REQUESTS FOR COUNCIL HEALTH, BUILDING & PLANNING SERVICES****PURPOSE**

Circumstances can arise where it is appropriate and in the public interest for consideration to be given to waiving, reducing or refunding Council's fees and charges associated with the provision of Council's health, building and planning services.

This Program will be applied to assist:

- Not-for-profit local community-based organisations that provide a community benefit and which align with Council's policies, strategies and activities
- Council with some of its own projects and activities; and
- In resolving issues that may have a potential risk or liability for the Council.

ELIGIBILITY:

A recognised not-for-profit group or organisation that carries out one or more of the following activities:

- provides services to the community such as social and age services, childcare or health services, charity services or services of a similar type
- reinvests or applies revenue it receives predominately for public interest services or activities
- principally provides social or sporting or recreational activities
- Government Public School P&C fundraising activities
- supports public events or information of an historical, cultural or community arts focus.

A community-based organisation generally would not include:

- any religious or political organisation
- a profit-making organisation
- schools and tertiary institutions
- professional sporting organisations
- State or Federal government agencies and departments
- any organisation where its income is derived predominately from any State or Federal government programs or from other sources of funding.

PROCESS:

- All applications must be made on the Fee Waiver Application form.
- Prior to lodgement of a planning or building application, a request under this Policy must be forwarded to Council and a decision made under the Program
- The waiver of annual fees such as essential fire safety registration fees, food premises inspection and administration fees and the like, may be granted as a reoccurring exemption
- Applicants will be notified in writing of Council's decision.

PROGRAM FIVE**MAYOR'S YOUTH TRUST FUND****PURPOSE**

To support young people participating in representative activities, on a regional, state and international basis.

EXPECTED OUTCOMES

- Increase the participation of young people in their local community, schools, social groups and sports groups representing the Shire at a state, national or international level in events and activities.
- To encourage social contributions, cultural initiatives and athletic achievements among young people residing in Hornsby Shire.

PROCESS

- Applicants must meet the conditions of funding set out in the grants and sponsorship policy guide.
- A total pool of \$3,000 is available annually.
- 12 grants of \$250.00 will be made available each financial year.
- Once the total funding is expended, the application process will close and no further applications will be assessed during that financial year.
- Applications will be assessed by a Council officer on a monthly basis throughout the year.
- Applications will be processed in the date order in which they are received.
- Applications are accepted throughout the year but must be received by Council at least eight weeks prior to the proposed event.
- Applicants will be notified of the outcome in writing.
- Applicants seeking to change the purpose for which the grant was awarded must seek Council's permission to do so in writing.
- Recipients must provide an evaluation report on the highlights of the event for which they were funded.

PROGRAM SIX:

EMERGENCY RELIEF FUND

PURPOSE

- To provide financial support to communities affected by natural disasters.

EXPECTED OUTCOMES

- To provide emergency relief to a natural disaster recovery effort via local, national and/or international humanitarian aid projects.

PROCESS

- Grants are awarded following a resolution of Council
- Funding may be allocated to local, national or international disaster recovery efforts.
- Funds will be directed to a registered charity with minimal administrative overheads.
- Staff with an appropriate delegation may nominate the recipient charity.
- \$5,000 will be made available per annum for this purpose.



POLICY REGISTER

POLICY TITLE: LEASE/LICENCE OF COUNCIL LAND AND BUILDINGS TO COMMUNITY GROUPS

FOLDER NUMBER: F2007/00307

POLICY OWNER / DIVISION: Community and Environment

POLICY OWNER / BRANCH: Library and Community Services

FUNCTION: Council Property & Land

RELEVANT LEGISLATION:

POLICY ADOPTION/AMENDMENT DATE: 13 August 2025~~12 October 2022~~
CE1/25~~CE3/22~~

REPORT NUMBER:

REVIEW YEAR: 2027~~2024~~

AMENDMENT HISTORY: 9 May 2007 (Report CC36/07)
8 April 2009 (Report CC12/09)
20 April 2011 (Report CC10/11)
15 May 2013 (Report EH5/13)
9 September 2015 (Report EH8/15)
12 September 2018 (Report EH16/18)
12 October 2022 (Report CE3/22)

RELATED POLICIES:

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Lease/Licence of Council Land and Buildings to Community Groups

A. Introduction

Hornsby Shire Council's land and building assets are managed by a variety of Divisions. It is important to develop an open and transparent code that relates to all Council owned/managed land and buildings assets used or to be used by community groups under lease/licence arrangements.

Council leases/licences a number of its land and building assets to community related groups, clubs and incorporated organisations at subsidised rates for a variety of purposes.

This Code will provide the framework for the assessment of existing and future community user groups to lease or licence Council owned/managed land and buildings prior to the consideration of the matter by Council. It establishes the requirement for all community groups to demonstrate the community benefit arising from their use of the Council owned/managed land and buildings and sets out reporting requirements to ensure accountability to Council and recognition of Council's contribution. The code sets out terms and conditions to be used as the basis for negotiating leases/licences.

B. Definitions

For the purposes of this code the following definitions apply.

Facility:

Part or all of a Council owned/managed land and/or building asset and associated infrastructure occupied by a community group/s under a lease/licence to provide and organise recreational, cultural, sporting and community service activities. They are generally situated on Council owned operational and community Land or Crown Land for which Council has long term management responsibility.

Community Group:

A community group under this Code is an entity which provides a benefit to the community on a non profit basis, has a constitution or charter and a program of services or activities which confirm a commitment to meeting the cultural, social and/or recreational needs of the community. Community based Kindergartens/Preschools, occasional and regular hirers of Sporting facilities and/or community/cultural facilities are not covered by this Code.

Capital Contribution:

Monetary or other contribution (e.g. donated labour and materials) which improves, enhances, or adds value to the facility based on the replacement/refurbishment cost/s assessed in line with industry accepted quantity surveying principles.

Plans of Management:

Refers to the requirement under the Local Government Act (1993) that all public land be classified as either "*operational land*" or "*community land*" and a Plan of Management must be prepared for land designated *community land*.

The granting of a lease or licence over a facility on *community* land, the conditions of the lease or licence and the potential uses of a facility are set down in the Plan of Management. The Act states: "A council may grant a lease or licence of community land, but only in accordance with Section 46 and (if relevant) section 47 NSW Local Government Act 1993."

C. Purpose of the Code

The purpose of this code is to provide Council with a framework for the equitable, efficient and effective lease/licence of its land and building assets to community groups, whilst ensuring that financial allocations to community groups reflect Council's commitment to its community development role and to encourage

creative, relevant, community driven initiatives within the Shire.

Through implementation of this code Council aims to provide optimal use of facilities by community groups and maximise the community benefit arising from such use whilst ensuring accountability and sustainable economic management of these assets.

D. Objectives of the Code

Council aims to achieve a number of outcomes from the Code including:

- Ensuring the community has the opportunity to benefit from an appropriate range of support services and activities which address identified community needs;
- Assisting community groups, to provide programs and services which address the social, cultural and/or recreation needs of the community;
- Providing lease/licence guidelines which are clear and easily understood by the community and community groups;
- Encouraging optimal use by the community of Council facilities to cater for a range of community groups and to minimise duplication of services by determining the most appropriate occupancy;
- Optimising contributions from community groups towards the cost of providing use of Council facilities;
- Ensuring Council owned facilities are used to meet demonstrated community needs consistent with Council's Vision, policies and Social Plan;
- Ensuring fair and consistent lease/licence conditions between tenant community groups and equitable access to leased/licensed community assets;
- Providing accountability for Council expenditure on lease/licence subsidies, as they constitute donations;
- Ensuring that Council-owned facilities are appropriately maintained, developed and occupied responsibly having regard to the interests of local communities and the care of the assets;
- Ensuring sound financial management and effective administration of Council community leasing/licensing;
- Recognising the value and benefits of services and activities organised and provided by community based groups and to subsidise these groups as appropriate.

E. Management Philosophy

- Council facilities which are not required for delivering Council services and which the Council has determined are suitable for lease/licence by community groups will be subject to the conditions and guidelines outlined herein. The terms of occupation will be generally in accordance with the provisions contained in Council's standard lease/licence agreement for community use of Council facilities.
- Facilities will generally be managed in a manner which preserves and maintains their flexibility and availability for current and future residents of the Hornsby Shire. Wherever possible, Council will implement a strategy of multiple shared uses between groups.
- The allocation of an available facility to any community group shall have regard to the existing level of support (financial and non-financial) already provided by Council to that community group.
- Council seeks to recover a proportion of the total operating costs of all facilities.

F. Eligibility

To be eligible to lease or licence part or all of a Council facility, a community group will be assessed against the following eligibility criteria.

The criteria indicated with an asterisk (*) are mandatory and must be met to enable assessment of an application. A weighting of the remaining criteria will be applied to assist in the assessment process.

Community Group Criteria

- The community group is one which is not operating for the profit or gain of its individual members, whether these gains would be direct or indirect
- The community group is a legal entity registered under appropriate legislation (such as the Associations Incorporation Act (NSW) 1984). *
- The community group is financially sustainable, with annual financial statements provided to Council, audited where it is required as a prescribed association under the Associations Incorporation Act.
- The community group complies with relevant legislation governing its activities, and holds any licences or registration certificates required for it to operate.*
- The community group has a committee of management or other like governance structure and appropriate governance arrangements, with established accountability and reporting methods to members of the community group and / or to the community.
- The community group adheres to all relevant Council policies and has complied with the terms of any previous lease/licence and/or financial assistance from the Council.*
- The community group has a constitution or charter which confirms the group's commitment to either the cultural, social and/or recreational well being of the community.*

Community Benefit Criteria

- Use of the facility will increase social engagement and promote health and well-being of the Hornsby community.
- A plan for the facility's use is provided including current and projected hours of operation and participant and / or membership numbers.*
- The community group provides a service or a program of activities which can be demonstrated to address an identified cultural, social, recreational or other need in the community.*
- Facility use is consistent with Council's vision and the goals outlined in Council's Social Plan.
- The support already being provided by Council to a community group both financial and non financial.
- The service or activity is non-discriminatory: it will be open to all residents who meet clearly stated criteria for participation that are directly related to the nature of the service or activity, or geographic catchment area.
- The service or activity can be accessed by disadvantaged groups, with strategies in place to review and remove any barriers to participation.
- The community group's promotion and support of volunteerism.

Facility Management Criteria

- Proposed use of the facility is suitable for the nature of the site and the neighbourhood.*
- The community group will keep the facility in good repair and undertake upkeep in accordance with the maintenance schedule included in this code.
- Utilisation of, and community access to, the facility will be maximised, through shared use with other community groups, consistent with any special requirements of the head tenant.
- The community group is willing to undertake significant/identified capital works as necessary to develop the facility as an asset for the long term benefit of the community.
- The community group is able to fulfil relevant insurance requirements as determined by Council's Risk and Insurance Manager.*

The eligibility requirements indicated above will be applied in the assessment of an initial request for a Council facility lease or licence and an application to renew a lease or licence.

G. Lease/Licence Provisions

Council recognises that many groups have a strong historical affiliation with the facilities which they use, and have contributed in cash and kind to their development. Generally Council supports the continued occupation of those facilities by those groups but with a preference for a shared multi-use basis where it does not currently occur.

Where a current licence, lease or other formal agreement exists, this will be honoured until its expiry. A review of future management options for the facility will be undertaken within the last 24 months of the agreement period. Community groups wishing to renew a lease or licence will be subject to a reassessment of their eligibility. Reassessment will refer to the eligibility criteria as noted in this code (refer Section F). It will also take account of existing usage rates and the potential for the facility to be used on a multi-user basis, in line with changing community needs and in consultation with the community.

An Expressions of Interest process will be undertaken for facilities covered by this code which become vacant.

A standard lease/licence will be developed reflecting the contents of this code and relevant legislation.

1. Lease Term

The period of a lease/licence will give consideration to the community groups and Council's estimation of the capital contribution made by a community group to that facility as follows:

Less than 5 years	=	0-10% of capital contribution
5 years	=	11-30% of capital contribution
5 -10 years	=	31-50% of capital contribution
11 - 15 years	=	50% and above capital contribution

Where a community group estimates it has made a capital contribution greater than 50% consideration will be given by Council to the granting of a longer lease/licence term on a case by case basis.

2. Rental

i) Rent Subsidy

The level of rental payable by Community groups who satisfy the requirements under Section F above will be based on the extent to which the group meets the criteria indicated in Table 1 Rent Subsidy Categories set out below.

The compliance of a community group against the criteria will be reviewed annually. Should a community group's category change the revised level of rental payable will be subject to the approval of Council.

Table 1 Rent subsidy categories

Category	Annual Rent	Eligibility
Nominal (excludes users of rooms within Community Centres)	\$280 per annum (exclusive of GST) as at date of adoption of Code and annually adjusted by CPI	<ul style="list-style-type: none"> Satisfies all eligibility criteria under Section F Provides high level of community benefit (i.e. at least four target groups identified in the Hornsby Shire Council Social Plan) Provides optimal multiple use opportunities (i.e. fully utilised or nature of community groups operations precludes multiple use) Responsible for all capital and full maintenance of facility Has limited revenue-raising and grant funding ability net of cost of service (no access to grants or fund raising opportunities) May be in need of Council's assistance to become established
Community Partnership	25% of market valuation (exclusive of GST)	<ul style="list-style-type: none"> Satisfies all eligibility criteria under Section F Provides high benefits for the community (i.e. one to three targeted groups identified in the Hornsby Shire Council Social Plan) Provides reasonable multiple use opportunities (say 3 or more groups per week) Undertakes some capital development and full maintenance of facility Has limited revenue-raising and grant funding ability net of cost of service (access to funds/grants no greater than 20% of total revenue raising abilities)
Discounted market rent	50% of market valuation (exclusive of GST)	<ul style="list-style-type: none"> Satisfies all eligibility criteria under Section F Provides some benefits for the community (i.e. one or more targeted groups identified in the Hornsby Shire Council Social Plan. Limited or no multiple use opportunity (i.e. nature of community groups operations and capital investment by group supports minimal multiple usage. Responsible for day to day maintenance only Has reasonable revenue raising ability from their activities, private sector sponsorship or government grants (net of cost of service)

Market Rental Definition: The rent that would reasonably be expected to be paid for the facility, determined on an effective rent basis having regard to:

- 1) The rent that would reasonably be expected to be paid for the facility if they were unoccupied and offered for rent on the open market.
- 2) The highest and best uses for which the facility would be physically suitable and which would be permissible under the zoning of the land and by any plan of management.

ii) Adjustments of Rents.

The rent payable under the nominal category will be adjusted annually in accordance with the Consumer Price Index. The rent payable under the community partnership and discounted market rent categories will be adjusted by CPI annually with a market review to be undertaken every five years.

New rent and subsidy levels will be introduced in all new leases and licences following adoption of the code, including any new lease or licence developed with current tenants.

iii) Reporting on Rent Subsidies

The value of imputed rent payments foregone through rental subsidies will be included in annual Council budget papers.

3. Maintenance of Council Facilities

All community groups signing leases or licences following commencement of this code will be required to contribute towards the maintenance of the facility occupied. The level of maintenance responsibility will be determined by the function of the facility, the degree of community benefit, and the community group's ability to generate revenue. In broad terms maintenance responsibilities will be as outlined in Table 2 below, which should be seen as a general guide only. Specific responsibilities will be negotiated with each community group taking into account the nature, age and condition of the facility and included in a schedule to that community group's lease or licence.

Maintenance Definitions:

Maintain /repair: Keep in good condition in accordance with Australian Standards. Ensure useful life of the asset is met and does not deteriorate during the term of the lease/licence.

Replace: Replace at end of useful life. Replace if broken or damaged beyond repair.

Full Maintenance: Maintain, repair and replace

Table 2- Indicative Summary of Maintenance Responsibilities

Category	Facility Component	Community Group Responsibility	Council Responsibility
Nominal	Building Shell erected by Group	Full maintenance	
	Building Shell erected by Council	Maintain/repair	Replace
	External surfaces, including painting, pathways, fences, car parks, brickwork	Full maintenance	
	Fixtures / Fittings (toilet pans, taps, door furniture)	Full maintenance	-
	Interior Surfaces (painting, carpet, tiling)	Full maintenance	-
	Building services (water supply, gas, sewerage, electrical)	Full maintenance	-

ATTACHMENT 3 - ITEM 3

	Essential services	-	Full maintenance
	Routine services (gutter cleans, pest control)	Maintain/repair	-
	Grounds (landscape features, external furniture)	Full maintenance	-
	Specialist ground surface and equipment (e.g. playground equipment, synthetic playing surface, trees planted by group)	Full maintenance	-
	Existing Trees	-	Full maintenance
Community Partnership	Building shell erected by Council	Maintain/repair	Replace
	External surfaces, including painting, pathways, fences, car parks, brickwork	Maintain/repair	Replace
	Fixtures / Fittings (toilet pans, taps, door furniture)	Full maintenance	-
	Interior Surfaces (painting, carpet, tiling)	Full maintenance	-
	Building services (water supply, gas, sewerage, electrical)	Maintain/repair	Replace
	Essential services	-	Full maintenance
	Routine services (gutter cleans, pest control)	Maintain/repair	-
Community Partnership Cont/.	Grounds (landscape features, lawns, external furniture)	Full maintenance	-
	Specialist ground surface and equipment (e.g. playground equipment, court synthetic playing surface, trees planted by Group)	Full maintenance	-
	Existing Trees	-	Full maintenance
Discounted market	Building shell erected by Council	-	Full maintenance
	External surfaces, including painting, pathways, fences, car parks, brickwork	-	Full maintenance
	Fixtures / Fittings (toilet pans, taps, door furniture)	-	Full maintenance
	Interior Surfaces (painting, carpet, tiling)	Maintain/repair	Replace
	Building services (water supply, gas, sewerage, electrical)	-	Full maintenance
	Essential services	-	Full maintenance
	Routine services (gutter cleans, pest control)	-	Full maintenance
	Grounds (landscape features, lawns, external furniture)	-	Full maintenance
	Specialist ground surface and equipment (e.g. playground equipment, court synthetic playing surface, Trees planted by Group)	Full maintenance	-
	Existing Trees	-	Full maintenance

Where a group voluntarily undertakes extensions or improvements to the exterior of a facility (e.g. pergola, sun shade) they are responsible for the maintenance and presentation of those improvements. NB: Such groups will need to comply with any relevant statutory approval processes (e.g. Development Consent).

Unless mentioned above, users of the facility should be responsible for all internal maintenance of the facility. Where more than one group uses a facility, contributions and responsibility for maintenance should be shared.

4: Statutory Outgoings

The community group shall be responsible to pay 50% of Council and Water Sewerage rates levied on a facility. If the community group utilises only part of a building, a contribution for statutory outgoings may be negotiated and included in the lease/licence agreement.

5: Operating Costs

Community groups will be responsible for the costs associated with services provided to a leased/licensed facility (e.g. electricity, water usage and gas) and any applicable taxes (including GST and stamp duty). If the community group utilises part of a building a contribution for associated services may be negotiated and included in the lease/licence agreement.

6: General

(i) Hours of use

The hours of use may be prescribed for all leased/licensed premises and determined by Plans of Management or Development Consent.

Sub-leasing

(ii) Sub-leasing

Community groups may only sub-lease with council permission to approved organisations for approved purposes and subject to approved terms and conditions. Generally council will use the same criteria to assess the sub-lease as the head lease. The subsidy level of the head tenant may be reviewed when a sub-lease is developed and may be adjusted if the rent is more than cost-recovery. Any financial gain from subletting may in part be payable to council rather than to the community group except where an agreed strategy is developed to assist the community group with occupancy and operational costs or to reinvest in the facility.

(iii) Insurance

A community group must maintain its own liability insurance to a value determined by the Council's risk assessment officer as detailed in lease/licence documents. Generally Council will fully insure all improvements on a leased/licensed premises, however if the community group chooses to pay their own building insurance, this contribution will be recognised when determining the level of rent. Community groups may choose to insure their own contents. Council will not insure contents.

(iv) Legal Fees

Council will pay 50% legal costs associated with the establishment of a new lease/licence agreement provided it conforms to Council's standard lease or licence document. The community group will be responsible for the cost of any independent legal advice and assistance sought by the community group.

(v) Removal of Assets

The community group may remove any assets that have been constructed or installed by them during the term of the lease or licence, subject to the premises being returned to Council in its original condition. Council may request the demolition/removal of the asset if required by the lease/licence conditions. Any improvement not able to be removed at the end of the lease/licence shall remain in Council ownership.

(vi) Capital improvements

Community groups may only undertake capital improvements with the permission of Council as the asset owner.

Council retains ownership of capital improvements that cannot be removed unless otherwise specified in the lease or licence. Any capital contribution of community groups will be taken into account in assessing rent levels and length of lease/licence.

(vii) Acknowledgement of Council contribution

The community group shall, in liaison with Council's Community Relations section, acknowledge Council's contribution in their organisation's annual report and publications, any advertising and community event.

(viii) Nuisance

Council requires that community groups undertake their permitted activities without adversely impacting on the amenity of nearby neighbours. Council reserves the right to terminate the tenancy or to restrict the use of premises by the community group and through occasional hire arrangements if this requirement is not adhered to.

(ix) Reporting requirements

Community groups and organisations using Council's facilities will be required to report annually on performance indicators in relation to the facility and the group's activities. Council will provide guidance and advice on the collection of this information.

H. Legislative Considerations

Community facilities will be managed in a manner which ensures a close nexus with various legislation and Council policies including the Local Government Act, the Crown Lands Act, Entertainment (Management) Act, Copyright Act, Noise Control Act and Council's Social Plan and Cultural Plan. Where applicable, in a manner consistent with the values and directions of the Plans of Management for Community and Crown Land.

I. Implementation of Code

The code will apply to all leases and licences developed or renewed following adoption of the code by Council. In addition all community groups with current leases/licences will be asked to provide annual reports against the eligibility criteria during the term of the current lease/licence, to assist Council in achieving its aim of accountability for expenditure on lease/licence subsidies and sustainable economic management of these assets.



POLICY REGISTER

POLICY TITLE: STREET LIBRARY ON PUBLIC LAND

FOLDER NUMBER: F2007/00307

POLICY OWNER / DIVISION: Community and Environment

POLICY OWNER / BRANCH: Library and Community Services

FUNCTION: Library

RELEVANT LEGISLATION:

POLICY ADOPTION/AMENDMENT DATE: ~~13 August 2025~~ ~~12 October 2022~~
CE1/25CE3/22

REPORT NUMBER:

REVIEW YEAR: ~~2027~~2024

AMENDMENT HISTORY: ~~12 October 2025 (Report CE3/22)~~
8 August 2018 (~~Report~~ EH15/18)

RELATED POLICIES:

POLICY PURPOSE / OBJECTIVES:

To encourage the development of a network of street libraries across Hornsby Shire.

POLICY STATEMENT:

1. In the first instance, Council encourages the development of street libraries on areas of private land with an interface to the public footpath. This allows the property owner to have more control over the management of their street library and reduces the risks and compliance associated with installations on public land.
 2. Where it is not possible to install a street library on private land, Council will consent to the placement of a street library on public land subject to the following considerations:
 - (a) the street library is to be located directly adjacent to the private property boundary (as indicated in Figures 1 and 2),
 - (b) the street library is not to interfere with parked cars or pedestrians moving in the area,
 - (c) the street library is not to: obstruct the footpath or pedestrian traffic; block sight lines; impede the use of the footpath especially for pedestrians with wheelchairs, prams or who have low vision,
 - (d) the street library is not to have any sharp edges,
 - (e) the street library is to be affixed to the boundary fence or sufficiently secured into the ground to prevent it falling over,
-

- (f) the resident is required to contact dial-before-you-dig on 1100 or visit 1100.com.au and have identified any underground services before deciding on the location of the street library,
 - (g) the resident is required to identify the location of any underground water, sewer, gas, electricity and telecommunication services which exit the private property and connect to public utility services in the street.
 - (h) the resident is fully responsible for the installation works and for the cost of repairs to damage to any underground or adjoining infrastructure,
 - (i) the street library is to be located a distance of 1 metre from tree trunks that are less than 300mm in diameter or a distance of 2 metres from tree trunks greater than 300mm in diameter, to protect the health of trees and root systems,
 - (j) the resident shall not cut, damage or remove tree roots to facilitate installation of the street library,
 - (k) the resident is required to speak with the occupants of neighbouring properties and/or the Owner's Corporation of their strata scheme and have obtained their agreement to the installation of the street library,
 - (l) the resident is to ensure the street library is well maintained, that the reading materials are appropriate, and any dumped items placed in or around the library will be removed as soon as possible,
 - (m) should the library need to be removed the resident is responsible for removal of the street library and is responsible for removing and disposing of all materials and restoring the ground and surrounding area to a safe condition,
 - (n) the resident is required to register their street library on the website – www.streetlibrary.org.au
3. Upon installation the resident is required to notify Council by submission of the completed Self Assessment Checklist and Notification form.
4. Council reserves the right to withdraw its consent to the installation of a street library on public land at any time if the applicant does not exercise his/her responsibilities (outlined above). Council also reserves its right to apply further conditions, vary its consent at any time, or to remove the street library if the circumstances require this action to be undertaken. Noting that such action shall not be unreasonably undertaken.
5. Council has purchased Public & Products Liability insurance in an amount \$20 million on behalf of applicants who have installed a street library on public land. Any indemnity provided is granted subject to the terms, conditions and limitations of the policy. If a claim is made in respect of a street library on public land, the applicant is required to contact Council's Risk & Insurance Officer on 9847-6035.

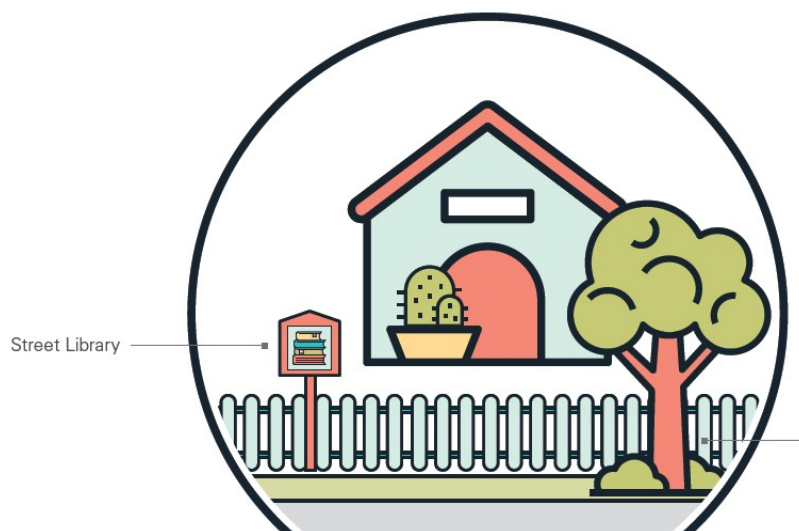


Figure 1 – Indicative street view of street library placement.

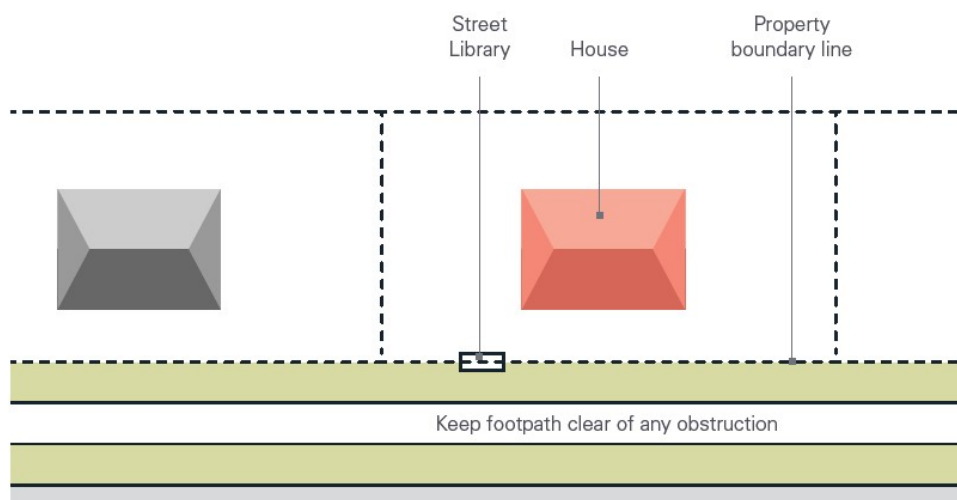


Figure 2 – Indicative plan view of street library placement.



POLICY REGISTER

POLICY TITLE: Dual naming and/or re-naming of Council facilities

FOLDER NUMBER: F2007/00307

POLICY OWNER / DIVISION: Community and Environment

POLICY OWNER / BRANCH: Library and Community Services Branch

FUNCTION: Community Services

RELEVANT LEGISLATION:

POLICY ADOPTION/AMENDMENT DATE: ~~13 August 2025~~ ~~12 October 2022~~
CE1/25CE3/22

REPORT NUMBER:

REVIEW YEAR: ~~2027~~2024

AMENDMENT HISTORY: ~~12 October 2022 (Report CE3/22)~~
11 August 2021 (Report CE19/21)

RELATED POLICIES:

POLICY PURPOSE / OBJECTIVES:

This policy was prepared with the co-operation and support of the Hornsby Aboriginal & Torres Strait Islander Consultative Committee.

POLICY PRINCIPLES:

To facilitate the dual naming and/or re-naming of Council facilities incorporating Aboriginal words which in the case of dual naming will sit alongside the non-Aboriginal name, each part having equal status and to provide a framework for decision making when accessing dual names or re-naming request.

POLICY STATEMENT:

1. Consideration will be given, to a name or word, from the Darug or GuriNgai Language Groups that recognises or describes the historic flora or fauna of the area, a generic term for a geographical feature or landmark, an event, gesture or occupation of historical or contemporary relevance, a name that recognises an Aboriginal person, or historic event or connection.
 2. If a spelling of a word is changed it will only be done in consultation with local Traditional Owners and local acknowledged Aboriginal language experts.
 3. When displayed on signage both Aboriginal and non-Aboriginal part of the dual name shall be in the same font type, size and colour.
-

4. The Aboriginal name shall appear first with the non-Aboriginal name occurring second, the placement of the non-Aboriginal name occurring first will only be considered in exceptional circumstances and in consultation with local Traditional Owners.
5. Where a facility is currently identified by an existing non-Aboriginal name, an Aboriginal name can be put forward to be assigned as a dual name and sit alongside the existing non-Aboriginal name. The facility may also be considered for re-naming.
6. Dual naming and/or re-naming proposals will be considered on a case-by-case basis and on its merit and with regards to the local Traditional Owners of the land and the Hornsby Aboriginal & Torres Strait Islander Consultative Committee. The proposed name will be presented to the:
 - Local Traditional Owners of the Land
 - Aboriginal members of Hornsby Aboriginal & Torres Strait Islander Consultative Committee
 - Hornsby Aboriginal & Torres Strait Islander Consultative Committee
 - Council for ratification
7. Preferably in the case of the dual name it will be not exceed three words and 25 characters but is accepted that a traditional name/word may be more complex.
8. When a choice is offered between two or more names for the same facility Council may adopt one of such names in consultation with HATSICC and the local Traditional owners as too which names is considered appropriate.
9. Any individual, group or organisation can propose an Aboriginal name/word be recognised as an official name for a Council facility.
10. Each written submission must be supported by documentation, with sources, demonstrating relevance or connection to the area, have identifiable links to the community or Shire. In the case of a name the documentation may take the form of letters, newspaper clippings, articles oral histories and photographs. As per Council's current policy names would normally be assigned posthumously, however there may be occasions when a person's name is suggested who is living. In such cases a person's contribution to the Shire must be deemed significance.
11. Council may conduct additional research as it sees fit to supplement a naming proposal.
12. The dual name and/or re-name will appear on all official documents, publications, and signage and these will be updated incrementally as budgets allow.
13. Objections must relate to the substance of the intended dual name or re-name, and not be lodged in opposition to the actual dual naming policy.
14. The policy will be reviewed as required and revised accordingly and be aligned to the latest update of the Geographical Names Board Policy – Place Naming.
15. Council will not consider names:
 - a. That have similar spelling or sound or are already in use with the Hornsby Shire and with 5 km in a neighbouring LGA as this may pose a risk to public safety and service delivery by emergency service providers.
 - b. Dual naming or e-naming shall not apply to localities, towns, districts and suburbs or constructed features such as roads, streets, highways or bridges etc. These are governed by other authorities such as the NSW Geographical Names Board.
 - c. Council facilities deemed war memorials are not eligible to be dual named.



POLICY REGISTER

POLICY TITLE:	GREEN OFFSETS
FOLDER NUMBER:	F2007/00307
POLICY OWNER / DIVISION:	Community and Environment
POLICY OWNER / BRANCH:	Natural Resources
FUNCTION:	Environment Development
RELEVANT LEGISLATION:	Environmental Planning and Assessment Act, Threatened Species Conservation Act , Environment Protection and Biodiversity Conservation Act
POLICY ADOPTION/AMENDMENT DATE:	12 October 2022 <u>6th July 2025</u> REPORT NUMBER: CE3CE1/25/22
REVIEW YEAR:	2024 <u>2026</u>
AMENDMENT HISTORY:	20 June 2012 – EN26/12 16 March 2011 – EN5/11 17 March 2010 – EN 10/10 9 April 2008 – EN 13/08 15 May 2013 – EH5/13 9 September 2015 – EH8/15
RELATED POLICIES:	Biodiversity Conservation Strategy 2006

ATTACHMENT 6 - ITEM 3

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1. INTRODUCTION

1.1 Title

This code is called the Hornsby Shire Council Green Offset Code.

1.2 Purpose

The purpose of this code is to provide guidance on the approach to conducting offsets for the loss of indigenous trees and vegetation in the Hornsby Local Government Area, integrating the regulatory requirements of state planning and environmental legislation and policies.

Apart from offsetting, other actions that achieve significant net improvements in native vegetation condition, quality and size will be considered on their own merits by Council. This will be undertaken on a case by case basis.

1.3 What is Offsetting?

Offsetting is a mechanism by which the negative impacts at one site can be offset by positive actions within a region. Offsetting, if used strategically could lead to:

- Maintenance of environmental viability.
- An overall net improvement in environmental viability across a region.
- A net gain in vegetation cover.
- An additional level of security for vegetation that is currently not protected.

1.4 Aims and Objectives

The objectives of this code are as follows:

- Ensure that significant vegetation including trees in the shire are protected.
- Facilitate some development, which may have negative impacts.
- Ameliorate negative environmental impacts of development at a regional and local level.
- Provide for environmental enhancement and restoration.

1.5 When does the Offsets Code apply?

The Offsets Code applies when:

- A development is expected to result in unavoidable loss of indigenous trees and native vegetation.
- Council assesses alternative proposals on their merits and decides that if an applicant addresses the principles of the code and demonstrates significant net gains for trees and native vegetation of the Hornsby Local Government Area, offsetting may be used.

1.6 When does the Offsets Code not apply?

An offsetting action shall not be allowed by Council if:

- The applicant has not adequately demonstrated to Council's satisfaction that all measures have been taken to avoid impact on vegetation or removal of indigenous trees through consideration of alternative locations and designs and other mitigation measures.
- The applicant has not adequately demonstrated to Council's satisfaction that all measures have been taken to minimise impact through consideration of additional or alternative amelioration or mitigation measures.
- The site is not suitable for the proposed development in accordance with EP&A Act (Sect. 79(c)1(c) and local plans and policies.
- Subdivision applications where there will be removal or significant fragmentation of over 40% of native vegetation on the development site which is considered an Endangered Ecological Community. In such cases, Council is highly unlikely to approve a subdivision application.

- Subdivision applications where there will be removal or significant fragmentation of over 30% of native vegetation on the development site which is considered a Critically Endangered Ecological Community. In such cases, Council is highly unlikely to approve a subdivision application.
- The applicant has not adequately demonstrated to Council the need for the offsetting action.
- Council considers that the principles and controls in this code have not been adequately addressed.
- Council considers that the environmental impact is not acceptable. This may occur where there is likely to be an irreplaceable loss of indigenous trees and/or vegetation that will not be adequately compensated by the proposed offsetting actions.
- Alternative compensatory arrangements have been made – e.g. Council has already accepted a Masterplan and accompanying Offsetting Management Plan.

The conservation of indigenous trees, native vegetation and habitat in situ will always be the preferred option for the management of biodiversity in the Hornsby Shire. It is Council's objective that all development proposals be designed in such a way that trees, natural habitat and features are conserved and maintained.

Note that losses or impacts to Local Core and Regional Core (land of the highest ecological value) are unlikely to be approved. Conditions will apply to how and where offset actions are applied, and these will be determined by Council as required.

All offsetting of trees and vegetation proposed to be removed or impacted upon should seek to occur on the development site first. Note: In these cases offsetting may occur through the provision of Conditions of Consent.

If the development site is unsuitable for offsetting then options for offsetting on private lands may be sought. As a last resort, after pursuance of all other options, Council may consider actions on public lands, in accordance with Section 10: Green Offsets on Public Land of this code. Note: In these cases offsetting may occur through the submission of a Voluntary Planning Agreement or other legal agreement.

[Table 1](#) outlines the principles that underpin the offsetting code.

Table 1: Principles

The Principle of Avoid, Minimise and Mitigate - Offsetting should only be considered once all efforts to avoid, minimise and mitigate any negative impacts have been exhausted.
The Precautionary Principle - In conducting an offsetting action the precautionary principle should be applied so that a cautious and conservative approach is taken towards risk where there is uncertainty or lack of scientific confidence in an action.
The Principle of Net Gain - This code should lead to a net gain and improve the condition of the environment. The primary objective of an offset activity should be to create, enhance, or protect in perpetuity ecologically viable habitat for locally endemic species.
The Principle of Avoiding the Effects of Cumulative Impacts - Offsetting should not be used as a justification for granting approval to developments, where the cumulative environmental impacts of that development are greater than the benefit to be obtained from the offset action.

1.7 Controls to Conserve Indigenous Trees and Native Vegetation

All development proposals shall be prepared in accordance with Hornsby Shire LEP, relevant Development Control Plans and other associated guidelines.

All development proposals are to be sited and designed in such a way that native vegetation, remnant bushland, habitats and natural features are conserved and managed.

Council should not issue approval for activities or consent for development that will result in the loss of indigenous trees or native vegetation unless the following performance criteria are met:

- Demonstrate the protection of any rare or threatened species of flora or fauna and/or its habitat.
- Develop ecological objectives reflecting the biodiversity values and ecological/landscape context of the site.

- Address the performance requirements for specific categories of 'bushland of conservation significance' (below).
- Demonstrate a net improvement in the conservation of indigenous vegetation in the Hornsby Shire.
- Demonstrate the maintenance or improvement of native fauna habitat.
- Demonstrate that on-site abiotic factors (such as water, nutrients, or soil) are maintained or improved where they are essential to the maintenance and survival of the bushland and its values. Impacts to abiotic factors, both direct and indirect impacts, should be removed or minimised. All aspects of the proposal should be considered including: impact of construction, onsite effluent disposal, APZs, drainage works, retaining walls, provision of services, driveways, footpaths, private open space.
- Demonstrate the protection of on-site biodiversity values through the appropriate management of pests, invasive weed species (noxious, environmental and garden escapees) or other threats to the long term security or management of the identified values.
- Not adversely affect the ecosystems functions of existing bushland corridors, riparian corridors or other desirable areas providing bushland connectivity.
- Demonstrate that the risk to persons or property has been minimised through appropriate layout, design and management, whilst protecting and enhancing bushland.
- Landscaping has utilised native species consistent with the locally indigenous community occurring on-site.

2. LAND TO WHICH THE CODE APPLIES

This code will apply on land where there is the presence of bushland or remnant bushland or native vegetation or indigenous trees in the Hornsby LGA. This code may apply to all activities, developments and master planning processes being undertaken in accordance with the EP& A Act on such land.

This Offsets Code categorises lands containing vegetation into the following conservation significance categories:

- Regional Core.
- Local Core.
- Support for Core.
- Remnant EEC Trees.
- Other native vegetation and remnant trees.

These categories are based on the combination of type, size, and location of vegetation and represent a measure of the conservation significance of these lands.

The following discussion refers to patch sizes when discussing areas of vegetation. A 'patch' is defined as an area of adjoining vegetation, not taking into consideration vegetation type. When we assess and categorise land in a conservation significance ranking based on size, we use patch size. This is discussed in further detail in Appendix 2: Guidelines for Map Validation

Core – Regional: This category comprises areas that are necessary to create and maintain a viable conservation network across the landscape at a regional and local scale.

For Hornsby these have been split into the following 3 sub categories:

- Blue Gum High Forest – all bushland mapped with a community patch size of >0.5 ha.
- Bushland mapped as Endangered Ecological Communities (listed by the NSW Scientific Committee) with a patch size >3 ha.
- Bushland mapped as Hornsby Regionally Significant Communities with a patch size >4 ha.

Core – Local: This category comprises areas that are considered significant to achieving local conservation and management goals.

For Hornsby these have been split into the following 4 sub categories:

- Blue Gum High Forest – all patch sizes of bushland mapped <0.5 ha.
- Bushland mapped as Endangered Ecological Communities: patch size <3 ha.
- Bushland mapped as Hornsby Regionally Significant communities: patch size <4ha.
- Bushland mapped as Locally Significant Communities patch sizes >0.5ha.

Support for Core: This category comprises areas that provide a range of support values, such as increasing remnant size, buffering edge effect and providing corridors and connectivity, to the core areas. They are generally small isolated remnants (within 40m of a core area and not captured in the preceding categories) where restoration, rehabilitation or regeneration works could be undertaken to enhance the overall values of the area and the core area it supports.

Remnant EEC Trees: This category comprises of all mapped patches of remnant tree areas which contribute to the ecological values of the Shire and are considered part of the listed Endangered Ecological Communities and Critically Endangered Ecological Communities.

Other Vegetation and Mapped Patches of Remnant Trees: This category is comprised of other mapped native vegetation and patches of native remnant trees, including:

- Native vegetation communities that have been mapped and do not meet the above criteria of the other categories.
- All mapped patches of native remnant trees.

All vegetation within the CSA mapping is based on the criteria and mapping within the following Smith and Smith studies:

- Native Vegetation of Hornsby Shire 2008 update.
- Remnant Trees of the Southern Rural District of Hornsby Shire 2008.
- Remnant Trees of the Urban District of Hornsby Shire 2009.

The land category map provided in Appendix 3 details the distribution of these areas across the Shire of Hornsby. This map is available on Council's website.

Applicants will need to identify the category of their land on the land category map in order to apply the Offsets Code.

If there is uncertainty about whether this code applies to your land, or if you disagree with the mapping, then the guideline in Appendix 2 will help you determine the appropriate steps to take.

This code defines performance criteria for these types of areas. Offsets involving land in a conservation significance category and in these areas will need to meet the relevant performance criteria (including that of the classification), and will likely be target lands for receiving offset actions.

2.1 Objectives for Land Categories

2.1.1 Regional Core and Local Core

For land that is classified as Regional Core/Local Core the following performance objectives will apply. The applicant must demonstrate:

- The long term protection and enhancement of vegetation classified as Regional Core/Local Core.
- That the action does not fragment an occurrence of vegetation classified as Regional Core/Local Core.
- A provision of a buffer considered appropriate to protect this vegetation and no adverse effects on the capacity of a buffer area.
- A provision for the ongoing management of this vegetation.

2.1.2 Support for Core

For land that is classified as 'Support for Core' the following performance objectives will apply. The applicant must demonstrate:

- That the action enhances and does not restrict the consolidation of vegetation classified as 'Support for Core' with other 'Core' bushland.
- That where it promotes consolidation then bush regeneration and appropriate locally indigenous landscaping is to occur.

2.1.3 Remnant EEC Trees and Other Vegetation and Mapped Remnant Trees

For land that contains remnant EEC trees and other vegetation and mapped remnant trees the following performance objectives will apply. The applicant must demonstrate:

- That the action protects and enhances the bushland.
- Provision for an experiential sense of native bushland in the Hornsby Shire.

2.1.4 Creeks, Corridors and Connectivity

Other areas of ecological importance include land in creeks, regional corridors, local corridors, or connectivity areas. Land in regional corridors, local corridors, connectivity areas and adjoining lands that are not captured in the above conservation significance categories will still have an important role as offset receiving sites and will still need to meet performance criteria and controls allocated by this code for regional corridors, local corridors, and connectivity areas. For land that is considered part of a creek, corridors or connectivity area, the following performance objectives will apply. The applicant must:

- Minimise the environmental impact of development or activities on this land.
- Protect and enhance the ecological values of the creeks and rivers, riparian corridors and fauna habitat.
- Improve water quality entering the creeks and rivers, riparian land and green corridors.
- Minimise disturbance to creek and river banks and creekline buffers.
- Demonstrate that there is adequate buffer to protect values from the risks being generated by the proposal.
- Promote restoration of the creeks, rivers and riparian corridors.
- Promote consolidation of remnant vegetation.
- Prevent fragmentation and barriers to connectivity in aquatic and riparian habitats.
- Prevent the establishment and spread of weeds.
- Facilitate the longer term management of the creeks, rivers and connectivity.

2.1.5 All Other Land

The applicant will be required to:

- Minimise the loss of indigenous trees; and
- Offset the loss of indigenous trees by planting additional trees, preferably on the same land, or on other land as may be agreed by Council.

3. HOW DOES VEGETATION OFFSETTING WORK?

3.1 What are the steps in the vegetation offsetting process?

The process for offsetting will vary from case to case. However, a summary of the process is outlined in the steps below:

Step	Description	Reference
1	Applicant holds a pre-DA meeting with Council	☑
2	Applicant demonstrates that all options for retaining vegetation/habitats and features of the site have been exhausted. Proposal is deemed to have unavoidable adverse impacts to native vegetation	☑
3	The Offsets Code applies	☑
4	Applicant determines land category of impacted land using land category maps	(Appendix 3)
5	Applicant may query maps using field validation process	(Appendix 2)
6	Area of land in each category to be affected is calculated	☑
7	Type of vegetation offset action, and land category of receiving lands are determined	Section 4.1, 4.2
8	Land category objectives and action performance criteria are reviewed for compliance	Sections 2.1 & Appendix 1
9	Offset Multiplier is selected	Section 5
10	Area to be offset is calculated using offset formula	Section 6
11	Agreement with Land Owner to be affected by Vegetation Offsetting is negotiated if applicable with a legal agreement	☑
For private land offsetting, follow steps 12, 13, 14. For		
12	Performance guarantee and Management fees are calculated	Section 7
13	Vegetation Offset Plan prepared (This may include a Vegetation Management Plan)	☑
14	Vegetation Offset Plan submitted to Council with Development Application	☑

The above applies where offsets are made on private land. For public land offsetting, see Sections 10-11 of the code.

4. VEGETATION OFFSETTING ACTIONS FOR PRIVATE LAND

4.1 Types of Vegetation Offset Actions

There are three types of vegetation offset actions in this Offsets Code, namely Protection, Enhance and Protect and Create and Protect. Note that a combination of these, along with other suitable actions, may be appropriate.

4.1.1 Option 1 – Protection

Protection actions involve a legal mechanism that binds future owners of that land to manage the land for conservation and for its habitat values. Protection can take place on the proponent's land or on someone else's land. Types of protection actions available include creating covenants (Sections 88b and 88e of the *Conveyancing Act 1919*), rezoning to environmental protection with conservation registration, voluntary conservation agreements, reservation in Council or NPWS reserve and certain secure community schemes.

4.1.2 Option 2 – Enhance and Protect

For this action, receiving sites are enhanced and managed to improve their ecological integrity and viability over time. Protection and ongoing management is an integral part of this action.

4.1.3 Option 3 – Create and Protect

This action will involve works to create new habitat in areas that are adjacent to existing habitat or in areas where there is a sound ecological reason to create habitat (such as provision of connectivity). Protection and ongoing management is an integral part of this action.

4.2 Receiving Lands: Where can Vegetation Offset Actions be applied?

A receiving site for the offsetting action must be selected. The receiving offset site must be ecologically suitable and appropriate – note that the offsetting documentation provided by the applicant must demonstrate this.

Wherever possible, the offset action must involve the same vegetation community. The land category of the receiving site must also be determined using the land category map. The table below outlines where offsetting actions can be applied based on the proposed action and the land category of the receiving site. The table ensures that an appropriate treatment is given to the particular land category receiving the offset action.

Table 2: Where can Vegetation Offset Actions be applied?

Land Categories of receiving site	Vegetation Offset Action on receiving land		
	Protect	Enhance & protect	Create & protect
Regional Core *	Yes	Yes	No
Local Core	Yes	Yes	No
Support for Core	No	Yes	Yes
Remnant EEC Trees	No	Yes	Yes
Other Native Vegetation and Remnant Trees	No	Yes	Yes

More than one action can be applicable to each land category. Other actions that achieve significant net improvements in native vegetation condition, quality and size will also be considered on their own merits by Council. The applicant will need to decide which offset action to apply using the information provided in this code, but the action must be in accordance with [Table 2](#) ~~Table 2~~.

4.3 Vegetation Offset Action performance criteria

Performance criteria for each of the three offset actions proposed apply as identified in Appendix 1. Each offset action has related performance criteria that must be met.

5. THE VEGETATION OFFSETTING MULTIPLIERS

The Offset Multipliers have been developed to compensate for loss of native vegetation from developments. They are a guide to facilitate equity where the focus of the offsetting should be on the conservation outcomes rather than the exactness of the numbers.

Offset multipliers are set out in the table below.

Table 3: Offset Multiplier

Land Categories being impacted on by the activity	Offset Multiplier		
	Offset action on receiving private land		
	Protect	Enhance & protect	Create & protect
Regional Core	2	8	-
Local Core	1.5	6	-
Support for Core	-	4	8
Remnant EEC Trees	-	5	5
Other Native Vegetation and Remnant Trees	-	2	4

The 'Offsetting Multiplier' is based on the following three factors:

1. A representation of the ecological value of the area being lost. This is based on the conservation significance rating that the area has been given in the conservation significance assessment process. A relative value has been given to each conservation class.
2. A representation of the relative risk of the action not working and therefore the benefit not being achieved. Clearly, enhancement and creation works have a much higher risk of not being successful than a protection action on existing high quality areas, therefore they have a higher multiplier to compensate for this risk.
3. The relative time delay until the action provides the appropriate ecological benefit.

Note:

- Council is unlikely to approve clearing of Regional Core or significant clearing/impact on Local Core lands.
- Receiving sites for offsetting actions must be ecologically suitable and appropriate for the type of offset action being proposed.

6. CALCULATING THE VEGETATION OFFSET

6.1 Calculating the amount of vegetation to be offset

In order to calculate the amount of vegetation that will need to be offset, the following information is required:

- The bushland category of the land being impacted on by the activity from the bushland category map (see Appendix 3)
- The offset action you wish to apply to the receiving land
- The area of the land to be cleared in the proposal.

The bushland category and the offset action are used to determine the offset multiplier in [Table 3: Offset Multiplier](#).

Taking all this information together, the following offset formula should then be applied:

Offset Required = Area to be Cleared x Offset Multiplier

6.2 Mixing options and alternative action

An offsetting management plan may outline a mix of offset actions. Appropriate multipliers are to apply to each action. Apart from offsetting, other actions that achieve significant net improvements in native vegetation condition, quality and size will be considered on their own merits by Council. This will be undertaken on a case by case basis, and may be combined with offsetting actions.

6.3 Example

0.5 hectares of bushland categorised as Support for Core on the land category map is proposed to be cleared for a development. After all other possibilities are exhausted, it is determined that offsetting will apply. The proponent locates an eligible receiving site classified as Local Core, which is suited to Enhance and Protect actions. The proponent agrees to Enhance and Protect land categorised as Local Core, as identified on the Land Category Map, as the offset action.

In this example:

- The area to be cleared = **0.5 ha**
- The bushland category of the land being impacted on by the activity = **Support for Core**
- The receiving site for the offset = **Local Core**
- The offset action to apply to the receiving land = **Enhance and Protect**
- By consulting Table 2 we know that an Enhance and Protect offset can be applied to Local Core land.

Table 2

Land Categories of receiving site	Offset action on receiving land		
	Protect	Enhance & protect	Create & protect
Regional Core	Yes	Yes	No
Local Core	Yes	Yes	No
Support for Core	No	Yes	Yes
Remnant EEC Trees	No	Yes	Yes
Other Native Vegetation & Remnant Trees	No	Yes	Yes

- Using the Offset multiplier table (Table 3), we determine that the offset multiplier is **4**

Table 3

Land Categories being impacted on by the activity	Offset Multiplier		
	Offset action on receiving private land		
	Protect	Enhance & protect	Create & protect
Regional Core	2	8	-
Local Core	1.5	6	-
Support for Core	-	4	8
Remnant EEC Trees	-	5	5
Other Native Vegetation & Remnant Trees	-	2	4

Using the offset formula.....

Offset required = Area to be Cleared x Offset Multiplier

.....we determine that the offset required is 2Ha

Offset required = 0.5 ha x 4 = 2ha of Local Core

Therefore the offset required is: 2 ha of land to be Enhanced and Protected on Local Core land, as mapped on the Land Category Map. This land should be in close proximity to the development site if possible and should aim to be of the same vegetation community type as the bushland being cleared for development.

7. COMPLEMENTARY REQUIREMENTS FOR PRIVATE LAND VEGETATION OFFSETTING

7.1 Management Fee

To enable Council and the public to be sure that required offsets are being correctly implemented, where an offset is required by a Condition of Consent, a Voluntary Planning Agreement or other legal agreement, Council Officers will be required to undertake additional inspections of the proposed works. A management fee will be charged by Council to cover the cost of undertaking additional site inspections and auditing for compliance with the implementation of the Offset Plan and its components. The management fee will be charged at an hourly rate based on the Pre-Development Application Advice in the Fees and Charges schedule for Hornsby Shire Council.

Management fees for works resulting from impacts on urban remnants and remnant trees or other native vegetation attract Council fees in accordance with existing rates.

No performance guarantee or management fee is required where the offsetting action is protection only and it can be demonstrated that there is certainty that the outcome will be achieved.

7.2 Performance Guarantee

A Performance Guarantee for both enhancement and creation work will be required. This is to ensure that offset actions are started and completed to the standard required, and receive ongoing management. To ensure that works are undertaken the guarantee must be set high enough to create an incentive for the developer to comply with the agreed plan.

The Performance Guarantee will be calculated using the following formula:

Performance Guarantee = Cost of undertaking action

The performance guarantee provides an incentive for the proponent to undertake the works as set out in their offsetting plan. The guarantee also enables Council to implement the required works in the event that the proponent is unable or unwilling to comply with the requirements.

- The cost of undertaking the action is calculated at \$209,207 per hectare.

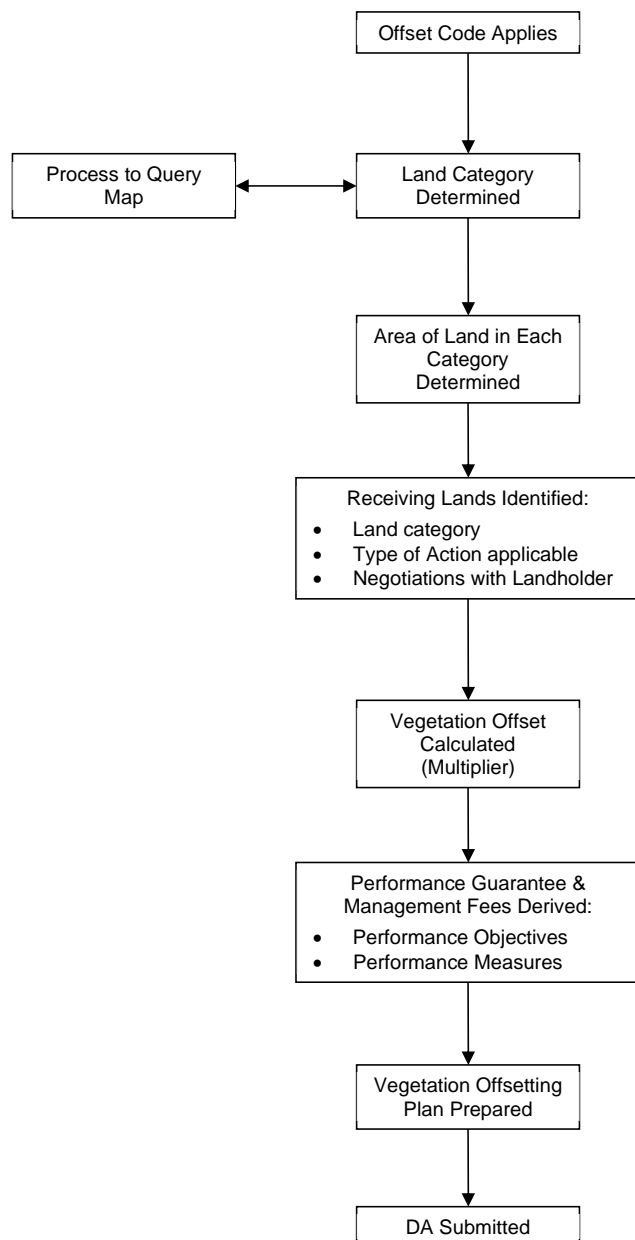
The performance guarantee will be returned when it is deemed by Council Officers that the required works have been undertaken by the proponent and are in accordance with the Conditions of Consent, the Voluntary Planning Agreement or other legal agreement. The return of Performance Guarantee can be staged where the Vegetation Management Plan has a staged implementation and performance measure for each stage of the plan.

8. APPLICATION REQUIREMENTS FOR PRIVATE LAND VEGETATION OFFSETTING

At a minimum, applications that include an offsetting should include the following:

- An Offset Management Plan, which outlines the proposed offset action to be undertaken to compensate for habitat loss and clearing, and which provides details about the offsetting action - to be submitted with DA, REF or Masterplan proposal.
- Proposed commercial agreement between Council and developer/landowner.
- Flora and Fauna assessment – refer to Council guidelines.
- Documentation showing legally binding consent of land owner of proposed receiving site, if owned by another party, company, organisation or individual.
- A Vegetation Management Plan.

9. OFFSETTING PROCESS SUMMARY FOR PRIVATE LAND VEGETATION OFFSETTING



10. GREEN OFFSETS ON PUBLIC LAND

In cases where proponents have pursued all other options to Avoid, Minimise, and Mitigate the loss of native vegetation or significant remnant or indigenous trees within a development, Council may consider offsetting this loss within Council managed lands. This option would only be considered if the offset action leads to a net gain and overall improvement of the native vegetation.

All of the aims and objectives and principles for offsetting in the Green Offsets Code apply to Green Offsets on Public Lands.

Offsetting on Public Lands will require the proponent to enter into a Voluntary Planning Agreement under Section 93F of the Environmental Assessment and Planning Act (1979) with Hornsby Shire Council. This legal agreement commits the proponent to providing an appropriate monetary contribution for the calculated green offset and commits Council to expend that contribution on the offset actions.

10.1 Vegetation Offset Actions applicable for Council managed land

10.1.1 Bushland Restoration Offset Program – Create, Restore and Enhance

For this action, receiving sites are restored and enhanced through active bushland regeneration and restoration; and actions are taken to improve their ecological integrity and viability over time. Receiving sites undergo bushland restoration and revegetation works to create new habitat in areas that are adjacent to existing habitat or in areas where there is a sound ecological reason to create habitat (such as provision of connectivity or enhancement of existing local bushland). Actions may also include protection measures such as fencing, stabilisation and reconstruction of natural habitats.

10.2 Criteria for Council managed land offset actions – Where will the actions be applied?

Contributions made under this section of the Green Offset Code – Green Offsets on Public Land will go into the Bushland Restoration Program for implementation of the offset action.

10.2.1 Bushland Restoration Offset Works

Contributions made into this program will go towards restoration and revegetation works on Council managed bushland. Wherever possible, the offset action will be undertaken in the same vegetation community as the loss. Works on the receiving public land will be undertaken through time to ensure ongoing restoration and maintenance of high conservation local bushland reserves.

10.3 Calculating the amount of vegetation to be offset

The calculation for the amount of vegetation to be offset will be based on the following criteria:

- The bushland category of the land being impacted on by the activity from the bushland category map (see Appendix 3); and
- The offset action multiplier
- Maintenance of environmental viability
- An overall net improvement in environmental viability across a region
- A net gain in vegetation cover
- An additional level of security for vegetation that is currently not protected.

Public Land Offset Program: Vegetation Offset Multipliers

	Bushland Restoration Offset Program
Regional Core	N/A
Local Core	6
Support for Core	5
Remnant EEC Trees	5
Other Native Vegetation and Remnant Trees	2

The following offset formula should then be applied:

Vegetation Offset required = Area to be Cleared x offset multiplier
--

10.4 How will the cleared area cleared be calculated?

The vegetation offset area will be calculated using the amount of native vegetation removed in square metres. This may include areas of native vegetation including indigenous trees to be impacted and modified due to the installation of Asset Protection Zones.

For areas of remnant trees where an ecologist has assessed that the development site is an EEC or CEEC, the area of that vegetation community lost will be calculated on the square metres of the canopy spread of the remnant tree or group of remnant trees in cases where understorey and shrub vegetation is not adequately represented.

10.5 What are the calculated costs of the offset?

Bushland Restoration Offset Program contribution is based on amount per unit area of calculated offset area required. The calculated costs for the Bushland Restoration Offset Program will be set at \$209,207 per hectare. This figure is subject to amendments in line with the CPI.

This is based on current bush regeneration costs through time on a site which would be considered moderately degraded. The amount of time to restore bushland varies and there is always ongoing maintenance in any degraded sites. These costs can be well over \$475,000 per hectare for highly degraded sites. This figure is considered an average of the costs of bushland restoration over a ten year period.

The calculated offset x \$209,207 plus a 10% management fee would equal the amount of contribution required for the Bushland Restoration Offset Program.

Vegetation Offset required = Area to be Cleared (in hectares) x Offset multiplier x \$209,207 plus 10% Management fee.

Example:

300 square metres (.03ha) of Blue Gum High Forest is removed or impacted by the development in an area classed within the Conservation Significance Assessment (CSA) mapping as Remnant EEC Trees:
 .03ha x 5(offset multiplier) =.15ha x 209,207 =\$31,381 plus \$3,138 = \$34,519 contribution to the Bushland Restoration Offset Program.

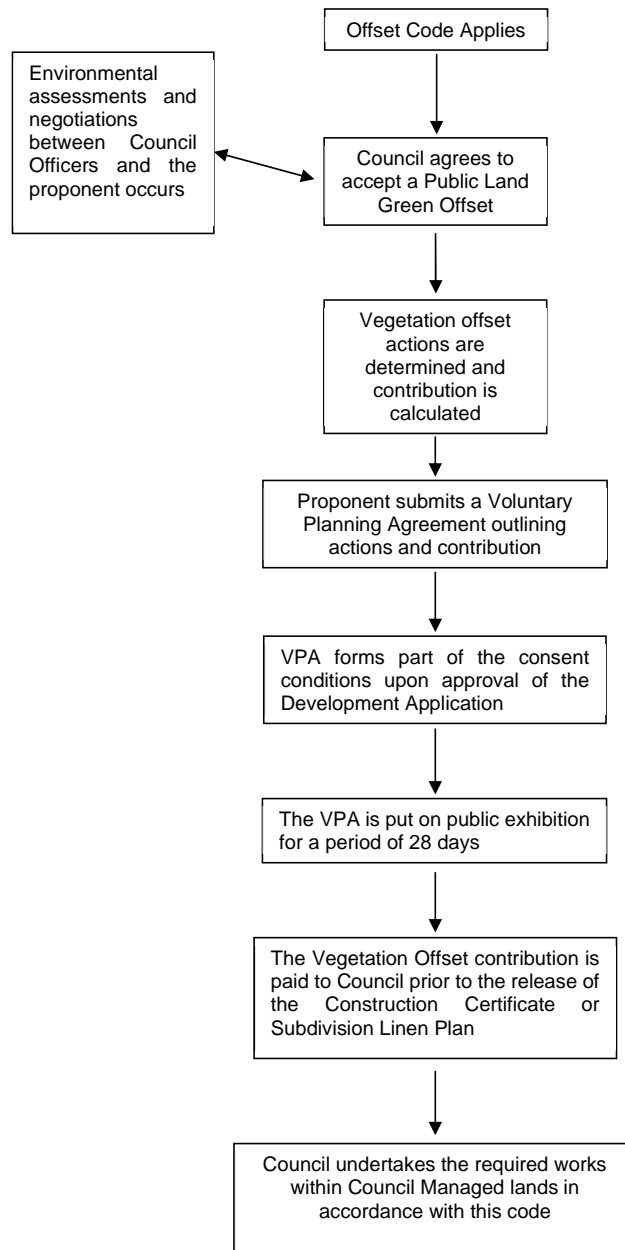
Total offset contribution: \$34,519.

10.6 High Conservation Lands Acquisition Fund

Any offset contributions collected will be placed in a restricted asset account for the Bushland Restoration Offset Program. These funds will be released through time for the restoration and enhancement works in nominated public reserves. This is to ensure sustainable practices and allow for the ongoing maintenance of the restoration works. Funds will attract interest which will be added to the program. The program will not replace Council's normal operational bushland restoration program.

In the event that Council has the opportunity to acquire high conservation lands and protect them within Council's conservation reserves, Council reserves the right to use funds from the restricted offset funds to assist in the acquisition of such lands.

Figure 1 – Process for Public Land Vegetation Offsetting



11. TREE OFFSET ACTIONS APPLICABLE FOR COUNCIL MANAGED LAND**11.1 How will eligibility be assessed?**

Offset actions on Council managed land will only be considered where:

- The proposed development will result in the loss of (or impact upon) indigenous trees; and
- All measures to reduce the loss of or effect upon the tree(s) have been exhausted; and
- A landscape plan has been submitted, showing that the required numbers of replacement trees are not able to be replanted on the subject site.

In this instance, only the excess trees that are unable to be replanted on the site will be considered for offset planting on Council managed land.

11.2 Calculating the number of replacement

The number of replacement trees will be calculated on the basis of one tree (45 litre container size) per 20 square metres of canopy area of the tree proposed to be removed.

11.3 Replacement Species

Where possible, and in consultation with Council:

- Replacement trees should be of the same species as those being removed or characteristic of the local vegetation community.
- To ensure genetic lines, viable seed should be collected prior to the removal of remnant local indigenous trees.

11.4 Calculating the cost of replacement planting

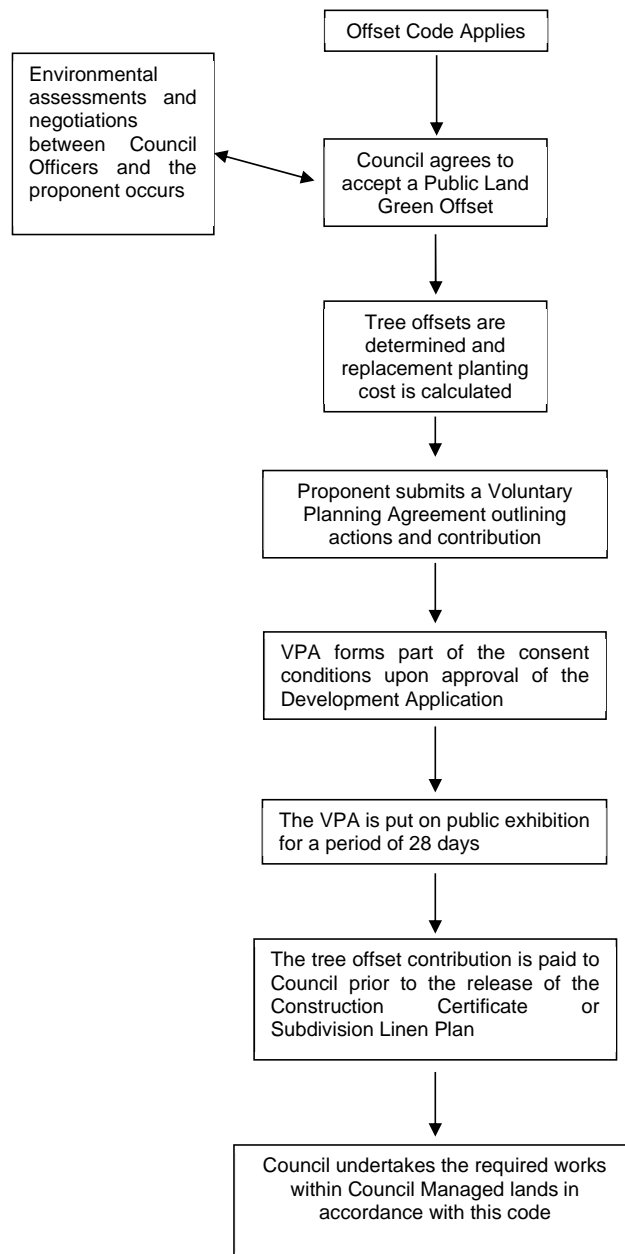
The cost of replacement planting is to be calculated as the cost to Council of purchasing, planting and establishing an advanced provenance tree for a period of two years. All replacement planting will follow NATSPEC guidelines.

This cost will be set in Council's Fees and Charges and will be subject to annual review and endorsement by Council.

11.5 Legal Mechanism of Offset Actions

A voluntary planning agreement under Section 93F of the NSW Environmental Planning and Assessment Act 1979, will be used as the offset plan where offsetting the loss of trees is to occur on Council managed land..

Figure 2 – Process for Public Land Tree Offsetting



12. GREEN ROOFS AND WALLS

On certain lands it may not be possible to effectively offset the loss of indigenous trees and vegetation within the subject site. This may be due to the type of land use, soil depth and associated setbacks and allowable encroachments of proposed development. On these lands it may be suitable to consider alternative solutions to ensure conservation of local biodiversity and to provide an effective offset.

The construction of green roofs and walls are a method of creating an environmental setting in medium and high density developments which can contribute to local biodiversity conservation. The use of green roofs and walls has been identified as an innovative landscaping option in the Hornsby Town Centre element of Hornsby Development Control Plan 2013. Green roofs and walls can readily be designed to incorporate biodiversity elements within the overall landscaping scheme.

The design of green roofs and walls for offsetting the loss of indigenous trees and vegetation must include the use of indigenous species in the planting scheme in accordance with Table 6. The minimum area required for the green roof or wall is related to the area of vegetation removed due to the development as shown in Table 6.

Table6: Application of green roofs and walls for offsetting

Land use zones	Area of green roof or wall required for offset	Indigenous species required within planting schedule
Residential: R3, R4, R5 Business: B2, B4, B5, B6, B7 Industrial: IN1	Equivalent to the area of vegetation or canopy cover removed (not including CEEC or EEC vegetation or threatened species)	Minimum of 30% of plants
	1.5 times the area of vegetation removed or canopy cover if the vegetation is a CEEC or EEC or Threatened species.	Minimum of 40% of plants
Business: B1 Industrial: IN2	Equivalent to 70% of the area of vegetation removed or canopy cover (not including CEEC or EEC vegetation or threatened species)	Minimum of 20% of plants
	Equivalent to the area of vegetation removed or canopy cover if the vegetation is a CEEC or EEC or threatened species.	Minimum of 30% of plants

Note: Critically Endangered Ecological Community (CEEC) and Endangered Ecological Community (EEC) and threatened species as listed in the Schedules of the NSW Threatened Species Conservation Act 1995 or Commonwealth Environment Protection and Biodiversity Conservation Act 1999.

The roof space available on the development site may limit the ability to achieve the required offset. In these cases the alternate options of offsetting contained in this Code may be used in partnership with green roofs and walls to achieve the required offset.

For example: if 300m² of vegetation is required to be offset and the available roof space for a green roof is only 200m², then a further 100m² may be required to offset in accordance with Chapter 6 of this Code.

13. DICTIONARY**Offsetting**

A mechanism by which the negative impacts at one site can be offset by positive actions at another site within a region. Offsetting, if used strategically could lead not only to maintenance of environmental viability, but also an overall improvement in environmental viability across a region. It can also provide some additional level of security for vegetation that is currently not protected. In this code an offset refers to both offsetting of native vegetation and trees, unless where specified as 'vegetation offset' or 'tree offset'.

Council

The Council of the Shire of Hornsby.

Council managed land

Land which Council owns or where care control and management of the land devolves to Council.

Protection

Managing impacts and threats to ensure that the natural state of an area is retained (AHC 2005).

Enhancement

Returning existing habitats to a known past state or to an approximation of the natural condition by repairing degradation, or by removing introduced species, or threatening processes (AHC 2005).

Create

To introduce one or more species or elements of habitat or biodiversity that are known to have existed there naturally at a previous time (AHC 2005).

Vegetation Management Plan

A plan that outlines a list of actions for maintaining, restoring and creating vegetation, how each action can be implemented, staging and costs. It is used when the offsetting action requires vegetation to be created or enhanced at a site, and must contain sufficient detail to be able to measure performance. A guideline for VMPs is available on Council's website: <http://www.hornsby.nsw.gov.au/planning-and-building/planning-controls-and-studies/policies,-guides-and-best-practices>

Indigenous Tree

Protected trees are those species or individuals that are protected under Council's various planning instruments, guidelines, policies and codes and their successors including the Local Environment Plan, Development Control Plan, Tree Preservation Order, and any relevant legislation including the NSW Threatened Species Conservation Act 1995 and the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.

NATSPEC Guidelines

The publication 'Specifying Trees – A guide to assessment of tree quality by Ross Clark, published by NATSPEC/Construction Information, 2003.

Offsetting Plan

A plan which outlines the proposed offset action to be undertaken to compensate for habitat loss and clearing, and which provides details about the offsetting action. This plan may include sub plans and must be submitted with any DA or proposed Masterplan.

Endangered Ecological Community

A vegetation community listed as Endangered on the schedule of the Threatened Species Conservation Act.

Core vegetation classes, including Local Core, Regional Core

These are the areas of highest conservation value. They represent areas where species or communities are at imminent risk of extinction, or large areas within the region that constitute the backbone of a viable conservation network across the landscape.

Voluntary Conservation Agreement (VCA)

These are joint agreements between a landholder and the Minister for the Environment. The agreements provide permanent protection and are entirely voluntary. The terms of each agreement are negotiated between the landholder and Department of Environment and Conservation.

Voluntary Planning Agreement (VPA)

A VPA is a legally binding voluntary agreement between the developer and Council that may be used to provide an offset for the impacts of a development. The provision to enter into a VPA is under Section 93F of the Environmental Planning and Assessment Act 1979. A VPA under this code could be used to offset the environmental impacts of a development only if the agreement promotes the conservation or enhancement of the natural environment.

Appendix 1: Performance Criteria for Vegetation Offset Actions**Common Performance Criteria**

An offsetting plan must be prepared detailing the critical information about the action, including details of how the performance criteria listed below have been addressed.

- Principles of avoiding impact and mitigating impact must have been demonstrated before the offset can be applied
- Appropriate multipliers must be applied and the selected multiplier must be the absolute minimum that is applied.

Specific Performance Criteria for Protection

- If the donation and transfer of lands (to Council) is selected and the area is less than 5 ha it must be within or adjacent to an existing protected area
- The area receiving the protection action cannot already be protected – specifically it cannot be in ownership of Council, Department of Infrastructure Planning and Natural Resources or Department of Environment and Climate Change (NPWS) or on land that is currently secured for conservation/protection or is zoned 7a
- The area receiving protection must be identified as either Core Regional or Core Local
- The protection action must be supported with resources to develop and implement a plan of management for the land
- Where protection is undertaken on another parties land, legally binding consent from that other party must be obtained and this must be provided in writing as part of the offsetting plan
- Protection actions must be entered into and finalised, and be legally binding, before any works are undertaken on lands that are being offset and evidence of this must be presented to Council. A consent or approval condition detailing this requirement should be mandatory for offsetting actions.

Common Performance Criteria for 'Enhance and Protect' and 'Create and Protect' Actions

- If the works are not done on your own land you will need to provide written land owners consent (LOC)
- A Vegetation Management Plan, relevant to the needs of the receiving site, needs be developed as part of the Vegetation Offset Plan submitted with the Development Application. This must state what ecological values exist on or adjacent to the site, what values will be created or enhanced and how and when this will be done. The action must restore the indigenous vegetation community
- Documentation and evidence that the offsetting actions in the Vegetation Management Plan have been progressed to an agreed level, must be provided to Council prior to issuing a Construction Certificate or Linen Plan
- Additional Consent Conditions may be imposed by Council if the Vegetation Management Plan implementation has not met pre agreed performance measures prior to the issuing of a Construction Certificate or Linen Plan
- Works and ongoing site management must be secured with a bond and linked to performance measures, held as a bank guarantee made out to Council, for the completion of the works in the Offset Plan and its component plans
- A fee may be payable to cover Council's costs to undertaking inspections of the site and evaluation of the performance measures in the Vegetation Management Plan
- The area which receives offset enhancement or restoration actions must be protected in accordance with an appropriate protection mechanism.

Specific Performance Criteria for Enhance and Protect.

- The area receiving the enhancement action must be identified as either Regional Core, Local Core or Support for Core

Specific Performance Criteria for Create and Protect.

- The area must be identified by Council as a target area for creation of habitat
- Any remnant native vegetation within the subject land is to be re-generated and enhanced in accordance with the performance criteria for Enhance and Protect actions

Appendix 2: Guidelines for Map Validation

The categories on the Bushland Vegetation Maps represent the best available information at the time the maps were produced. The maps will be revised over time.

There will be occasions when a proponent will query the information on the maps. Guidelines for field validation have been prepared to give structure to the map revision process.

Steps to Validate mapping and submit to Council

The steps to validate mapping and submit validation to Council are as follows:

- 1) Identify the precise location of the proposed development on the Bushland Vegetation Map;
- 2) Confirm that there is disagreement with the mapped category for the area of the proposed development;
- 3) Engage a qualified ecologist[†] to;
- 4) Conduct a field inspection to validate the vegetation community area, size[‡] and condition* in the area under question; and assess the categorisation - Each vegetation remnant should be assessed based on the conservation significance ranking rules outlined below and using the area of the PATCH^{‡‡} within which it is contained:

CSA value	Criteria
Core Regional	<ul style="list-style-type: none"> Blue Gum High Forest – all Smith and Smith bushland mapped with a community patch size of >0.5 ha; Endangered Ecological Community (<i>listed by the NSW Scientific Committee</i>); patch size > 3 ha; Hornsby Regionally Significant Community patch size >4 ha
Core Local	<ul style="list-style-type: none"> Blue Gum High Forest – all patch sizes of bushland mapped Endangered Ecological Community; patch size <3ha Hornsby Regionally significant community patch size <4ha Locally significant community patch sizes >0.5 ha
Support for Core	Any patch (not captured above) within 40m of Core
Remnant EEC Trees	<ul style="list-style-type: none"> All mapped patches of remnant trees of Endangered Ecological Communities and Critically Endangered Ecological Communities
Other native vegetation and Remnant Trees	<ul style="list-style-type: none"> Native vegetation communities that have been mapped and do not meet the above criteria of the other categories. All mapped patches of native remnant trees

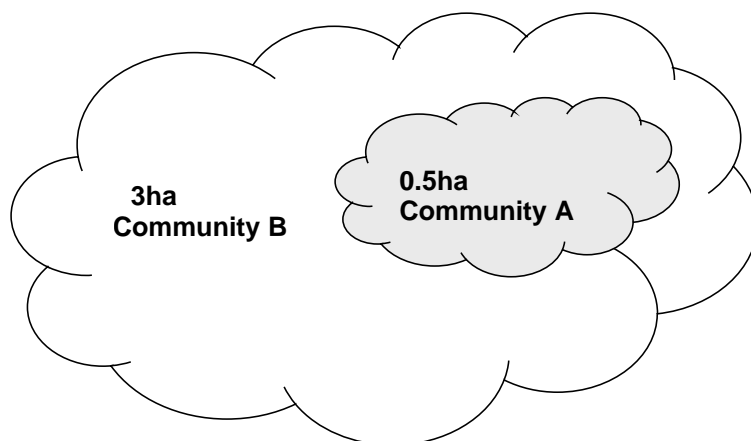
- 5) Review Council's maps and descriptions of relevant vegetation communities and categories;
- 6) Prepare a brief report, supported by photographs, describing the results of the field investigation, and comment if the mapping is valid or needs review;
- 7) Submit a copy of the report and data to Council for use in subsequent map revision;
- 8) If necessary, Council will update the map;
- 9) If applicable, the developer should continue to follow the offset process contained in this code.

† Council to provide a list of suitable consultants.

‡Area boundary should be supplied as GPS waypoints.

*Based on DEC condition classification. Although condition classification is not used by Council at this time this process presents an opportunity to gather this information for future use.

**Patch is defined as an area of adjoining vegetation, not taking into consideration vegetation type. When we assess and categorise land in a conservation significance ranking based on size, we use patch size. This is illustrated in the example below:

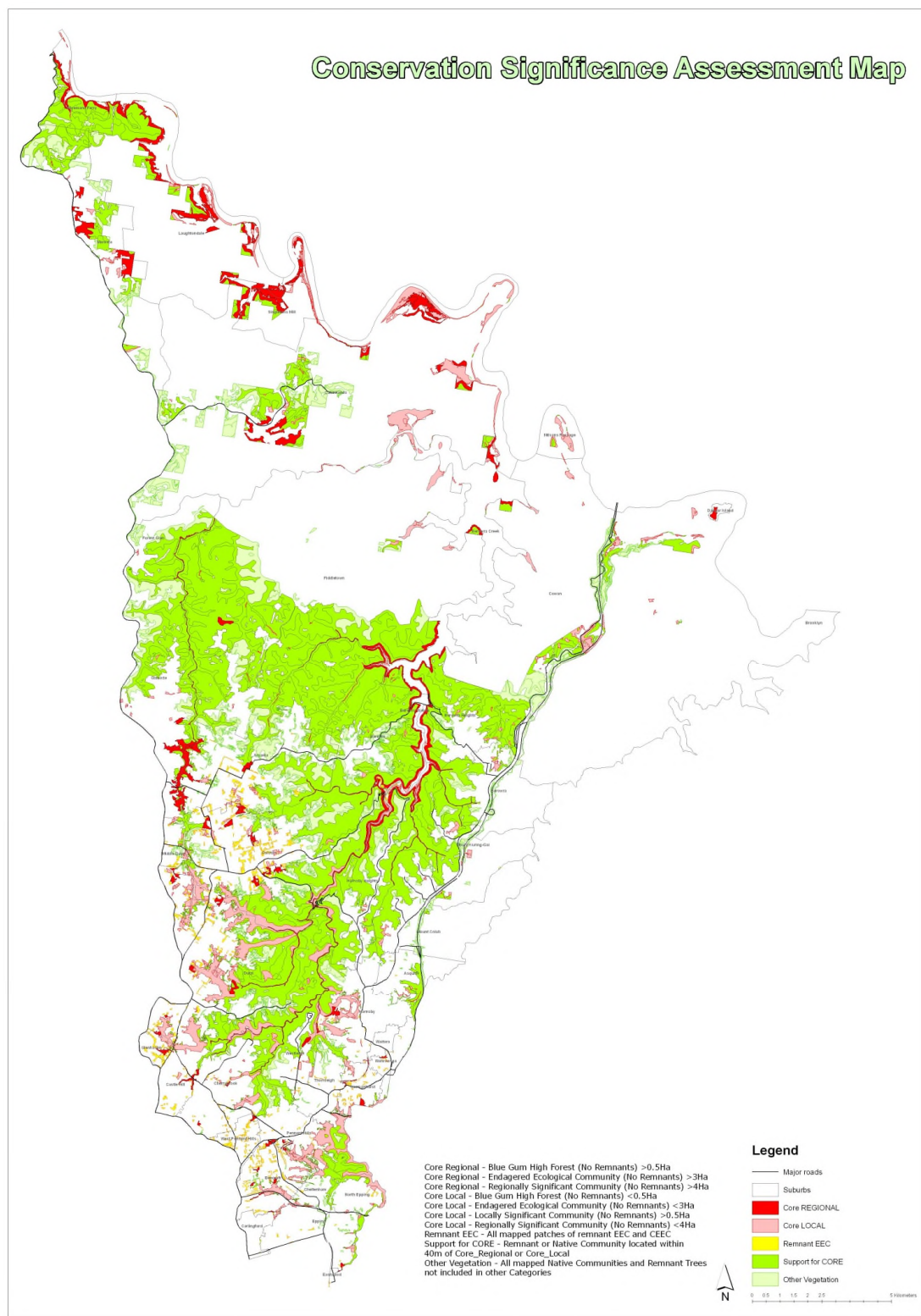


The example illustrates the difference between the area of a vegetation community and the area of a patch. In this example the area of vegetation community B is 3ha. The area of vegetation community A is 0.5 ha.

However the patch area of Community A is considered to be 3.5ha as it is considered part of the vegetation it adjoins.

This definition of patch size is based on the premise that vegetation that is contiguous should be recognised as such in a conservation significance assessment, regardless of its vegetation type. NSW State legislation based tools for Biobanking and Biocertification also recognise and define a patch in this way.

Appendix 3: Conservation Significance Category Map





POLICY REGISTER

POLICY TITLE:	WATER QUALITY AND CONSERVATION
FOLDER NUMBER:	F2007/00307
POLICY OWNER / DIVISION:	Community and Environment
POLICY OWNER / BRANCH:	Natural Resources
FUNCTION:	Environment
RELEVANT LEGISLATION:	Water Management Act 2000
POLICY ADOPTION/AMENDMENT DATE:	12 October 2022 <u>9 July 2025</u> REPORT NUMBER: CE <u>1/25</u> <u>3/22</u>
REVIEW YEAR:	<u>2024</u> <u>2026</u>
AMENDMENT HISTORY:	<u>12 October 2022 (CE3/22)</u> 8 December 2004 (EN 50/04) 9 December 2009 (EN 38/09) 15 May 2013 (EH5/13) 9 September 2015 (EH8/15) 12 September 2018 (EH16/18)
RELATED POLICIES:	Stormwater Management Policy Stormwater Building Sustainability Index (BASIX) 2006 Water Efficiency Labelling Standards 2006

POLICY PURPOSE/OBJECTIVES

1. To ensure potable water is conserved within Council operations and services.
2. To reduce Council water consumption of 10% by 2025.
3. To minimise stormwater pollution impacts on waterways from Council works and operations.

POLICY STATEMENT:

- ~~A reduction in Council potable water use of 10% to be achieved by 2025, based on the average Council water consumption covering the years 2007-12.~~
- Water use should be consistent with the principles of ecologically sustainable development.
- Water conservation should encompass education, regulation, research, water reuse and efficiency.
- Potable water should not be used for a purpose where water of a lower quality could be used more efficiently and economically.
- Water conservation measures should not compromise public health or have detrimental impacts on the ecological health of the Shires catchments.

- Council capital works projects should comply with water quality targets prescribed in the Hornsby Development Control Plan
- Council operations should comply with best practise water quality control procedures

ATTACHMENT 7 - ITEM 3



POLICY REGISTER

POLICY TITLE: Hornsby Shire Council Biosecurity Management Policy

FOLDER NUMBER: F2007/00307

POLICY OWNER / DIVISION: Community and Environment Division

POLICY OWNER / BRANCH: Environment

FUNCTION: Policies & Codes Review, Adoption, Alteration

RELEVANT LEGISLATION: NSW *Biosecurity Act 2015*
 NSW Biosecurity Regulations 2017
 NSW *Companion Animals Act 1998*

POLICY ADOPTION/AMENDMENT DATE: **REPORT NUMBER:**

REVIEW YEAR:

AMENDMENT HISTORY:

RELATED POLICIES:

Policy Purpose / Objectives:

This policy outlines how Hornsby Shire Council (Council) will:

1. discharge its proscribed and general duties to manage biosecurity risks associated with its assets and activities
2. perform its statutory functions as the local control authority for weed biosecurity within the Hornsby local government area

Context:

Biosecurity manages risks to the economy, environment, and community posed by pest animals, pathogens, and weeds. In New South Wales, biosecurity is guided by the [NSW Biosecurity and Food Safety Strategy 2022-2030](#) and regulated by the [NSW Biosecurity Act 2015](#) (the Act).

As with all parts of the New South Wales community, Council has **duties** under the Act to manage biosecurity risk on land it owns and manages, or that may arise through its activities.

Furthermore, [Division 2](#) of the Act imposes upon Council **statutory functions** as the local control authority (LCA) for weed biosecurity throughout the Hornsby local government area (LGA).

Scope:

Both the [NSW Biosecurity Act 2015](#) and the [NSW Food Act 2003](#) require Councils to play a role in biosecurity and food safety. This policy is restricted to Council's roles and responsibilities for **biosecurity only**. For Council's roles and responsibilities around food safety, refer to other documentation.

Responsibilities:

Hornsby Council and all its staff, contractors, and volunteers (referred to hereafter as Council employees) have **duties** under the Act to manage biosecurity risk. Those staff interacting with animals, plants, chemicals, as well as agricultural and aquaculture equipment and industries, are more likely to encounter biosecurity issues in their day-to-day activities and should be aware of their duties under the Act. These staff will, in general, be associated with the following branches: Asset Management and Maintenance; Compliance and Certification; Major Projects; Environment; Parks and Recreation; Waste Management.

Council's **statutory functions** as the local control authority for weed biosecurity are mostly coordinated by authorised biosecurity officers and other staff from the Environment Branch.

Policy Statements:

Part A - Duties to manage biosecurity risks associated with its assets and activities

1. **Biosecurity risks associated with Council's assets and activities**

- a) Council will endeavour to discharge its duties to manage biosecurity risks associated with its assets and activities in accordance with the [NSW Biosecurity Act 2015](#), the [NSW Biosecurity Regulation 2017](#), and relevant State, regional, and local plans, strategies, and policies.

[Appendix I](#) lists those parts of the [NSW Biosecurity Act 2015](#) and [NSW Biosecurity Regulation 2017](#) most relevant to Council and outlines how Council will discharge its duties in relations to these.

2. **Weeds on Council assets**

It is not reasonably practicable for Council to manage the biosecurity risks posed by all weeds on every asset it owns or manages. Resources should therefore focus on the following priorities:

- a) Managing the biosecurity risks posed by State regulated plants and regional/local priority weeds in accordance with biosecurity legislation and relevant State, regional, and local plans, strategies, and policies. The primary guiding document is the [Greater Sydney Regional Strategic Weed Management Plan 2023-2027](#).
- b) Participation in initiatives coordinated by State or Regional government agencies in accordance with relevant State or Regional plans and strategies.
- c) Managing the biosecurity risks posed by weeds to high-value Council assets, such as threatened native species, bushland reserves, remnant trees, parkland, gardens, sports fields, heritage items, roads, footpaths, or other infrastructure.
- d) Managing the biosecurity risks posed by weeds on Council assets where they are demonstrated to be having a clear and direct impact upon the health or safety of the community.

3. **Vertebrate pest animals on Council assets**

Council is only responsible for managing the biosecurity risk posed by vertebrate pests on land it owns and manages, or that may arise through its activities. It is not reasonably practicable for Council to manage all the biosecurity risks posed by common pest animals (such as rabbits, foxes, cats, or carp)

located on its assets. Populations are subject to seasonal conditions and individuals move freely across the landscape between different land tenures. Resources should therefore focus on:

- a) Managing the biosecurity risks posed by pest animals in accordance with biosecurity legislation and relevant State, regional, and local plans, strategies, and policies. The primary guiding document is the [Greater Sydney Regional Strategic Pest Animal Management Plan 2024-2028](#).
- b) Participation in initiatives coordinated by State or Regional government agencies in accordance with relevant State or Regional plans and strategies (e.g., the periodic release of biological control agents for rabbits).
- c) Managing the biosecurity risks posed by pest animals to Council's high-value assets, such as threatened native species, bushland reserves, remnant trees, parkland, gardens, sports fields, heritage items, roads, footpaths, or other infrastructure.
- d) Managing the biosecurity risks posed by pest animals on Council land where they are demonstrated to be having a clear and direct impact upon the health and safety of the community.

4. **Invertebrate pests on Council assets**

- a) Native invertebrates (including ants, termites, and wasps) play a crucial role in local ecosystems and should be respected and tolerated as much as possible. Council will only manage the biosecurity risks posed by native invertebrates on Council assets where they are demonstrated to be having a clear and direct impact upon the health and safety of the community.
- b) Council will manage the biosecurity risks posed by introduced invertebrates on Council assets in accordance with biosecurity legislation and relevant State, regional, and local plans, strategies, and policies, or where they are demonstrated to be having a clear and direct impact upon the health and safety of the community. Appendix II provides details on Council's position on honey bees on Council assets.

5. **Nuisance native animals on Council assets**

All native birds, reptiles, amphibians, and mammals (except the dingo) are protected under the *Biodiversity Conservation Act 2016*, and harming, or attempting to harm a protected animal is a serious offence. Landholders concerned about native animals should contact the [NSW Department of Primary Industries and Regional Development](#) for advice.

6. **Pest animals on non-Council assets**

The NSW *Biosecurity Act 2015* does not grant Council powers for managing the biosecurity risks posed by pest animals on non-Council assets and Council has no power to compel landholders to control pest animals on their land. Landholders concerned about pest animals on non-Council land should contact [Greater Sydney Local Land Services](#) for advice. [Greater Sydney Local Land Services](#) is the government agency that has a regulatory role under the NSW *Biosecurity Act 2015* for vertebrate pest animal management in the Greater Sydney Region.

7. **Pathogens on Council assets**

Management of common and widespread pathogens such as phytophthora and myrtle rust on Council assets will focus on limiting their spread from infested sites to non-infested sites. This will be guided by the NSW and Department of Planning, Industry and Environment document [Hygiene guidelines](#).

For new or recent incursions of pathogens within the LGA, Council will be guided in its response by lead government agencies (usually NSW Department of Primary Industries and Regional Development).

Part B - Council's statutory functions as the local control authority for weed biosecurity within the Hornsby local government area

- a) Council will endeavour to carry out all its functions as the local control authority for weed biosecurity listed in [Section 371](#) of the Act.
- b) In accordance with [Section 372](#) of the Act, Council will appoint one or more authorised weed biosecurity officers to exercise its functions as the local control authority for weed biosecurity in the Hornsby LGA.

- c) The authorised weed biosecurity officers will operate in accordance with [Part 22, Division 1](#) of the Act, as well as with relevant sections in the Regulation, and any State, regional and local plans and strategies.
- d) When required, the authorised weed biosecurity officers will provide advice to Council managers, employees, and the community in relation to these functions and biosecurity related issues.
- e) All State, regional, and local priority weeds and their legal requirements or recommended measures will be listed on Council's website. This list may change over time as new weeds are added or omitted, and as information arises and infestations are newly discovered or successfully eradicated.
- f) Council's Biosecurity Officers are not to become embroiled in civil disputes relating to weeds. Landholders should be encouraged to resolve their issues themselves. If the matter involves trees, hedges, bamboo or vines, the [NSW Land and Environment Court](#) is the appropriate body to settle such disputes under the Trees (Disputes Between Neighbours) Act 2006.

ATTACHMENT 8 - ITEM 3

Appendix I - Sections of the NSW Biosecurity Act 2015 relevant for Council staff

The following sections of the [NSW Biosecurity Act 2015](#) and [NSW Biosecurity Regulation 2017](#) may be relevant for Council staff:

1. In accordance with [Part 3](#) of the Act, Council employees who deal with biosecurity matter should be aware of the biosecurity risk posed by the matter to the community, environment, and economy, and undertake reasonably practicable measures to prevent, eliminate, or minimise the risk.
2. Council employees having regular dealings with farmland, market gardens, or aquaculture industries within or outside the LGA should be aware of and follow the mandatory measures outlined in [Division 2](#) of the Regulation to notify the Department of Primary Industries of pests and diseases listed in [Schedule 1](#) of the Regulation.
3. Council employees having regular dealings with honey bees, apiary equipment or apiary products within or outside the LGA should be aware of the requirements of [Division 2](#) of the Act relating to registrable dealings, and follow the mandatory measures outlined in [Division 4\(1\)](#) of the Regulation.
4. Council employees having regular dealings with livestock within or outside the LGA should be aware of and follow the mandatory measures outlined in [Division 4\(2\)](#) of the Regulation relating to animal pests and diseases, and in [Division 9](#) of the Regulation relating to animal feed.
5. Council employees having regular dealings with feral or domesticated rabbits within or outside the LGA should be aware of and follow the mandatory measures outlined in [Clause 17A](#) of the Regulation relating to live virus vaccines.
6. Council employees having regular dealings with feral animals within or outside the LGA should be aware of and follow the mandatory measures outlined in [Clause 17B](#) of the Regulation relating to having possession of, moving, or releasing feral animals. The presence of these animals on Council managed land is not considered having possession of them unless they are intentionally attracted or actively encouraged to stay.
7. Council employees having regular dealings with aquaculture industries and aquatic environments within or outside the LGA should be aware of and follow the mandatory measures outlined in [Division 5](#) of the Regulation relating to aquatic pests and diseases.
8. Council employees having regular dealings with fruit and vegetable production within or outside the LGA should be aware of and follow the mandatory measures outlined in [Division 6](#) of the Regulation relating to plant pests and diseases.
9. Council employees must not import into New South Wales wood products from a tree of the genus *Pinus*, *Abies*, *Picea*, *Araucaria* or *Pseudotsuga*, organic mulch (which includes manure, bark, wood chips, hay, straw and sugar cane bagasse), plants in containers, agricultural or earth moving machinery, and soil (which includes anything with soil on it such as turf) without being aware of and following the mandatory measures outlined in [Division 7](#) of the Regulation relating to invasive species.
10. In accordance with the mandatory measures outlined in [Clause 33](#) of the Regulation, Council employees must not import into New South Wales or sell any plant listed in [Schedule 3](#) of the Regulation.
11. In accordance with the mandatory measures outlined in [Clause 34](#) of the Regulation, Council employees must not import into New South Wales a species of vascular plant (Tracheophyta) if the species is not currently present in the State unless the person has notified the species of plant and its proposed location to the Department of Primary Industries at least 20 working days before the plant is imported into the State.

12. Council employees must not import into New South Wales from Queensland any agricultural or mining machinery or equipment without being aware of and following the mandatory measures outlined in [Clause 35](#) of the Regulation.
13. Council employees using fertilisers, liming materials and trace element products, should be aware of and follow the mandatory measures outlined in [Division 11](#) of the Regulation relating to maximum concentrations of cadmium, lead and mercury.
14. In accordance with the mandatory measure outlined in [Division 12](#) of the Regulation, any Council employee wishing to enter a place where commercial or educational activity is carried on for the purpose of intensive or extensive agriculture or horticulture or for the purpose of processing agricultural or horticultural products, and for which a biosecurity management plan has been adopted, must comply with all requirements of the biosecurity management plan while at the place.
15. In accordance with [Part 4](#) of the Act, Council employees must never knowingly deal with the prohibited matter listed in [Schedule 2](#) of the Act, must notify the Department of Primary Industries if they become aware of, or suspect, the presence or introduction of prohibited matter, and must, as soon as they become aware of, or suspect, the presence of prohibited matter, ensure that, so far as is reasonably practicable, the biosecurity risk posed or likely to be posed by the prohibited matter is prevented, eliminated, or minimised.
16. In accordance with [Division 5](#) of the Act, any Council employee who becomes aware of, or suspects an **event** has had, is having, or is likely to have, a significant biosecurity impact (other than a prohibited matter event) must report the event to the Department of Primary Industries.
17. In accordance with [Part 5](#) of the Act, Council will comply with all relevant provisions of any biosecurity **emergency order** declared by the Department of Primary Industries.
18. In accordance with [Part 6](#) of the Act, Council will comply with the requirements of any biosecurity **control order** made by the Minister administering the Act.
19. In accordance with [Part 7](#) of the Act, Council will comply with the requirements of any **Biosecurity Zone** established in the Regulation.

Appendix II - Honey bees (*Apis mellifera*)

1. Beehives on Council managed assets

The unauthorised placement of hives on Council managed assets is considered encroachment, and removal enforced by Council's compliance team.

Requests from the community to establish hives on Council managed assets may be considered on a case-by-case basis. In each instance the asset manager should consider carefully the precedent that granting consent would set, as well as perceived issues of equity among landholders from other areas. All hives must be registered with [NSW Department of Primary Industries and Regional Development](#), and the registration number clearly visible on the hive.

Generally, consent should not be granted if:

- a) Threatened flora and hollow-seeking fauna have been recorded within or near the asset. [Schedule 4](#) of the NSW *Biodiversity Conservation Act 2016* lists competition from feral honeybees as a Key Threatening Process that has the potential to adversely affect threatened species and other native flora and fauna. Giving consent to the establishment of an apiary in this instance would be contrary to the objects of this Act.
- b) The asset is managed in accordance with an adopted Plan of Management endorsed by the community, where the establishment of apiaries is either not included or conflicts with the goals of the Plan of Management.
- c) The area identified is subject to illegal encroachment from adjoining landholders. Granting consent to will be viewed as Council condoning encroachment.
- d) The asset has been declared a Wildlife Protection Area (WPA) under the NSW *Companion Animals Act 1988*. The aim of WPAs is to raise the profile and conserve the regions unique biodiversity. Although the focus of WPAs is to encourage responsible pet ownership, allowing the establishment of apiaries within WPAs would contradict this goal.

2. Beehives on private land

Councils may choose to manage beehives on private land if they classify them under the NSW *Companion Animals Act 1998*. Hornsby Council, however, does not do this.

Those seeking to establish an apiary on private land should be referred to the NSW Department of Primary Industries factsheet [Backyard beekeeping](#) from 2019, as well as the [Australian Honey Bee Industry Biosecurity Code of Practice](#).

The DPI fact sheet states:

A comfortable number of colonies in an average backyard is two or three hives. This is sufficient to obtain some honey for yourself and others, and to experiment with variations in management. If you wish to keep more it is important to discuss this with nearby neighbours. If a complaint comes to the notice of NSW DPI, the number of hives at the location will be closely examined. You may be directed to reduce or remove hives from that location.

The [Australian Honey Bee Industry Biosecurity Code of Practice](#) does not seem to touch on hive numbers in residential areas. An older DPI factsheet from 2017 Beekeeping Code of Practice for NSW suggests:

*Small block = 2 hives
Average block (up to 1000 m²) = 4 hives
Roomy up to 2000 m² = 8 hives
Rural = No limit*

Note: The number of hives is a guide only and circumstances may allow more or less hives to be kept. In some circumstances, the keeping of bees may be inappropriate in some locations, as determined

by an appropriate regulatory authority. Contact your local council to see if they have any specific requirements for keeping bee hives.

The DPI have a legal responsibility under the NSW *Biosecurity Act 2015* to act if bees are found to be a danger to public health or a danger to public safety. Their [Investigation of nuisance bee complaints](#) policy outlines how NSW DPI investigates nuisance bee complaints and ensures standardised compliance actions are consistently applied.

3. Feral bees on Council assets

Council will manage the biosecurity risks posed by feral honeybees on Council assets in accordance with biosecurity legislation and relevant State, regional, and local plans, strategies, and policies, or where they are demonstrated to be having a clear and direct impact upon the health and safety of the community.



POLICY REGISTER

POLICY TITLE: **ASSISTED LIVING WASTE SERVICES TO DOMESTIC HOUSEHOLDS**

FOLDER NUMBER: F2007/00307

POLICY OWNER / DIVISION: Community and Environment

POLICY OWNER / BRANCH: Waste Management

FUNCTION: Domestic Waste Management

RELEVANT LEGISLATION: Local Government Act 1989

POLICY ADOPTION/AMENDMENT DATE: 13 August 2025 **REPORT NUMBER:** CE1/25

REVIEW YEAR: 2027

AMENDMENT HISTORY:
 16 March 2011 (Report EN7/11)
 18 December 2013 (Report IR26/13)
 9 September 2015 (Report EH26/13)
 2 September 2018 (Report EH16/18)
 12 October 2022 (Report CE3/22)

RELATED POLICIES: Provision of Domestic Waste Management Services

POLICY PURPOSE / OBJECTIVES:

The purpose of this policy is to ensure that appropriate on property, wheel out and wheel back, assisted living waste services are provided to households where a resident may no longer have the direct ability or access to persons who can provide assistance, to self-present waste and recycling bins to the kerbside due to mobility, health or other approved disability issues.

Generally, assisted living households are those where all occupants are physically incapable of or unable to wheeling out and retrieving garbage, recycling and green waste bins to the kerbside and or are reasonably not able to make suitable arrangements for neighbours, family or friends to provide assistance to present bins to the kerbside.

This policy is aimed at helping residents to maintain their independence and providing assistance to keep residents living in their own household for as long as possible. This policy supports and forms part of Council's broader strategies under the Social Inclusion Hornsby (Disability Inclusion Action Plan) 2021-2025 and Healthy Aging Hornsby Strategy 2022-2026.

POLICY STATEMENT:

A domestic residential property that receives Council's Domestic Waste Management Service may apply to Council's Manager, Waste Management for consideration of access to Council's assisted living waste services.

In-order to be eligible to receive Council's assisted living waste services, the following criteria must be met:

1. The resident must live in a standalone house or townhouse/villa where the property has their own bins. Residents living in units and apartments are not covered under this policy.
2. No resident of the premises is reasonably able to place mobile garbage bins out for collection or retrieval.
3. The resident must provide a detailed written explanation as to why they are unable to place out and retrieve mobile waste bins, including details on any physical mobility conditions, disabilities, and or other medical or health conditions. A Medical Certificate detailing any such conditions and supporting the resident's inability to place mobile waste bins out for collection and retrieval must be submitted with any application.
4. The resident's inability to place out or retrieve bins is not on a short-term basis only, requiring temporary assistance, for example a broken leg or similar injury.
5. No alternative arrangements to place mobile garbage bins out for collection or retrieval can reasonably be made with relatives or neighbours living nearby.
6. Council's Waste Collection Contractor must be capable of providing the assisted living service to the property without unacceptable health and safety and or traffic management risks.



POLICY REGISTER

POLICY TITLE: Single Use Plastics

FOLDER NUMBER:	F2018/00082		
POLICY OWNER / DIVISION:	Community and Environment		
POLICY OWNER / BRANCH:	Waste Branch		
FUNCTION:	Waste Management and Avoidance		
RELEVANT LEGISLATION:	LOCAL GOVERNMENT ACT, 1993 WASTE AVOIDANCE AND RESOURCE RECOVERY ACT, 2001 PROTECTION OF THE ENVIRONMENT OPERATIONS ACT, 1997 PLASTIC REDUCTION AND CIRCULAR ECONOMY ACT, 2021		
POLICY ADOPTION/AMENDMENT DATE:	<u>13 August 2025</u>	REPORT NUMBER:	<u>CE1/25</u>
REVIEW YEAR:	<u>20272024</u>		
AMENDMENT HISTORY:	<u>12 OCTOBER 2022(Report CE23/22)</u> 11 November 2020 (Report CE11/20)		
RELATED POLICIES:	Sustainable Procurement Determination 2013		

POLICY PURPOSE / OBJECTIVES:

To progressively transition towards the elimination of single-use plastics in council operations and events.

IMPORTANT NOTE: This Policy and the accompanying Waste Management Guidelines were developed pre-COVID-19. During COVID-19, NSW Public Health Orders, COVID Safety Management Plans and safe work practices related to COVID-19 requirements take precedence.

POLICY PRINCIPLES:

The principles that guide this policy are based on significant evidence which indicates that:

1. Single-use plastics comprise a large component of litter in NSW¹
2. Plastic pollution persists in the environment and has cumulative detrimental impacts on human and environmental health²
3. The production of plastics relies on the use of non-renewable resources that adversely impact on climate change and do not align with the principles of Ecologically Sustainable Development (ESD)³

¹ 2015-16 National Litter Index Results for NSW

² Centre for International Environmental Law, *Plastic and Health – the Hidden Costs of a Plastic Planet*, 2019

³ Ibid

4. Plastics, including single-use plastics, do not biodegrade and can break into smaller micro-plastics that have long-term environmental, social and economic impacts. These place an inequitable burden on future generations⁴
5. The waste hierarchy should govern the use and disposal of resources: avoid, reduce, reuse, recycle and then dispose.

CONTEXT

In recent years numerous local government organisations around Australia have sought to minimise and prohibit the prevalence of single-use plastics in council operations and events.

Hornsby Shire Council Resolved to develop a draft Single Use Plastic Policy on 24 July 2019 (NOM8/19 – F2018/00082).

~~This policy will be guided, in part, by the findings of local research conducted by Sydney University during 2019.~~

In 2021, the NSW Government passed the Plastic Reduction and Circular Economy Act, 2021. This key piece of legislation includes bans for many single-use plastic items, ~~which come~~ The progressive bans came into effect 1 June 2022 and 1 November 2022.

The NSW Plastics Action Plan 2021 was reviewed in 2024 and is now being implemented as NSW Plastics – The Way Forward 2024.

SCOPE AND APPLICATION

This policy applies to Council operational activities, council employees and contractors' activities within, and impacting on, the Hornsby Shire local government area. Further detail on the size and types of events that fall within the jurisdiction of this policy can be found in the ~~new updated~~ Waste Management Guidelines for Events Organisers (Attachment A); - <https://www.hornsby.nsw.gov.au/property/waste-and-recycling/waste-events-and-education/event-waste-management-and-bin-hire>

A list of alternative suppliers and products will be provided to all event organisers as part of the Guidelines. ~~(Attachment A – Appendix A).~~

~~Milestone timings for the transition of council events and operations to phase out single use plastics are detailed in Table 1 below.~~

POLICY STATEMENT:

This policy recognises that many plastics have become an integral component of modern global packaging and food safety systems. Therefore, a strategic, planned and incremental approach is required to deliver a durable and structural transition towards alternatives.

Council will:

- Support relevant National Packaging Targets and national product labelling schemes
- Provide in-house education and engagement activities on single-use plastics

⁴ UNEP 2018. SINGLE USE PLASTICS: A Roadmap for Sustainability

- Demonstrate leadership in the community to reduce the use of single-use plastics, particularly plastic straws, water bottles and plastic bags
- ~~Phase out and, where possible, eliminate single use plastic items within council operations and at all events held on council owned or managed land. This will include plastic water bottles, plastic drinking straws, single-use plastic bags, coffee cups (with plastic lining), ready-to-eat plastic serving containers / utensils and balloons~~
- ~~Event organisers are encouraged to support event participants to use reuseable items wherever possible~~
- ~~Provide alternative water sources at events particularly where water in single use plastic bottles is limited or not available~~
- ~~Investigate opportunities to provide permanent water refill stations in appropriate high use public spaces and the use of temporary mobile water refill stations at high use public events~~
- Implement responsible procurement practices to influence supply chains and support market development of recycled content products
- Support local business and retail industry sectors to provide products and services that do not rely on single-use plastics
- Build awareness within the community on alternatives to single use plastics
- Ensure outcomes align with Council policies, such as the Sustainable Procurement Determination, and that guidelines include requirements directly leading towards the elimination of single-use plastic in Hornsby Shire LGA.

The intent of the policy will also be delivered through the following mechanisms:

- ~~Facilitating an Internal Council Officer Reference Group to support the ongoing operational transition away from single use plastics~~
- Developing Waste Management Guidelines and a preferred supplier list for events
- Online promotion of alternatives to single-use plastics to assist the business and retail community to provide products and services that do not rely on single use plastics
- Providing advice and support to organisations wishing to run waste wise community events
- Supporting community access to relevant information and resources
- Developing and promoting case studies of sustainable community events, such as Berowra Woodchop.

DEFINITIONS:

Single-use Plastics, often also referred to as disposable plastics, are commonly used for plastic packaging and include items intended to be used only once before they are discarded. Single-use plastics include but are not limited to petroleum-based disposable plastic and polystyrene items such as coffee cups (with plastic lining) straws, balloons, bags, sachets, cutlery and food and drink packaging.

EXCLUSIONS:

Exclusions will apply to:

- Plastic items already being recycled within a circular economy model (standard recyclables).
- All beverage containers dispensed by vending machines

EXEMPTIONS:

Exemptions may apply when:

- Specific plastic products are required to meet health and safety requirements

- There is no practical alternative product or distribution method available
- Those with a physical disability require a particular product to engage in day-to-day activities
- Patrons and facility users who bring pre-purchased and packaged food and beverage consumables
- Subject to current relevant legislation where single-use plastics are required in some circumstances, such as the NSW Gaming and Liquor Administration Act 2007

ATTACHMENT 10 - ITEM 3

TABLE 1: MILESTONE TIMINGS FOR THE TRANSITION OF COUNCIL EVENTS AND OPERATIONS

Year	Council operation	Council Event	Commercial Events
2020/21	<ul style="list-style-type: none"> • Council meetings • Councillor briefings • Councillor and staff training • Council run tours and workshops • Meetings with internal and external stakeholders 	<ul style="list-style-type: none"> • Mayor's Christmas Party • Citizenship Ceremonies • Australia Day • Sunset Sessions • Westside Vibe • Children's Voices for Reconciliation • Screen on the Green 	<ul style="list-style-type: none"> • Thursday Organic Food • Markets
2021/22	<ul style="list-style-type: none"> • All Council facilities* 	<ul style="list-style-type: none"> • All council run and supported events • All relevant community run events on council land** 	

*Does not include vending machines

**As stipulated in the Waste Management Guidelines for Events. Will not be enforced for community run events with less than 300 people.

ATTACHMENT/S

REPORT NO. PC14/25

ITEM 5

- 1. PLANNING PROPOSAL**
- 2. HORNSBY DCP PART 5 – DRAFT AMENDMENTS**
- 3. EQUIVALENT ZONE TABLE, NSW GOVERNMENT**

Planning Proposal: Employment Lands Study

Implementation of short term recommendations

July 2025



HORNSBY SHIRE COUNCIL

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HORNSBY SHIRE COUNCIL

Introduction

Background

In May 2021, the *Hornsby Employment Lands Study* (Hornsby ELS) was adopted by Council (**Appendix B**). The Hornsby ELS was undertaken to identify key economic and employment trends within Hornsby Shire and to provide a strategic framework and to facilitate and accommodate future economic and employment growth within the Hornsby Local Government Area (LGA).

The Hornsby ELS encompasses all employment zoned land across the Shire, including industrial precincts, commercial centres, and special use precincts as outlined in Figure 1.

The Hornsby ELS identifies six strategic directions to guide the supply, development and utilisation of employment lands in the Shire, ensuring a well-informed approach to fostering economic growth and employment opportunities. The six strategic directions include:

1. *Improve the utilisation and appeal of employment lands.*
2. *Establish a sustainable long-term supply of employment land.*
3. *Protect zones for uses that align with their intended role and function.*
4. *Attract a greater diversity of employment and learning opportunities.*
5. *Deliver infrastructure that supports current needs and future growth.*
6. *Establish a framework for sustainable and continued economic growth.*

The Hornsby ELS was undertaken within the context of the *Greater Sydney Region Plan* (Region Plan), *North District Plan* (District Plan), and *Hornsby Local Strategic Planning Statement* (LSPS), and reflects the broader strategic planning framework for the districts' growth and development.

An Implementation Action Plan was adopted alongside the finalised Hornsby ELS identifying timeframes for implementing planning control recommendations from the Hornsby ELS. A copy of the adopted Implementation Action Plan is included in **Appendix C**.

NSW Government's Employment Zone Reforms

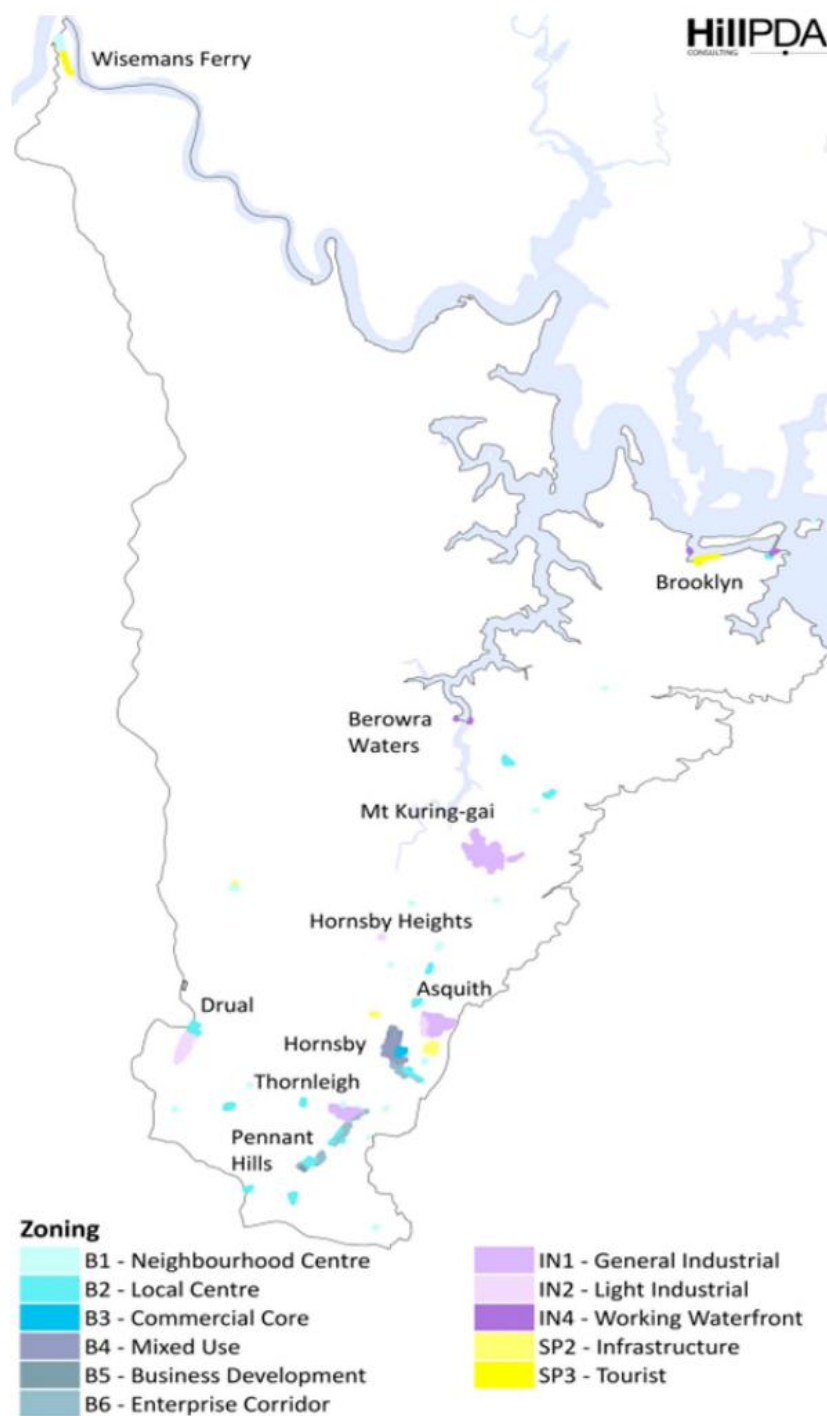
On 26 April 2023, the NSW Government finalised the Employment Zones Reforms. The reforms were aimed at simplifying the planning framework to provide greater flexibility and unlock economic growth and productivity in employment zoned areas. The reforms replaced the existing business and industrial zones with five new employment zones and three supporting zones. **Appendix D** outlines the equivalent zones for the Hornsby Local Environmental Plan (Hornsby LEP) which have been used to in preparation of the Planning Proposal.

Council officers worked closely with the NSW Government to implement certain recommendations of the Hornsby ELS through the reforms. Changes made to the Hornsby LEP through the reforms include changes to permitted and prohibited land uses in employment zones and a new local provision to ensure there is no net loss of gross floor area used for non-residential land in Hornsby's centres.

The Planning Proposal has been prepared to give effect to short term actions within the Hornsby ELS and seeks to implement changes that were not introduced through the Employment Zone Reforms. The Planning Proposal aligns with the strategies and actions of the Region Plan and District Plan that relate to the employment lands and complements changes made to the Hornsby LEP through the Employment Zone Reforms.

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Figure 1: Employment zones and industrial precincts across the Shire



Source: HillPDA 2021, prepared to support the Hornsby ELS which was finalised prior to the Employment Zone Reforms being finalised.

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1 Objectives or intended outcomes

Objective

The objective of the Planning Proposal is to amend the Hornsby LEP to give effect to the short term strategic actions identified in the Hornsby ELS that seek to facilitate economic activity and support future development and utilisation of employment land across the Hornsby Shire.

Intended Outcomes

In line with the strategic directions and recommendations of the Hornsby ELS, the intended outcomes of the Planning Proposal are to:

- Encourage uses in local centres that will attract pedestrian activity and interaction ensuring the Shire's local centres remain vibrant and viable.
- Increase the diversity of employment opportunities in locations with higher amenity and greater accessibility.
- Improve the utilisation and appeal of industrial land and make Hornsby Shire an attractive place to invest and do business.
- Allow for greater design flexibility in new industrial developments in response to the changing nature of modern industry needs.
- Protect industrial land from higher order uses.
- Reduce pressure on industrial areas to accommodate land uses with no amenity impacts.
- Provide greater consistency and alignment of planning controls applying to industrial zoned land in the Shire.

2 Explanation of the provisions

2.1 Overview

The Planning Proposal incorporates six amendments to the Hornsby LEP intended to implement the short term recommendations of the adopted Hornsby ELS. The amendments will support sustainable economic growth and investment in the Shire's local centres and employment precincts.

- **Amendment 1:** Require active street frontages in local centres
- **Amendment 2:** Permit light industries in the E1 Local Centre zone (excluding those identified as "Area 1" on the Land Zoning Map).
- **Amendment 3:** Exclude serviced apartments from the calculation of 'non-residential' floorspace
- **Amendment 4:** Restrict the size of food and drink premises in the E4 General Industrial zone to 150sqm of gross floor area.
- **Amendment 5:** Increase the height of building control up to a maximum of 20 metres in some E4 General Industrial zoned precincts.
- **Amendment 6:** Increase the permitted floor space ratio control for land in the Dural Industrial Precinct from 0.7:1 to 1:1.

2.2 The Provisions Explained

The proposed amendments are discussed below.

Amendment 1: Require active street frontages in local centres

To support the vitality and increase investment and business activity across the Shire's local centres, it is proposed to introduce a new local provision that would require all new development in the E1 Local Centre Zone to have an active street frontage.

An active street frontage can be described as a continuous frontage of business and retail uses that open directly onto the footpath. The benefits of encouraging land uses that provide an active street frontage are that they will:

- Support the economic viability of local centres by contributing a range of diversified facilities and services.
- Improve the amenity of the public domain by encouraging pedestrian activity and movement.
- Encourage passive surveillance at street level.
- Encourage design of new commercial buildings and tenancies which contribute positively to the public domain and streetscape.

In keeping with the Hornsby ELS's recommendations, this new local provision is intended to provide greater protection and enhance the Shire's local centres to remain as vibrant and safe places offering a diversified range of jobs, goods and services.

Potential wording for the amendment is provided below.

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Hornsby LEP – New Local Provision (example only)

6.15 Active Street frontages on land zoned E1 Local Centre

- (1) The objective of this clause is to ensure land uses provided at street level attract pedestrian traffic and support the vitality of local centres.
- (2) This clause applies to land in Zone E1 Local Centre.
- (3) Development consent must not be granted to the erection of a building, or change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.
- (4) Despite subclause (3), an active street frontage is not required for any part of a building that is used for any of the following—
 - (a) an entrance or lobby for part of the building,
 - (b) access for fire services,
 - (c) vehicular access.

In this clause, a building has **an active street frontage** if all premises on the ground floor of the building facing the street are designed to promote interaction with the street

Amendment 2: Permit light industries in the E1 Local Centre zone (excluding those identified as "Area 1" on the Land Zoning Map).

The Hornsby ELS identifies that market demand is increasing for light industry uses and, that new manufacturing formats based on advanced technologies make light industries an appropriate use for business settings. Under the Hornsby LEP, light industries are permitted in the E3 Productivity Support, E4 General Industrial and the MU1 Mixed Use zones.

The Standard Instrument provides the following definition for light industries:

light industry means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following—

- (a) high technology industry,
- (b) home industry,
- (c) artisan food and drink industry,
- (d) creative industry.

Note.

Light industries are a type of **industry**—see the definition of that term in this Dictionary.

As explained in the Hornsby ELS, by definition, light industries do not interfere with the amenity of the neighbourhood and their effect on centre function would be minimal. The Hornsby ELS recommends permitting light industries in the former B2 Local Centre zone to:

- Increase the flexibility and utilisation of commercial spaces in centres.
- Increase the diversity of employment opportunities in locations with higher amenity and transport accessibility.
- Reduce pressure on the Shire's already limited and constrained industrial precincts to support uses that do not interfere with the amenity of the surrounding neighbourhood.

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The Hornsby ELS, defines the Shire's local centres (identified as former B2 Local Centre zoned areas) as areas that: *"provide essential access to day to day goods and services close to where people live. They are typically located in proximity to public transport and transport interchanges increasing their access to for the surrounding community"*. It is these areas that were identified in the Hornsby ELS to accommodate light industry uses.

As part of the Employment Zone Reforms, the B2 Local Centre and the B1 Neighbourhood Centre Zone were merged to form the E1 Local Centre Zone, with former B1 areas now identified as E1 Local Centre (Area 1) within the Hornsby LEP. Table 1 identifies each of the local centres and their former zoning. This amendment will only be applied to former B2 Local Centre zoned areas.

Table 1: Former zoning of E1 Local Centre zoned centres

B1 Neighbourhood Centre	B2 Local Centre
Galston Road, Galston	Asquith Village
David Road, Castle Hill	Beecroft Village
Appletree Drive, Cherrybrook	Berowra Heights Village
Sefton Road, Thornleigh	Berowra Village
Dartford Road, Thornleigh	Brooklyn Village
Denman Parade, Normanhurst	Cherrybrook Village
Myrtle Street, Normanhurst	Dural Service Centre
Malton Road, North Epping	Mount Colah Village
Balmoral Street, Waitara	Pennant Hills Village
Parklands Rd, Mount Colah	Thornleigh Village
Galston Road, Hornsby Heights	Waitara Village
Somerville Rd, Hornsby Heights	Westleigh Village
Pacific Hwy, Mount Kuring-Gai	West Pennant Hills Village
Pacific Hwy, Cowan	
Dangar Island	
Wisemans Ferry	

The process for allowing light industries in E1 Local Centres, excluding areas identified as "Area 1" in the Hornsby LEP could be implemented into the Hornsby LEP in two ways. Option one would create a new Additional Permitted Use for mapped areas, while Option two would create a new local provision leveraging existing land use zoning maps.

Option 1: Hornsby LEP – Schedule 1 Additional Permitted Use clause (example only)

11 Use of certain land for light industry in Zone E1

- (1) This clause applies to land identified as "Area 11" on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of light industry is permitted with development consent.

The Additional Permitted Use map amendments are included in Part 4 of this report.

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Option 2: Hornsby LEP – New Local Provision (example only)

6.16 Light industry uses in Zone E1

- (1) This clause applies to land zoned E1 Local Centre (excluding land identified as "Area 1") on the [Land Zoning Map](#)
- (2) Development for the purposes of light industry is permitted with development consent

Amendment 3: Exclude serviced apartments from the calculation of 'non-residential' floorspace

Existing provisions under clause 4.4 'Floor space ratio' of the Hornsby LEP encourage the provision of non-residential land uses in certain local centres. The provisions allow a development to exceed the permitted floorspace ratio control if the development includes a certain amount of non-residential floorspace. Non-residential floorspace is defined as any floorspace "other than residential accommodation."

Serviced apartments are a type of tourist and visitor accommodation and meet the current non-residential floorspace definition making them eligible to be included as part of a development's non-residential floorspace calculation. Serviced apartments do not generate high levels of pedestrian activity or contribute significant employment opportunities to their locality. Further, serviced apartments have the potential to be converted into permanent residential accommodation, either through subsequent development modification applications or informally.

The Hornsby ELS recommends greater protection for commercial floor space for employment purposes. This amendment would further this recommendation by excluding serviced apartments from being included as part of a development's non-residential floor space calculation.

The proposed amendment does not reduce the permissibility of serviced apartments, but will provide Council with more certainty and control that provision of any new serviced apartments will not diminish the supply of employment floor space across the Shire's centres.

An example of where this has already been done is included in Part 8 of the Hornsby LEP, introduced to support the Hornsby Transport Orientated Development Precinct (Hornsby TOD). Under the provisions included in Part 8 of the Hornsby LEP, the NSW Government introduced a definition of 'non-residential development'. This definition excludes tourist and visitor accommodation (including serviced apartments) from being counted as part of a development's non-residential development floor space calculation.

Potential wording for the amendments is provided below.

Hornsby LEP Clause 6.10 Non-residential land uses in Zone E1 amendments (example only)

6.10 Non-residential land uses in Zone E1

- (1) The objective of this clause is to protect and maintain the use of land for non-residential purposes in Hornsby's centres.
- (2) Development consent must not be granted to development for the purposes of residential accommodation in Zone E1 Local Centre unless the consent authority is satisfied that the development would not result in the net loss of gross floor area used for non-residential purposes in Zone E1 Local Centre.
- (3) In this clause—
non-residential purposes means purposes, other than residential accommodation **or serviced apartments**, that are permissible in Zone E1 Local Centre.

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Hornsby LEP Clause 4.4 amendments (example only)

4.4 Floor space ratio

(1) The objectives of this clause are as follows—

(a) to permit development of a bulk and scale that is appropriate for the site constraints, development potential and infrastructure capacity of the locality.

(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

(2A) Despite subclause (2), the floor space ratio for residential accommodation in an area specified in Column 1 of the Table to this subclause and identified on the Floor Space Ratio Map must not exceed the ratio specified opposite in Column 2 of the Table.

Column 1	Column 2
Area	Floor space ratio
Area 3	1:1
Area 6	0.6:1

(2B) (Repealed)

(2C) Despite subclause (2), the floor space ratio for development on land identified as “Area 5” on the Floor Space Ratio Map may exceed the floor space ratio shown for the land on the Floor Space Ratio Map if the development is for the purposes of—

(a) shop top housing, and

(b) any other land use permitted in the zone, other than residential accommodation **or serviced apartments**, that comprises a floor space ratio of at least 0.5:1.

(2D) Despite subclause (2), the floor space ratio for development on land identified as “Area 8” on the Floor Space Ratio Map may exceed the floor space ratio shown for the land on the Floor Space Ratio Map if the development is for the purposes of—

(a) shop top housing, and

(b) any other land use permitted in the zone, other than residential accommodation **or serviced apartments**, that comprises a floor space ratio of at least 1:1.

Amendment 4: Restrict the size of food and drink premises in the E4 General Industrial zone to 150sqm of gross floor area.

The Hornsby ELS discusses the importance of local amenities in industrial precincts, which provide spaces for business meetings and social networking and improving the vibrancy and desirability of these areas for employment purposes. These are commonly developed under the ‘food and drink premises’ land use, which is permitted in the E4 General Industrial zone.

The Hornsby ELS also identifies the risk of larger facilities having the potential to displace less commercially viable industrial uses, increase vehicular traffic and generate more pedestrian movement in areas not typically designed for high pedestrian activity, an outcome contrary to the intent of the E4 General Industrial zone’s objectives.

The Hornsby ELS identifies that industrial space in the Shire is already constrained with limited additional land capacity for expansion of these areas. Therefore, the intent of this amendment is to allow for local amenity offerings to be accommodated, but by limiting their size to protect and retain the Shire’s remaining industrial land uses from an entertainment land use that could displace employment land uses.

An audit of existing food and drink premises located within the Shire’s industrial precincts has been undertaken to inform the amendment. The purpose of the audit was to determine an appropriate floor space area that can

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comfortably accommodate cooking and storage facilities, adequate indoor seating areas as well as staff and patron amenities based on market demand for local facilities. The results of the audit highlighted that most food and drink premises located within the Shire's industrial precincts are accommodated within 150sqm of gross floor area (excluding outdoor seating areas).

Therefore, this amendment proposes to introduce floorspace controls to limit the size of food and drink premises to a maximum of 150sqm of gross floor area if they are in E4 General Industrial zoned land.

The process for restricting the size of new premises could be implemented through a new local provision inserted into Part 6 Additional Local Provisions of the Hornsby LEP. Potential wording for this amendment is provided below.

Hornsby LEP – Hornsby LEP – New Local Provision (example only)

6.16 Food and drink premises in Zone E4 General Industrial Zone

- (1) *This clause applies to land zoned E4 General Industrial*
- (2) *If development for the purposes of a food and drink premises is permitted under this Plan in Zone E4 General Industrial, the gross floor area of the food and drink premises must not exceed 150 square meters.*

Amendment 5: Increase the height of building control up to a maximum of 20 metres in some E4 General Industrial zoned precincts.

Hornsby Shire has a limited amount of E4 General Industrial zoned land, confined to four main precincts: Mount Kuring-Gai, Asquith, Thornleigh and Dural. Industrial space across these precincts is constrained with limited capacity for expansion due to environmental constraints and proximity to adjoining sensitive land uses. Although constrained, the Shire's industrial precincts offer some of the largest and more economically productive employment areas within the North District.

Under the Hornsby LEP, the maximum height of building controls are either 10.5m or 14.5m and the corresponding FSR is 1:1 for most industrial precincts, with the FSR for the Dural Industrial Precinct set at 0.7:1 (proposed to be increased as part of this Planning Proposal).

The Hornsby ELS identifies that some industrial buildings (such as modern distribution centres) require clearance of the equivalent of between five to eight storeys (over 20m) in a single level. Consequently, newer forms of industrial development are unsuited and unable to comply with the current height controls and multiple development applications have relied on Clause 4.6 provisions to vary the height controls to accommodate modern industrial development.

The Hornsby ELS recommends removing or increasing the building heights to at least 16 metres to encourage and facilitate new forms of modern industries establishing their operations in the Shire. The Hornsby ELS, recommended increasing building heights to at least 16m to align with the industrial development standards applying at the time the Hornsby ELS was written under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (SEPP (Exempt and Complying Development)).

Since the Hornsby ELS was finalised, the maximum building height permitted under the SEPP (Exempt and Complying Development) has increased to 18m. A development of this height can be undertaken as a complying development certificate and does not require approval from Council.

As part of this Planning Proposal, it is proposed to increase the allowable height of building control to a maximum of 20m across parts of the Mount Kuring-Gai, Asquith, Thornleigh and Dural industrial precincts. A 20m height control is considered to be an appropriate increase from the existing height standards, that should also incentivise

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applicants to seek approval from Council to achieve a development greater than what is permitted under the SEPP (Exempt and Complying Development).

The benefits of the increased building height control are that it will:

- Enable redevelopment that responds to current market needs and demands for modern industrial facilities.
- Enable greater design flexibility required to appropriately respond to the existing topography and natural vegetation which restricts developable area across the industrial precincts.
- Allow for efficient operation of plant, equipment and forklifts required for the operation of modern industrial businesses.
- Reduce the need for excavation to allow for provision of large level building platforms required for industrial operations.
- Allow for a design response that is compatible with surrounding industrial developments where topography has impacted on built form outcomes.

The extent of the proposed changes to allowable building heights across the industrial precincts varies depending on particular opportunities and constraints presented in each precinct. The matters which have been considered in determining appropriate building heights have been adapted from the Hornsby ELS's Guiding Principles, and include:

- **Proximity to sensitive land uses:** Building heights should be retained at their existing standard where there is a direct interface with an adjoining residential area.
- **Constraints to development:** Buildings heights should be increased where existing site constraints such as topography, vegetation and bushfire naturally restrict the buildable area of a site.
- **Scale of the site:** Building heights should be increased where the lots are of a size that is suitable to meet the needs of industrial development.
- **Incentivise redevelopment:** Building heights should be increased where the quality of the building form and utilisation of land is varied to increase industrial development capacity and density.

Utilising the above principles to guide site suitability for development standard increases, within the Asquith, Thornleigh and Dural Industrial precincts, there are areas identified to retain the existing height controls to ensure there is an appropriate interface between industrial buildings and adjoining residential uses.

Maps of the proposed changes to building height controls are included in Part 4 of this report.

Updated DCP controls are being prepared to support the LEP changes and are proposed to be exhibited simultaneously to this Planning Proposal. The DCP control amendments include:

- Removal of maximum site coverage controls for the Mount Kuring-Gai and Dural Industrial Precinct;
- Remove translation of height to storey controls
- Updated minimum boundary setback requirements
- Updated landscaping controls

Amendment 6: Increase the permitted floor space ratio for land in the Dural Industrial Precinct from 0.7:1 to 1:1

The Hornsby ELS recommends investigating opportunities for additional industrial land across the Shire and varying controls to enable greater development footprints. It also recommends exploring opportunities for additional light industrial land around Dural.

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Prior to the 2023 Employment Zone Reforms, the Dural Industrial Precinct was zoned IN2 Light Industrial. Under the previous zoning, the precinct accommodated a mix of land uses including a large amount of bulky goods retailing and urban service type uses including hardware stores, gymnasiums, business and office spaces. The historical zoning and corresponding development standards for this area were set with consideration of the amount of retail and commercial floorspace which could be supported in the area without impacting on the role and function of the Round Corner local centre (located within the Hills Shire Council area). The floor space ratio applying to the Dural Industrial Precinct is currently set at 0.7:1.

Much of the land within the precinct has been redeveloped in the last 20 years resultant of the previous zoning and permitted uses allowable under Council's planning controls. However, as detailed in the Hornsby ELS, there is approximately 1.6ha of undeveloped land that has the potential to be transformed and better utilised for industrial purposes.

As part of the 2023 Employment Zone Reforms, all IN1 and IN2 zoned land was rezoned E4 General Industrial. There were no subsequent changes made to the corresponding development standards for height and FSR applying to these areas. A maximum FSR development standard of 1:1 applies to all other E4 General Industrial zoned land in the Shire including Mount Kuring-Gai, Thornleigh and the Asquith industrial precincts.

Given the recent change in zoning for this precinct, and the recommendations of the Hornsby ELS, it is considered appropriate to increase the maximum FSR control for this precinct to be consistent with the development standards applied to other E4 General Industrial zoned within the LGA.

Maps of the proposed changes to the FSR control applying to the Dural Industrial Precinct are included in Part 4 of the report.

3 Justification

This section of the planning proposal provides the rationale for the proposed amendments and responds to the questions set out in the *Local Environmental Plan Making Guideline* (August 2023).

3.1 Section A: Need for the planning proposal

Is the planning proposal a result of an endorsed LSPS, strategic study or report?

Yes, the Planning Proposal is a result of the *Hornsby Local Strategic Planning Statement* (Hornsby LSPS) and the adopted Hornsby ELS as discussed below.

Hornsby Local Strategic Planning Statement

The Hornsby LSPS (endorsed March 2020) is the 20 year vision for land use; the special character and values that are to be preserved; shared community values; and how Hornsby Shire Council will manage growth and change. It includes priorities and actions to enable the delivery of that vision.

The Productive chapter of the LSPS gives an overview of the Shire's economic profile and vision for the sustainable growth of the area's employment areas.

Over 70 percent of the resident workforce is employed outside of the Shire. This adds to commute times for residents and burdens the transport infrastructure, impacting the quality of life for our community. Council seeks to promote the "30-minute city" by improving the local transport network and regional connections, and by creating more opportunities for the community to both live and work locally.

Council seeks to improve economic opportunities for the Shire's employment centres and precincts....A place-based approach for developing the local economy will provide for sustainable growth and prosperity into the future. A strong focus on the viability of our local centres and employment precincts will support both our current and future population.

Planning Priorities of relevance to this Planning Proposal:

PP2. Supporting sustainable economic growth based on the Shire's built and natural assets, infrastructure and locational advantages.

PP3. Focussing economic development in and around existing centres and employment precincts in the Shire, with a key focus on the strategic centre.

PP4. Encouraging innovation and diversification in land identified for the purposes of industrial development and urban services to support economic growth.

PP5. Prioritising local employment opportunities, and improvements to services, amenities, and infrastructure to support the future population.

Actions of relevance to the Planning Proposal:

PA3. Finalise Employment Land Use Study and outline actions for a delivery program.

The Planning Proposal is consistent with above planning priorities of the LSPS as it seeks to improve the viability of the Shire's local centres and employment precincts to support both our current and future populations of the Shire. Additionally, the Planning Proposal seeks to implement recommendations from the Hornsby ELS which is consistent with the intent of action PA3.

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Hornsby Employment Lands Strategy

The Hornsby ELS and Implementation Action Plan were adopted by Council in May 2021. The purpose of the Hornsby ELS is to support the objectives and priorities of the of the Hornsby LSPS by:

- identifying the key economic and employment issues and trends affecting the LGA in the context of the North District; and
- providing directions to support sustainable growth in the LGA that will meet the employment targets for the North District.

The Hornsby ELS provides strategic directions to guide the supply, development and utilisation of employment lands in the Shire, ensuring a well-informed approach to fostering economic growth and employment opportunities. The six strategic directions are:

1. *Improve the utilisation and appeal of employment lands.*
2. *Establish a sustainable long-term supply of employment land.*
3. *Protect zones for uses that align with their intended role and function.*
4. *Attract a greater diversity of employment and learning opportunities.*
5. *Deliver infrastructure that supports current needs and future growth.*
6. *Establish a framework for sustainable and continued economic growth.*

The Hornsby ELS was prepared to support the North District Plan and the Regional Plan and seeks to give effect to the relevant directions and actions of these Plans. The Hornsby ELS provides a balanced strategy that encourages economic growth and employment to complement the projected population growth for the Shire which will not adversely impact upon the natural and built environment, including heritage. The ELS recommends several strategies related to employment lands. The following are of most relevant to this Planning Proposal:

- *Strategy 1.6: Increase the industrial capacity of Mount Kuring-gai and Asquith*
- *Strategy 1.7: Deliver better places of employment*
- *Strategy 3.2: Protect the role and function of employment lands.*

This Planning Proposal seeks to implement planning control updates as recommended by the Hornsby ELS and included in the Implementation Action Plan. A copy of the Hornsby ELS and the Implementation Action Plan are included in **Appendix B and C**.

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes, a planning proposal is the best means of achieving the objective and intended outcomes.

This Planning Proposal seeks to implement the recommendations of the Hornsby ELS which will facilitate and support sustainable growth across the Shire's Employment precincts. A number of the recommendations of the Hornsby ELS require the introduction of new local provisions, amendments to existing local provisions and amendments to mapped development standards contained within the Hornsby LEP. Consequently, a planning proposal is the best means of achieving the objectives and intended outcomes.

This Planning Proposal would be supported by complementary amendments to the Hornsby Development Control Plan (Hornsby DCP) as recommended by the Hornsby ELS, however the intent of this proposal could not be achieved by Hornsby DCP amendments alone.

3.2 Section B: Relationship to the strategic planning framework

Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

An assessment of the Planning Proposal against the relevant objectives of the Region Plan and the planning priorities of the District Plan is provided below:

Table 2: Greater Sydney Regional Plan Review

Objective	Applicable Strategies	Response
Objective 22 Investment and business activity in centres	22.1 Provide access to jobs, goods and services in centres by:	The amendments proposed through this Planning Proposal are intended to increase investment and business activity across the Shire's centres.
	<ul style="list-style-type: none">attracting significant investment and business activity in strategic centres to provide jobs growthdiversifying the range of activities in all centrescreating vibrant, safe places and a quality public realmfocusing on a human-scale public realm and locally accessible open spacebalancing the efficient movement of people and goods with supporting the liveability of places on the road networkimproving the walkability within and to centrescompleting and improving a safe and connected cycling network to and within centresimproving public transport services to all strategic centresconserving and interpreting heritage significancedesigning parking that can be adapted to future usesproviding for a diverse and vibrant night-time economy in a way that responds to potential negative impactscreating the conditions for residential development within strategic centres and within walking distance (up to 10 minutes), but not at the expense of the attraction and growth of jobs, retailing and services; where appropriate, strategic centres should define commercial cores informed by an assessment of their need.	<p>The range of employment opportunities and uses in local centres will be diversified through the proposed local provision to permit light industries in the E1 Local Centre Zone.</p> <p>The proposed local provision requiring active street frontages in local centres will ensure land uses provided at street level attract pedestrian traffic and contribute to the creation of vibrant and safe places with a strong sense of place.</p>

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Objective	Applicable Strategies	Response
Objective 23: Industrial and urban services land is planned, retained and managed	23.1 Retain, review and plan industrial and urban services land in accordance with the principles for managing industrial and urban services land.	<p>Under the North District Plan, Hornsby Shire Council is identified as an area to review and manage its industrial and urban services land.</p> <p>The Hornsby ELS considers the supply and expected future demand requirements of industrial and urban services land within the Shire. It identifies that the current planning controls for the Shire's industrial precincts should be reviewed to reflect and better support the changing nature and diversity of activities and uses occurring within industrial precincts.</p> <p>The Planning Proposal will facilitate increases to the LEP height and FSR development standards applying to E4 General Industrial zoned land. The changes are intended to increase the capacity, utilisation and redevelopment potential of industrial land. The increased height controls will facilitate the contemporary adaption of industrial and warehouse buildings to better accommodate changes in manufacturing techniques and high-bay automation which require increased building heights.</p>

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Table 3: North District Plan Review

Planning Priority	Applicable Actions	Response
Planning Priority N6 Creating and renewing great places and local centres, and respecting the District's heritage	22. Use place-based planning to support the role of centres as a focus for connected neighbourhoods.	The Planning Proposal includes amendments which seek to further protect retail and commercial floor space across the Shire's centres. As part of this planning proposal it is also proposed to expand the diversity and range of employment opportunities through the local provision to allow for light industries within the Shire's larger local centres.
Planning Priority N11 Retaining and managing industrial and urban services land	47. Review and manage industrial and urban services land, in line with the principles for managing industrial and urban services land, in the identified local government areas (refer to Figure 18) by undertaking a review of all industrial land to confirm their retention or transition to higher order uses (such as business parks) and prepare appropriate controls to maximise business and employment outcomes, considering the changing nature of industries in the area.	<p>As outlined in the North District Plan, the North District has the lowest amount of industrial land in Greater Sydney and the highest proportion of the land used for urban services. Under the Region Plan and North District Plan Hornsby is identified as an area to review and manage its industrial and urban services land.</p> <p>The Hornsby ELS considers the supply and expected future demand requirements of industrial and urban services land within the Shire.</p> <p>The Hornsby ELS identifies that the current planning controls for its industrial precincts should be reviewed to reflect and better support the changing nature and diversity of activities and uses occurring within industrial precincts.</p> <p>The Planning Proposal will facilitate increases to the LEP height and FSR development standards applying to E4 General Industrial zoned land. The changes are intended to increase the capacity, utilisation and redevelopment potential of industrial land. The increased height controls will facilitate the contemporary adaption of industrial and warehouse buildings to better accommodate changes in manufacturing techniques and high-bay automation which require increased building heights.</p> <p>The Hornsby ELS also identifies that industrial space in the Shire is constrained with limited additional land capacity for expansion.</p>

Employment Lands Study

Planning Priority	Applicable Actions	Response
		Proposed Amendment 4 of the Planning Proposal seeks to protect the Shire's remaining industrial land from higher and better use encroachment of food and drink premises, by restricting the size of these premises in the E4 General Industrial zone to a maximum of 150sqm of gross floor area.
	<p>48. Manage the interfaces of industrial areas by:</p> <p>Land use activities</p> <ul style="list-style-type: none">a. providing buffer areas to nearby activities, such as residential uses, that are sensitive to emissions from 24-hour freight functionsb. retaining industrial lands for intermodal and logistics uses from the encroachment of commercial, residential and other non-compatible uses which would adversely affect industry viability to facilitate ongoing operation and long-term growth.c. identifying and preserving land for future intermodal and rail infrastructure.d. accommodating advanced manufacturing where appropriate by zoning that reflects emerging development models. <p>Transport operations</p> <ul style="list-style-type: none">e. providing the required commercial and passenger vehicle, and freight and passenger rail access.	<p>As the existing supply of industrial zoned land across the Shire is extremely limited and Council is actively trying to support and protect industrial zoned land from transitioning to alternate uses.</p> <p>The Shire's industrial precincts of Thornleigh, Dural and Asquith have a direct interface with areas zoned and used for residential purposes. As part of this Planning Proposal, building height increases in these areas have been determined and rationalised based on their proximity to adjoining sensitive uses and existing environmental opportunities and constraints presented in each precinct (as identified in Part 2 of this report).</p> <p>Where proximity to sensitive receivers has been identified as a risk, no change is proposed. Further management of the interface of the industrial uses with residential areas will be managed through DCP setback controls.</p>
	<p>49. Facilitate the contemporary adaptation of industrial and warehouse buildings through increased floor to ceiling heights.</p>	<p>The Planning Proposal will facilitate the contemporary adaptation of industrial and warehouse buildings by increasing the allowable height of building control to a maximum of 20m across the Mount Kuring-Gai, Asquith, Thornleigh and Dural industrial precincts.</p>

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Is the planning proposal consistent with a Council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

Yes, the Planning Proposal is consistent with the Hornsby LSPS and the Hornsby ELS as discussed above.

Is the planning proposal consistent with any other applicable State and regional studies or strategies?

Yes.

Staying Ahead: State Infrastructure Strategy 2022 – 2042, prepared by Infrastructure NSW

Staying Ahead: State Infrastructure Strategy 2022 – 2042 (the Strategy) was released by Infrastructure NSW in May 2022. The Strategy sets out Infrastructure NSW's independent advice to the NSW Government on the State's needs and strategic priorities for infrastructure over the long term.

The Strategy acknowledges that industrial and urban services land in some parts of Sydney is highly limited, and that these constraints on the availability and use of industrial land poses significant risk to the efficient movement of freight and, in turn, adds to the cost of goods and services. The Strategy acknowledges that in addition to protection and management of existing industrial lands across Greater Sydney, strategic planning must also prioritise the preservation of corridors for future freight infrastructure.

Recommendation No. 43 of the Strategy:

Optimise the use of industrial and urban services lands through integrated strategic land use planning with infrastructure investment

- a. Consider long-term requirements to maintain an efficient statewide supply chain network.*
- b. Review the efficacy of planning constraints placed upon the use of industrial and urban services lands, recreational facilities and associated infrastructure.*

This Planning Proposal has been prepared to respond to the changing needs of modern industry and seeks to implement planning control changes to optimise the utilisation and appeal of the Shire's industrial and urban service land and is therefore consistent with the recommendations of the Strategy.

Industrial Lands Action Plan, NSW Government

In January 2025, the NSW Government released the Industrial Lands Action Plan. Action 1 of the plan is to deliver a statewide policy for industrial lands. The objectives of the statewide policy are to:

- *secure, intensify and actively manage significant industrial lands*
- *support a pipeline of development-ready industrial lands to meet future needs*
- *plan for new industrial lands in areas that are close to transport and freight networks and will not result in land use conflicts*
- *respond to the changing needs of industry, including emerging industries, and support diversification, adaptation, innovation or transition to new employment opportunities*
- *support other government initiatives and programs relating to industry attraction and investment, an efficient freight network, key supply chains, the transition to net zero, or minimising environmental and social impacts*
- *allow for alternative uses in underutilised industrial lands, with an initial focus on alternative employment uses. Other alternative uses (i.e. residential) are only to be considered subject to meeting certain criteria.*

The Planning Proposal is consistent with the objectives of the statewide policy as it will facilitate planning control amendments aimed at actively managing the Shire's significant industrial precincts to:

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- Increase the capacity and utilisation of these areas for industrial purposes
- Provide greater protection of existing industrial areas for industrial purposes and protect this land from higher order uses (food and drink premises)
- Increase the allowable height and FSR development standards to enable the Shire's industrial precincts to respond to the changing needs of modern and emerging industries.

Is the planning proposal consistent with applicable SEPPs?

Yes.

The consistency of the Planning Proposal with applicable SEPPs is detailed in the table below:

Table 4: State Environmental Planning Policies

State Environmental Planning Policy	Aims and applicable provisions of the SEPP	Consistent/ Not Applicable	Response
State Environmental Planning Policy (Biodiversity and Conservation) 2021	The SEPP aims to protect the biodiversity values of tress and other vegetation in non-rural areas of the State and preserve the amenity of non-rural areas of the State through preservation of trees and other vegetation.	Yes	The Mount Kuring-Gai and Asquith Industrial precincts contain potentially significant flora and fauna habitats. The Planning Proposal does not seek to reduce any existing environmental controls or approval processes which must be followed in relation to the clearing of trees and other vegetation.
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	This SEPP aims to provide streamlined assessment processes for development that complies with specified development standards.	Yes	The Planning Proposal seeks to increase the allowable building height and FSR standards for E4 Industrial zoned land. The amended height and FSR developments standards will provide greater alignment and consistency with the provisions contained within Part 5A Industrial and Business Buildings Code and may facilitate additional development to be undertaken through the SEPP provisions.
State Environmental Planning Policy (Housing) 2021	This SEPP focuses on delivering a sufficient supply of safe, diverse, and affordable housing.	N/A	The Planning Proposal is not inconsistent with any of the requirements of this SEPP.
State Environmental Planning Policy (Industry and Employment) 2021	This SEPP focuses on ensure that signage is compatible with the desired amenity and visual character of an area in addition to provisions for the Western Sydney employment area.	N/A	The Planning Proposal is not inconsistent with any of the requirements of this SEPP.
State Environmental	This SEPP aims to identify development that is State or	Yes	Schedule 2 of this SEPP includes the Cherrybrook Station Government Land

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State Environmental Planning Policy	Aims and applicable provisions of the SEPP	Consistent/ Not Applicable	Response
Planning Policy (Planning Systems) 2021	regionally significant development and infrastructure.		State Significant Precincts Site. The amendments subject of this Planning Proposal does not seek to make amendments to the zones or land in this area.
State Environmental Planning Policy (Precincts - Eastern Harbour City) 2021	This SEPP aims to facilitate the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State.	N/A	Within this SEPP, land identified as the "Wahroonga Estate Site" is identified as a State Significant Precinct. This land is zoned R2 Low Density Residential and the amendments subject of this Planning Proposal do not apply to land contained within this Precinct.
State Environmental Planning Policy (Resilience and Hazards) 2021	This SEPP aims to manage risks and build resilience in the face of hazards.	Yes	The proposed amendments sought under this Planning Proposal do not seek to vary or amend any of the existing planning controls related to coastal management areas, hazardous and offensive development or remediation of land contained within the SEPP.
State Environmental Planning Policy (Sustainable Buildings) 2022	This SEPP aims to encourage the design and delivery of sustainable buildings. Chapter 3 Standards for non-residential development	N/A	The amendments subject of this Planning Proposal are not inconsistent with the requirements of this SEPP. Redevelopment of land and buildings enabled by the amendments included within this Planning Proposal may be required to comply with this SEPP, encouraging the design and delivery of sustainable buildings. These matters would be further considered at development application stage.
State Environmental Planning Policy (Transport and Infrastructure) 2021	This SEPP aims to facilitate the effective delivery of infrastructure across the State.	Yes	The proposed amendments sought under this Planning Proposal are not inconsistent with the requirements of this SEPP. The proposed amendments may provide greater flexibility for the provision and delivery of infrastructure and facilities enabled under this SEPP.

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Is the planning proposal consistent with applicable Ministerial Directions (Section 9.1 Directions)?

The consistency of the Planning Proposal with the requirements of the relevant Local Planning Directions (ministerial directions) is discussed in the table contained within **Appendix A**. The ministerial directions of most relevance to the Planning Proposal are discussed below.

1.1 Implementation of Regional Plans

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

This Planning Proposal seeks to implement the recommendations of the Hornsby ELS which was prepared in accordance with the Greater Sydney Region Plan and North District Plan. An assessment of the Planning Proposal against the relevant objectives of the Region Plan and the planning priorities of the North District Plan is provided in Section B of this report. In summary, the proposed amendments will create opportunities for new local employment opportunities in local centres. The proposed amendments also seek to increase the utilisation and redevelopment potential of the Shire's industrial land to enable contemporary adaption of industrial and warehouse buildings required for modern industrial facilities.

The proposed amendments give effect to the relevant directions and actions of the Regional Plan and North District Plan and as such the Planning Proposal is consistent with Direction 1.1.

7.1 Employment zones

The objectives of this direction are to:

- (a) encourage employment growth in suitable locations,*
- (b) protect employment land in employment zones, and*
- (c) support the viability of identified centres.*

The directions require a planning proposal to give effect to the objectives of the direction, retain employment zoned areas, not reduce the total potential floor space area used for employment and industrial uses and be in accordance with Strategy approved by the Planning Secretary.

The Planning Proposal is consistent with the directions of 7.1 Employment Zones in that the Planning Proposal:

- Gives effect to the objectives of this direction in that it will:
 - encourage a diversity of employment opportunities in locations with higher amenity and greater accessibility through permitting light industries in the larger local centres
 - Protect, retain and seek to improve the utilisation and appeal of industrial land through changes to the height of building and FSR development standards for E4 General Industrial zoned land.
 - Support the vitality of the Shire's local centres through new provisions that will protect commercial floor space in centres for employment uses and requiring new development to have an active street frontage.
- Retains and proposes planning controls updates that seek to improve the utilisation and appeal of the employment zoned land across the Shire
- Does not reduce the total potential floor area for employment uses in employment Zones
- Provides opportunities to increase the total potential floor area for industrial uses in the E4 General Industrial Zone
- Is justified by the Hornsby ELS which was prepared in accordance with the Greater Sydney Region Plan and North District Plan and gives effect to the relevant objectives and priorities of these plans.

As such, the Planning Proposal is consistent with this direction.

3.3 Section C: Environmental social and economic impact

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

The planning proposal would not increase risks to critical habitat, threatened species, populations or ecological communities, or their habitats.

The planning proposal relates to urbanised land currently used for a range of employment purposes. With the exception of industrial lands at Dural, it would not result in new controls that would, in themselves, increase development floor areas or other risks to habitat. Land at Dural is proposed to have an increased FSR, to align with FSRs in similar industrial areas. Height mapping would allow for floor area to be located away from any sensitive lands, should they be identified as part of a future development process.

Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

A summary of the potential environmental effects of the proposed amendments and how they are proposed to be managed is provided below.

Management of industrial uses in proximity to sensitive areas

As outlined in Part 2 of this report, the industrial precincts of Asquith, Thornleigh and Dural interface with residential uses. A buffer has been applied at these interfaces where existing height controls would continue to apply, with the goal of managing the interface of industrial areas with adjoining residential uses. Maps depicting the changes to the height of building controls are included in Part 4 of this report.

The Hornsby DCP controls for industrial development state that development should be sited and designed to be environmentally sustainable, minimise land use conflicts and operate under appropriate environmental management measures to manage waste and minimise air, water and noise pollution. New industrial development will continue to be required to comply Council's controls and other the relevant State Government Guidelines including but not limited to the EPA's 2017 Noise Policy for Industry.

Traffic generation

Industrial development

The intent of increasing the allowable building height is to enable redevelopment that better caters to the needs of modern industrial facilities. The increase the allowable height will not increase the density and capacity of new industrial development as this will continue to be controlled through the allowable FSR controls applying to the land.

Notwithstanding the above, an assessment of a development's potential traffic and parking demand will be undertaken as part of any development applications lodged with Council. This assessment will include consideration of the expected traffic, transport and parking impacts and will ensure that the development and its locality can appropriately manage the traffic and transport impacts of the proposed development.

Light industries

Expected trip generation and car parking requirements for light industry uses will largely be dependent on the specific uses proposed. However, overall light industry uses are expected to generate less traffic and car parking demand than traditional local centres uses such as retail and food drink premises. An assessment of a

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development's potential traffic and parking demand will be undertaken as part of any development application lodged with Council. This assessment will include consideration of the expected traffic, transport and parking impacts and will ensure that the development and its locality can appropriately manage the traffic and transport impacts of the proposed development

Existing provisions contained in Part 1 of the Hornsby DCP are considered appropriate to manage vehicular access and the design and layout of on-site loading, servicing and waste collection vehicles required to service light industry development in local centres.

Amenity and character protection of local centres

As outlined in Part 2 of this report, Hornsby ELS recommends permitting light industries in the former B2 Local Centre zone because, by definition, light industries do not interfere with the amenity of the neighbourhood. It is anticipated that the types of light industries which may look to establish operations in local centres includes uses such as microbreweries, boutique craft food and drink premises, artist studios recording studios or coffee roasters.

The permissibility of light industries will be limited to the Shire's larger local centres where the use would not create adverse impacts on the existing character and functionality of the centre to provide access to day to day shopping and services needs of the surrounding population.

The existing general provisions contained within the Hornsby LEP and Hornsby DCP would continue to apply to ensure new light industrial developments are responsive to existing local conditions.

Heritage considerations

Due to the broad application of the Planning Proposal to employment zones across Hornsby Shire, the proposal would apply to land that contains heritage listed items listed in Schedule 5 of the Hornsby LEP. The existing provisions contained within the Hornsby LEP and Hornsby DCP adequately conserve the heritage significance of listed items. No further provisions are considered necessary under the Planning Proposal to facilitate the continued conservation and of heritage items within the Shire's industrial and employment precincts.

Natural hazards

Some of the Shire's employment lands and precincts are affected by natural hazards including flooding, bushfire and contamination. A high level summary each of these hazards and how they have been considered as part of this Planning Proposal is summarised below.

Flooding

Parts of the Shire impacted by this proposal are located in the flood planning area. However, the Planning Proposal does not seek to rezone land or change the existing requirements for development of land identified at or below the flood planning level. The existing controls contained within the Hornsby LEP and Hornsby DCP are considered sufficient to ensure that where development of land at or below the flood planning level is proposed, it is located and designed to minimise the risk to life, property and the environment from flooding.

Bushfire

Due to the extensive areas of bushland within the Shire, some of the Shire's employment precincts including Asquith, Mount Kuring-Gai, Dural and a small area of the Thornleigh industrial precincts are identified as bushfire prone land. The existing development controls contained within the Hornsby LEP and Hornsby DCP are considered sufficient to ensure that where development is proposed on bushfire prone land it is located and designed to minimise the risk to life and property from bushfires.

Local Planning Direction 4.3 states that the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following the receipt of any gateway. This requirement is reflected in the consultation

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requirements listed in Part 5 of this report. Any comments made by the Commissioner will be considered and addressed as required.

Contamination

Resultant of previous industrial uses within the employment lands, the Planning Proposal does apply to land that is identified as being contaminated. However, the Planning Proposal does not seek a change of use of any industrial land, but rather to increase the development capacity and improve the utilisation of the Shire's existing industrial precincts.

The Hornsby DCP contains provisions that where land is suspected of being contaminated and work is proposed that may disturb contaminated land, a preliminary contamination assessment is required to be prepared and submitted to Council as part of a development application. No further investigations or contamination assessments are considered necessary to progress this Planning Proposal.

In summary, any environmental effects of new development resultant of the changes made through this Planning Proposal will continue to be appropriately managed through existing or updated planning controls contained within the Hornsby LEP and Hornsby DCP.

Has the planning proposal adequately addressed any social and economic effects?

A summary of the social and economic benefits of the Planning Proposal are provided below.

Increasing industrial and urban service land capacity to meet future demand

The Hornsby ELS identifies that the North District contains the lowest provision of industrial and urban service land when compared to the other districts. Of that currently zoned within the North District, a significant amount is located within the Hornsby LGA. The Hornsby ELS further identifies that over the coming decades, as the surrounding population increases, Hornsby's employment precincts will increasingly play an important role for providing appropriately zoned land for industrial and urban services to serve both the Hornsby LGA and wider North District.

The amendments sought through this Planning Proposal are intended to attract economic activity and investment by increasing the capacity of the Shire's industrial and urban service land to meet future demand and accommodate modern industrial facilities.

Further, redevelopment of the Shire industrial precincts will bring additional social and economic benefits to the LGA through increased employment opportunities generated through the design and construction of new buildings and increased demand for services generated by workers both during and after construction.

Increased local jobs opportunities

In 2016 of the 70,700 employed residents, only 28% were employed locally (increasing slightly to 29.4% in the 2021 census). The Hornsby ELS identifies that supporting employment opportunities in industries that Hornsby residents are increasingly seeking employment in, could increase the Shire's containment rate while also helping achieve other planning directions such as the 30-minute city concept.

With over 70% of the resident workforce leaving the Shire for employment opportunities, there is a need to increase the range and diversity of local jobs in industries where there is identified market demand. The amendments proposed as part of this Planning Proposal will actively encourage and support a diversity of new employment opportunities across the Shire's industrial and employment precincts. There will be flow on economic and social benefits derived from increased demand for other facilities and services required to meet resident, worker and visitor needs.

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Overall, the Planning Proposal seeks to give effect to the short term strategic actions identified in the Hornsby ELS that seek to facilitate changes to the planning controls which will support positive social and economic effects to the Shire's employment zones and industrial precincts.

3.4 Section D: Infrastructure (Local, State and Commonwealth)

Is there adequate public infrastructure for the planning proposal?

The proposed amendments to increase the capacity of the Shire's industrial precincts to accommodate modern industrial facilities may put additional pressure on existing infrastructure including, but not limited to electricity, gas, water supply and trade waste services. However, the industrial and employment lands across the Shire are located in highly urbanised areas that are adequately serviced by existing infrastructure. It is considered that any increase in industrial land capacity and utilisation would be marginal and in line with expected and planned demand increases on public infrastructure.

Consultation with relevant public authorities and government agencies responsible for the provision of infrastructure will be undertaken in accordance with the requirements of the Gateway determination.

Additionally, applicants looking to redevelop significant land parcels within the Shire's industrial precincts would be advised to consult with relevant service providers to understand the service requirements of the proposed development and ensure the development integrates any services and structures required by the providers.

3.5 Section E: State and Commonwealth interests

What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

State and Commonwealth public authorities have not yet been contacted directly about the Planning Proposal. Public authorities will be contacted in accordance with the requirements of the Gateway Determination.

4 Mapping

As detailed in Part 2 of this report, the amendments proposed as part of this Planning Proposal will require associated mapping amendments.

Mapping amendments will be required to the Height of Building Maps, Floor Space Ratio Maps and the Additional Permitted Uses maps.

As part of the employment zones implementation, part of the Hornsby LEP was migrated to digital mapping. Council's Additional Permitted Uses Map is now located on the Digital EPI. PDF maps remain in-force for all other layers including Height of Building Maps and Floor Space Ration Maps.



Council will work with DPHI during finalisation of the Planning Proposal to determine the best method of implementing the mapping amendments required as part of this Planning Proposal.

The following tables detail the proposed amendments to the Hornsby LEP 2013 maps.

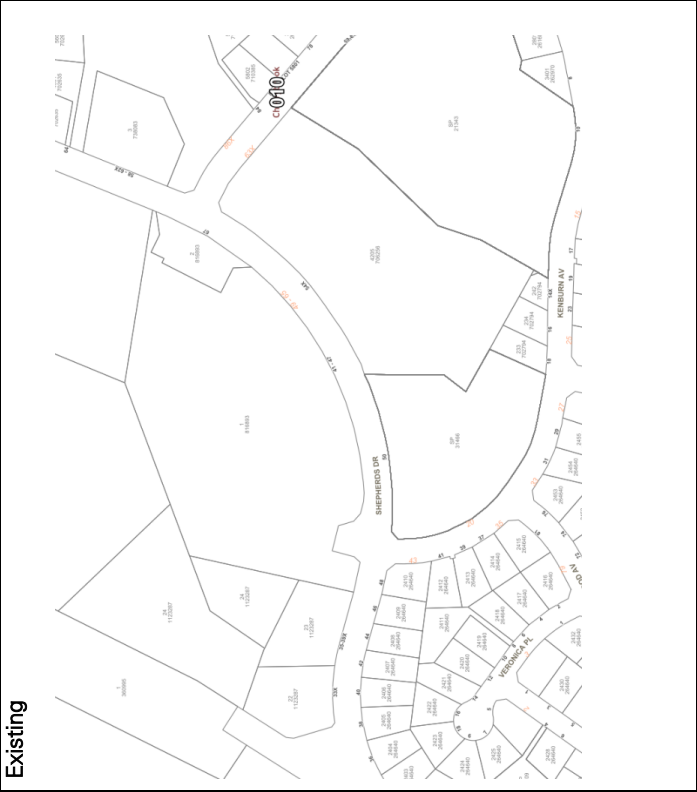
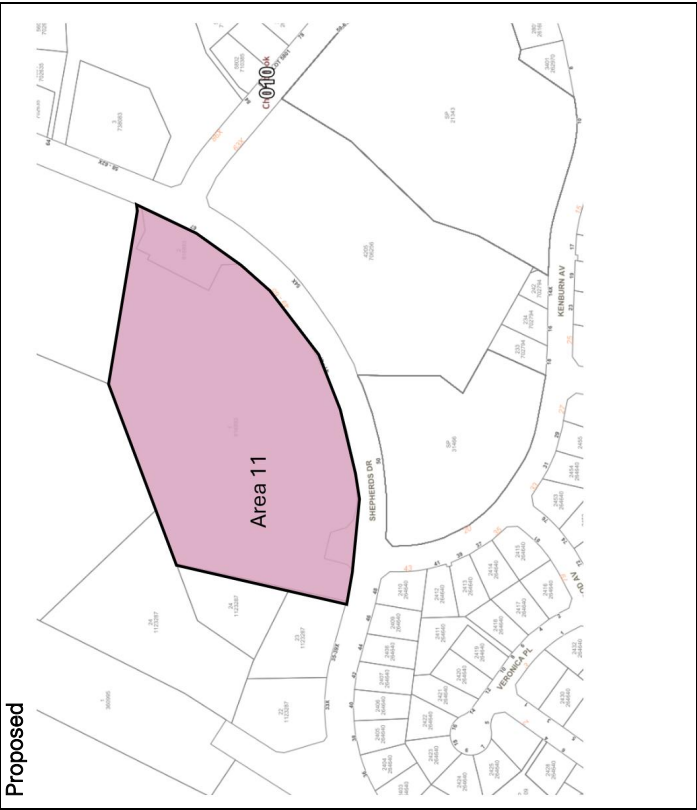
4.1 Additional Permitted Uses Map Amendments

The following tables detail the proposed amendments to the Hornsby LEP Additional Permitted Uses Map (to be located on the Digital EPI) if Option 1 detailed in Part 2.2 of this report is taken forward.



Table 5: Proposed amendments to the Hornsby LEP Additional Permitted Uses Maps

Local Centre: Thornleigh Village		
Map Sheet(s): APU_018		
Existing		
Proposed		

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Local Centre: Cherrybrook Village	
Map Sheet(s): APU_010	
Existing	Proposed
	

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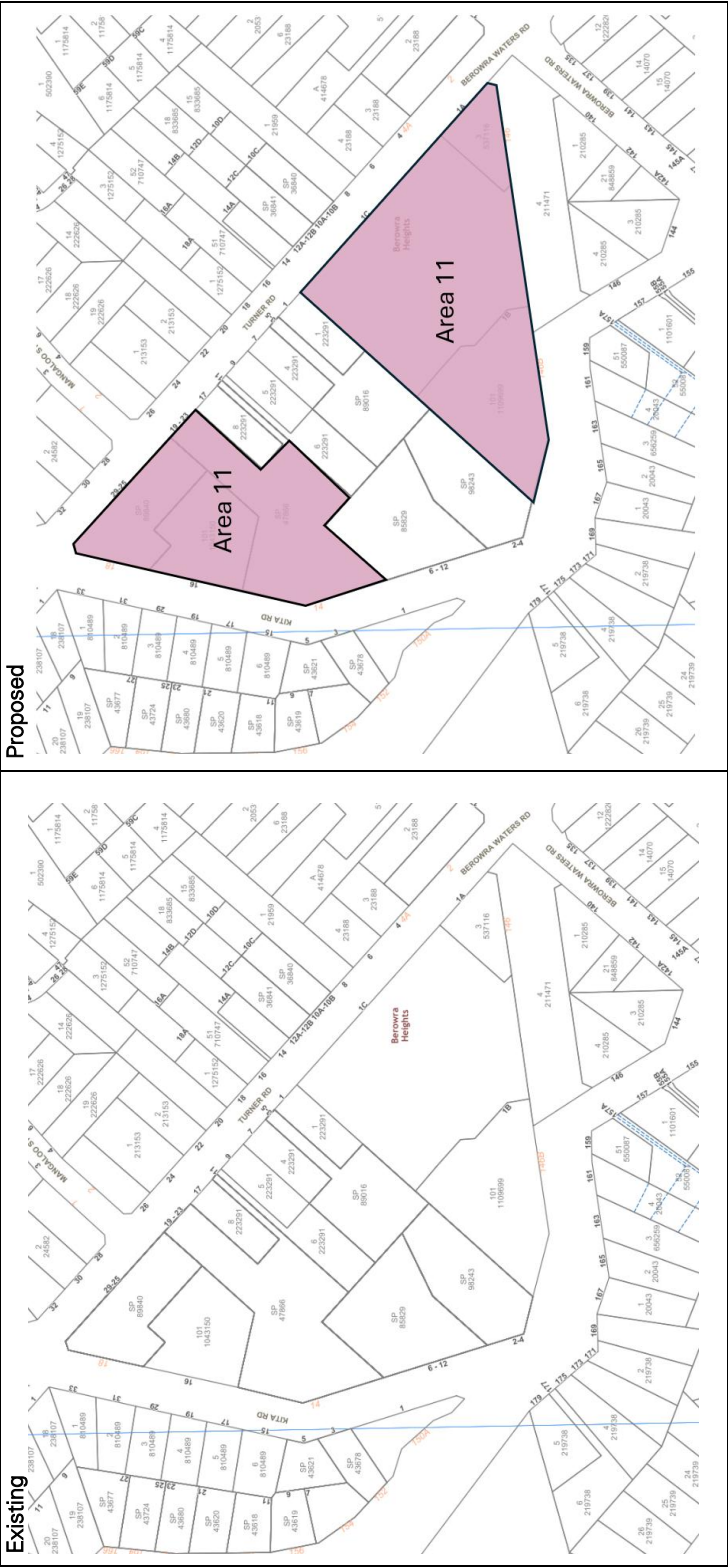
Local Centres: Pennant Hills	
Map Sheet(s): APU_010 and APU_018	
Existing	Proposed
	

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Local Centres: Berowra Heights Village

Map Sheet(s): APU_022



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Local Centres: Berowra Village		
Map Sheet(s): APU_022		
Existing		
Proposed		

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Local Centres: Beecroft Village		
Map Sheet(s): APU_010		
Existing		

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Local Centres: Asquith Village
Map Sheet(s): APU_017
<div>Existing</div> 
<div>Proposed</div> 

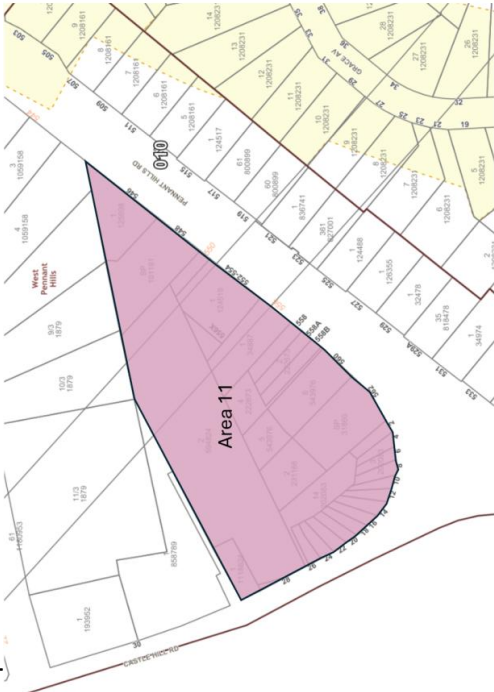
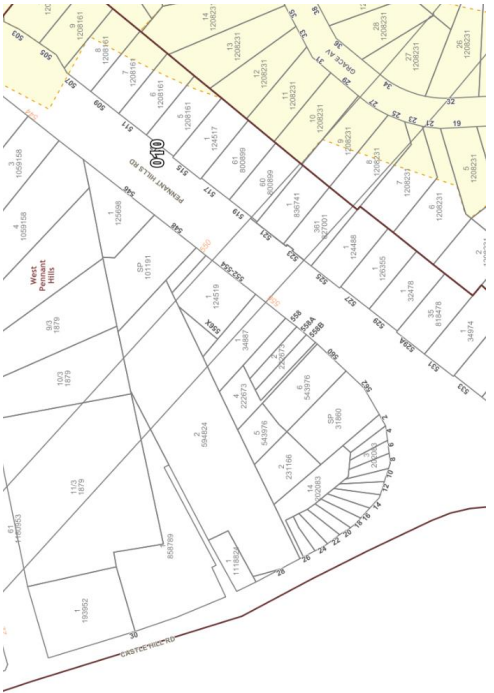
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Local Centres: West Pennant Hills Village

Map Sheet(s): APU_010

Existing

Proposed


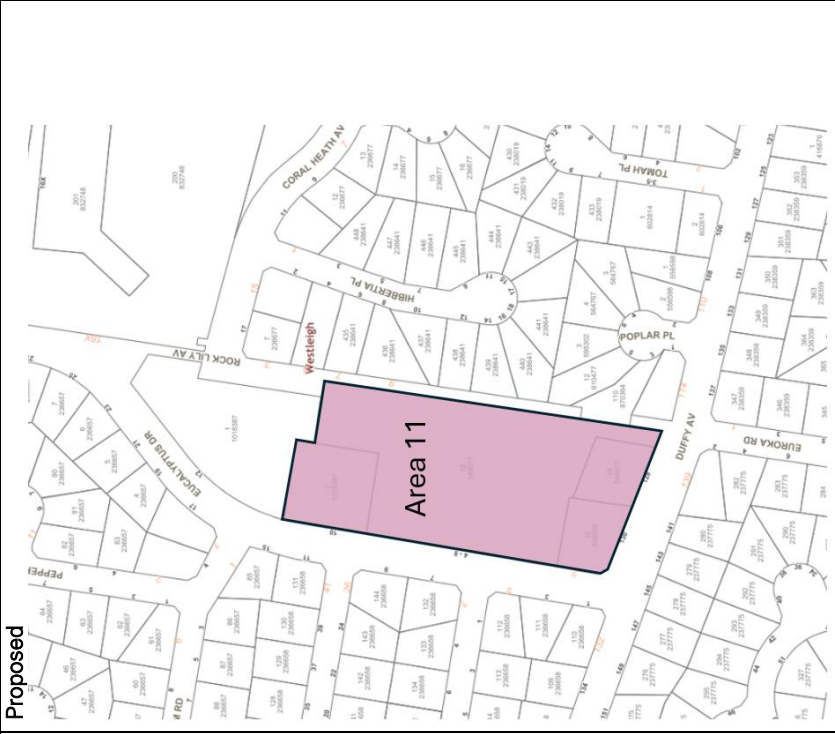


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Local Centres: Dural Service Centre	
Map Sheet(s): APU_009	
Existing	
Proposed	

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Local Centres: Westleigh Village	
Map Sheet(s): APU_010	
Existing	
Proposed	

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The figure consists of two side-by-side maps of the Waitara Village area. The left map is labeled 'Existing' and shows the current land parcels with their respective numbers and names. The right map is labeled 'Proposed' and shows the same area with a large pink shaded region labeled 'Area 11' indicating the proposed development site. The maps include street names like Waitara Av, Alexander Ave, and various parcel numbers.

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Local Centres: Brooklyn Village

Map Sheet(s): APU_025

Existing

Proposed



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Local Centres: Mount Colah Village	
Map Sheet(s): APU_017	
Existing	
Proposed	

4.2 Height of Building Map Amendments

The following tables detail the proposed amendments to the Hornsby LEP Height of Buildings Map.

Table 6: Proposed amendments to the Hornsby LEP Height of Building Maps

Industrial Area: Mount Kuring-gai	
Map Sheet(s): HOB_016	
Existing	Proposed

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Industrial Area: Mount Kuring-gai		
Map Sheet(s): HOB_023		
Existing		
Proposed		

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Industrial Area: Dural		
Map Sheet(s): HOB_009		
Existing		

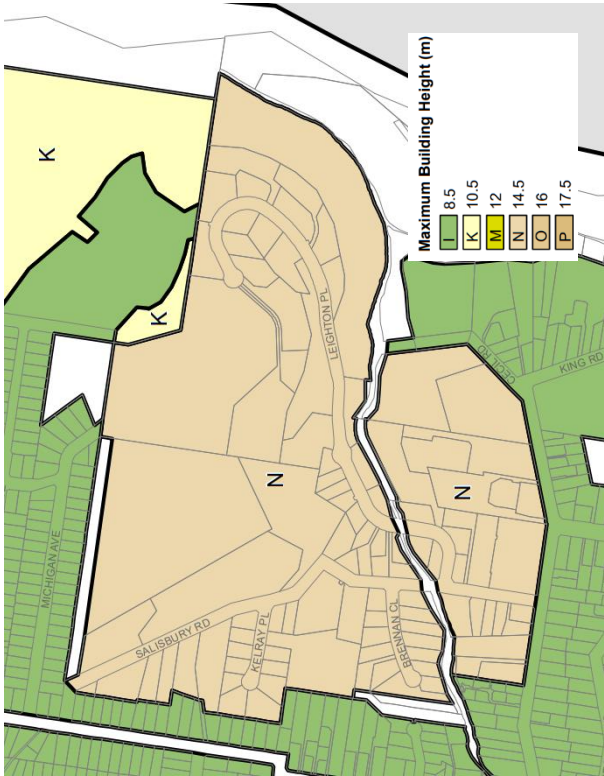
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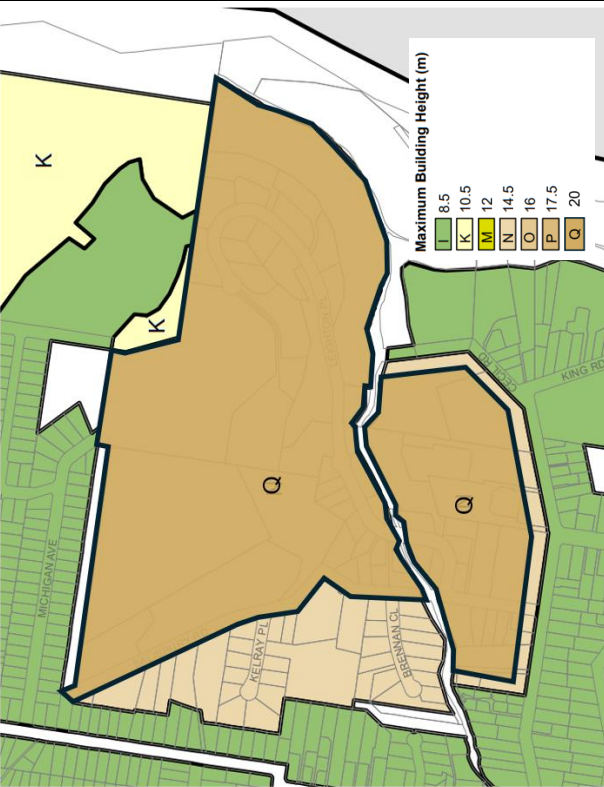
Industrial Area: Asquith

Map Sheet(s): HOB_017

Existing



Proposed



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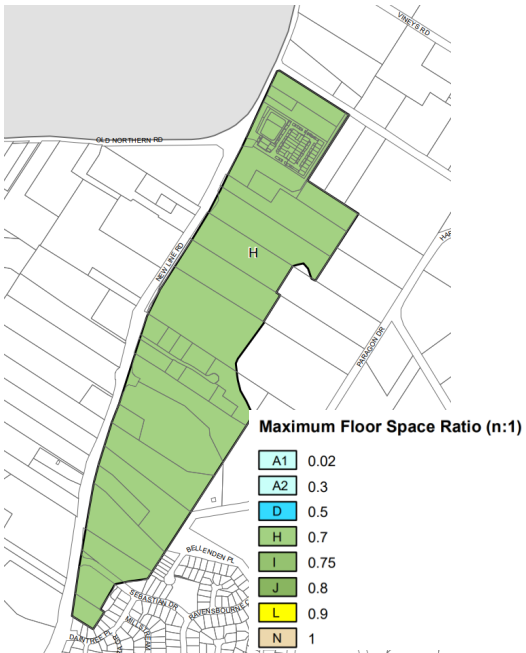
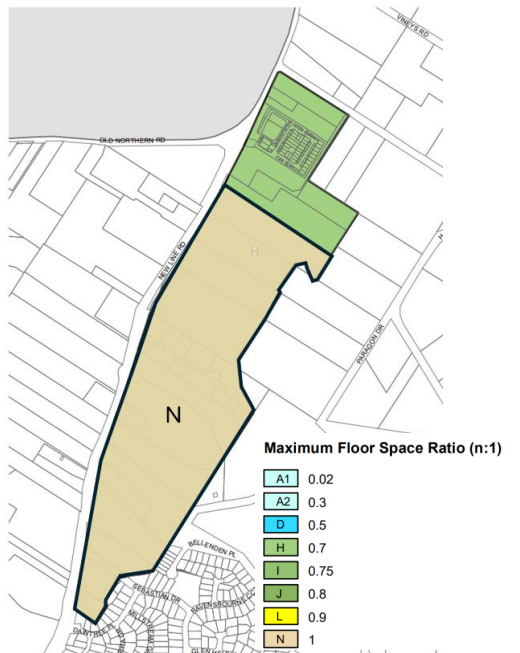
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4.3 Floor Space Ratio Map Amendments

The following table details the proposed amendments to the Hornsby LEP Floor Space Ratio Map.

Table 7: Proposed amendments to the Hornsby LEP Floor Space Ratio Maps

Industrial Area: Dural	
Map Sheet(s): FSR_009	
Existing 	Proposed 

5 Consultation

This Planning Proposal is being drafted as a result of the recommendations of the Hornsby ELS. Stakeholder engagement and community consultation were undertaken to assist in the preparation of the Hornsby ELS as follows:

Stakeholder engagement was undertaken with local business owners, industrial business operators, major landowners, real estate agents, property industry representatives, Council employees and residents to assist in the preparation of the draft Hornsby ELS. The objective of the engagement was to gain an understanding of how local stakeholders viewed Hornsby's business environment. The findings of this consultation helped inform the recommendations of the Hornsby ELS.

Once drafted, Hornsby ELS was exhibited on Council's website from 15 October 2020 to 18 December 2020 and 12 submissions were received.

To ensure that the community is informed of this Planning Proposal, the Planning Proposal will be publicly exhibited in accordance with the requirements of the Gateway Determination and Council's Community Engagement Plan. Public exhibition will include:

Public authorities

Notification letters and a copy of the Planning Proposal will be sent to public authorities identified in the Gateway Determination.

Letters to affected property owners

Notification letters will be sent to affected property owners advising them of the exhibition of the Planning Proposal. This is envisioned to be, at minimum all property owners of E4 General Industrial zoned land and adjoining property owners.

Advertisement on the Council website

The Planning Proposal will be exhibited on Council's 'Your Say Hornsby' webpage.

(<https://yoursay.hornsby.nsw.gov.au/>)

E-News

An advertisement would be placed in Council's electronic newsletter.

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6 Project timeline

Table 8: Project Timeline

Stage	Timeframe
Council decision	August 2025
Gateway assessment	August 2025
Gateway determination	October 2025
Pre exhibition consultation and updates as required	November to December 2025
Public/agency exhibition	February/March 2026
Submission analysis	April to May 2026
Council decision	June 2026
Finalisation	July 2026

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Appendices

Appendix A - Assessment of Planning Proposal against applicable Ministerial Directions

Appendix B - Employment and Retails Lands Study

Appendix C - Implementation Action Plan - Hornsby Employment Lands Study

Appendix D - Equivalent Zones Table

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Appendix A - Assessment Against Applicable Local Planning Directions

Table 9: Assessment of Planning Proposal against applicable Local Planning Directions

Ministerial Direction	Objective and Direction	Response
1.1 Implementation of Regional Plans	<u>Objective</u> The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans	Consistent.
	<u>Direction</u> Planning proposals must be consistent with a Regional Plan released by the Minister for Planning.	The Planning Proposal is consistent with the objectives and priorities of the Greater Sydney Region Plan and North District Plan as demonstrated in Part 3 Section B of this Planning Proposal.
1.3 Approval and Referral Requirements	<u>Objective</u> The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	Consistent.
	<u>Direction</u> (1) A planning proposal to which this direction applies must: (a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and (b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of: i. the appropriate Minister or public authority, and ii. the Planning Secretary (or an officer of the Department nominated by the Secretary), prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&A Act, and (c) not identify development as designated development unless the relevant planning authority: i. can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the class of development is likely to have a significant impact on the environment, and	The Planning Proposal does not contain provisions requiring concurrence, consultation or referral provisions to a Minister or a Public Authority or identify development as designated development.

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Ministerial Direction	Objective and Direction	Response
	<p>ii. has obtained the approval of the Planning Secretary (or an officer of the Department nominated by the Secretary) prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&A Act.</p>	
1.4 Site Specific Provisions	<p><u>Objective</u> The objective of this direction is to discourage unnecessarily restrictive site specific planning controls</p> <p><u>Direction</u> (1) A planning proposal that will amend another environmental planning instrument in order to allow particular development to be carried out must either:</p> <p>(a) allow that land use to be carried out in the zone the land is situated on, or</p> <p>(b) rezone the site to an existing zone already in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or</p> <p>(c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.</p> <p>(2) A planning proposal must not contain or refer to drawings that show details of the proposed development.</p>	<p>Consistent.</p> <p>The Planning Proposal will enable changes to the planning controls applying to employment land across the Shire and will not introduce restrictive site specific provisions.</p> <p>As outlined in the Part 2 of this report, the permissibility of light industries will be restricted to the former B2 Local Centre zoned land and will not apply to former B1 Neighbourhood Centre zoned land. This is consistent with the recommendations of the Hornsby ELS, which recommends that light industries are permitted in larger local centres where the use would be unlikely to impact on overall centre function and would enable a greater diversity of employment generating uses and opportunities in locations with higher amenity and transport accessibility.</p>
1.4A Exclusion of Development Standards from Variation	<p><u>Objective</u> The objective of this direction is to maintain flexibility in the application of development standards by ensuring that exclusions from the application of clause 4.6 of a Standard Instrument Local Environmental Plan (Standard Instrument LEP) or an equivalent provision of any other environmental planning instrument, are only applied in limited circumstances.</p> <p><u>Direction</u></p>	<p>Consistent.</p> <p>The Planning Proposal does not propose to exclude a development standard from variation under clause 4.6 of the Hornsby LEP.</p>

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Ministerial Direction	Objective and Direction	Response
	<p>(1) In preparing a planning proposal the planning proposal authority must have regard to the Guide to exclusions from clause 4.6 of the Standard Instrument.</p> <p>(2) A planning proposal to which this direction applies must:</p> <p>(a) minimise the exclusion of development standards from variation under clause 4.6 of a Standard Instrument LEP, or an equivalent provision of any other environmental planning instrument; and</p> <p>(b) not propose to exclude a development standard from variation under clause 4.6 of a Standard Instrument LEP, or an equivalent provision of any other environmental planning instrument unless the exclusion is consistent with the criteria in Part 2 of the Guide to exclusions from clause 4.6 of the Standard Instrument.</p>	
1.22 Implementation of the Cherrybrook Station Place Strategy	<p><u>Objectives</u></p> <p>The objectives of this direction are to:</p> <p>(a) facilitate development within the Cherrybrook Station Precinct that is consistent with the Cherrybrook Station Precinct Place Strategy, and</p> <p>(b) actively support the consistent delivery of objectives in the North District Plan and Greater Sydney Region Plan.</p> <p><u>Direction</u></p> <p>(1) A planning proposal authority must ensure that a planning proposal is consistent with the Cherrybrook Station Precinct Place Strategy, approved by the Minister for Planning and published on the Department of Planning and Environment website.</p>	<p>Consistent.</p> <p>The Planning Proposal does not seek to make any changes to permissible uses or development standards applying to land within the Cherrybrook Station Precinct.</p>
3.1 Conservation Zones	<p><u>Objective</u></p> <p>The objective of this direction is to protect and conserve environmentally sensitive areas.</p> <p><u>Direction</u></p> <p>(1) A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</p> <p>(2) A planning proposal that applies to land within a conservation zone or land otherwise identified for environment conservation/protection purposes in a LEP must not reduce the conservation standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with Direction 9.2 (2) of "Rural Lands"</p>	<p>Consistent.</p> <p>This Planning Proposal does not seek to make amendments to land within a conservation zone or land identified for environmental conservation/protection purposes.</p>

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Ministerial Direction	Objective and Direction	Response
3.2 Heritage Conservation	<p><u>Objective</u> The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p><u>Direction</u> (1) A planning proposal must contain provisions that facilitate the conservation of: (a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area, (b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and (c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.</p>	<p>Consistent.</p> <p>Due to the broad application of the Planning Proposal to employment zones across Hornsby Shire, the proposal would apply to land that contains heritage listed items as listed in Schedule 5 of the Hornsby LEP.</p> <p>The existing provisions contained within the Hornsby LEP and Hornsby DCP adequately conserve the heritage significance of listed items. No further provisions are required under this Planning Proposal to facilitate the conservation of heritage items due to the broad focus of the proposed amendments.</p>
3.6 Strategic Conservation Planning	<p><u>Objective</u> The objective of this direction is to protect, conserve or enhance areas with high biodiversity value.</p> <p><u>Direction</u> (1) A planning proposal authority must be satisfied that a planning proposal that applies to avoided land identified under the State Environmental Planning Policy (Biodiversity and Conservation) 2021 demonstrates that it is consistent with: (a) the protection or enhancement of native vegetation, (b) the protection or enhancement of riparian corridors, including native vegetation and water quality, (c) the protection of threatened ecological communities, threatened species and their habitats, (d) the protection or enhancement of koala habitat and corridors, and (e) the protection of matters of national environmental significance. (2) A planning proposal authority must be satisfied that a planning proposal that applies to a strategic conservation area identified under</p>	<p>Consistent</p> <p>The Planning Proposal does not apply to land identified as a strategic conservation area identified under the State Environmental Planning Policy (Biodiversity and Conservation) 2021.</p>

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Ministerial Direction	Objective and Direction	Response
	<p>the State Environmental Planning Policy (Biodiversity and Conservation) 2021 demonstrates that it is consistent with:</p> <p>(a) the protection or enhancement of native vegetation,</p> <p>(b) the minimisation of impacts on areas of regionally significant biodiversity, including threatened ecological communities, threatened species and their habitats,</p> <p>(c) the protection or enhancement of koala habitat and corridors, including habitat connectivity and fauna movement, and links to ecological restoration areas, and (d) the maintenance or enhancement of ecological function.</p> <p>(3) A planning proposal must not rezone land identified as avoided land in the State Environmental Planning Policy (Biodiversity and Conservation) 2021 to: (a) a rural, residential, employment, mixed use, SP1 Special Activities, SP2 Infrastructure, SP3 Tourist, SP4 Enterprise, SP5 Metropolitan Centre, RE2 Private Recreation, W4 Working Waterfront or equivalent zone. (4) A planning proposal must not rezone land identified as a strategic conservation area in the State Environmental Planning Policy (Biodiversity and Conservation) 2021 to: (a) RU4, RU5, RU6, residential, employment, mixed use, SP1 Special Activities, SP2 Infrastructure, SP3 Tourist, SP4 Enterprise, SP5 Metropolitan Centre, RE2 Private Recreation, W4 Working Waterfront or equivalent zone.</p>	
3.10 Water Catchment Protection	<p><u>Objective</u></p> <p>The objectives of this direction are to:</p> <p>(a) maintain and improve the water quality (including ground water) and flows of natural waterbodies, and reduce urban run-off and stormwater pollution</p> <p>(b) protect and improve the hydrological, ecological and geomorphological processes of natural waterbodies and their connectivity</p> <p>(c) protect and enhance the environmental quality of water catchments by managing them in an ecologically sustainable manner, for the benefit of all users</p> <p>(d) protect, maintain and rehabilitate watercourses, wetlands, riparian lands and their vegetation and ecological connectivity.</p> <p><u>Direction</u></p> <p>(1) When preparing a planning proposal, the planning proposal authority must be satisfied that the planning proposal achieves the following:</p> <p>(a) is consistent with the objectives of this direction,</p>	<p>Consistent.</p> <p>This amendments sought under this planning would have negligible impact on the ongoing water quality, habitats, groundwater, natural drainage lines or any other natural processes.</p>

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Ministerial Direction	Objective and Direction	Response
	<p>(b) is consistent with the Australian and New Zealand Guidelines for Fresh and Marine Water Quality, as published by Water Quality Australia, and any water quality management plan prepared in accordance with those guidelines,</p> <p>(c) includes documentation, prepared by a suitably qualified person(s), indicating whether the planning proposal:</p> <p>i. is likely to have an adverse direct, indirect or cumulative impact on terrestrial, aquatic or migratory animals or vegetation, and any steps taken to minimise such impacts</p> <p>ii. is likely to have an impact on periodic flooding that may affect wetlands and other riverine ecosystems</p> <p>iii. is likely to have an adverse impact on recreational land uses within the regulated catchment</p> <p>(d) identifies and considers the cumulative impact of the planning proposal on water quality (including groundwater) and flows of natural waterbodies and on the environment more generally, including on land adjacent to or downstream of the area to which this direction applies,</p> <p>(e) identifies how the planning proposal will:</p> <p>i. protect and improve environmental values, having regard to maintaining biodiversity, and protecting native vegetation, cultural heritage and water resources (including groundwater),</p> <p>ii. impact the scenic quality of the natural waterbodies and the social, economic and environmental interests of the community,</p> <p>iii. protect and rehabilitate land from current and future urban salinity, and prevent or restore land degradation,</p> <p>(f) considers any feasible alternatives to the planning proposal.</p> <p>(2) When preparing a planning proposal, the planning proposal authority must:</p> <p>(a) consult with the councils of adjacent or downstream local government areas where the planning proposal is likely to have an adverse environmental impact on land in that local government area, and</p> <p>(b) as far as is practicable, give effect to any requests of the adjacent or downstream council.</p>	
4.1 Flooding	<p><u>Objective</u></p> <p>The objectives of this direction are to:</p>	<p>Consistent.</p> <p>Due to the broad application of the Planning Proposal to the Shire's employment lands</p>

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Ministerial Direction	Objective and Direction	Response
	<p>(a) ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and</p> <p>(b) ensure that the provisions of an LEP that apply to flood prone land are commensurate with flood behaviour and includes consideration of the potential flood impacts both on and off the subject land.</p> <p><u>Direction</u></p> <p>(1) A planning proposal must include provisions that give effect to and are consistent with:</p> <p>(a) the NSW Flood Prone Land Policy,</p> <p>(b) the principles of the Floodplain Development Manual 2005,</p> <p>(c) the Considering flooding in land use planning guideline 2021, and (d) any adopted flood study and/or floodplain risk management plan prepared in accordance with the principles of the Floodplain Development Manual 2005 and adopted by the relevant council.</p> <p>(2) A planning proposal must not rezone land within the flood planning area from Recreation, Rural, Special Purpose or Conservation Zones to a Residential, Employment, Mixed Use, W4 Working Waterfront or Special Purpose Zones.</p> <p>(3) A planning proposal must not contain provisions that apply to the flood planning area which:</p> <p>(a) permit development in floodway areas,</p> <p>(b) permit development that will result in significant flood impacts to other properties,</p> <p>(c) permit development for the purposes of residential accommodation in high hazard areas,</p> <p>(d) permit a significant increase in the development and/or dwelling density of that land,</p> <p>(e) permit development for the purpose of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate,</p> <p>(f) permit development to be carried out without development consent except for the purposes of exempt development or agriculture. Dams, drainage canals, levees, still require development consent,</p> <p>(g) are likely to result in a significantly increased requirement for government spending on emergency management services, flood mitigation and emergency response measures, which can include but are not limited to the provision of road infrastructure, flood mitigation infrastructure and utilities, or</p> <p>(h) permit hazardous industries or hazardous storage establishments where hazardous materials cannot be effectively contained during the occurrence of a flood event.</p>	<p>and precincts, the proposal would apply to land that is flood prone. However, the Planning Proposal does not seek to rezone land or change the existing requirements for development of land at or below the flood planning level.</p> <p>The existing controls contained within the Hornsby LEP, Hornsby DCP and relevant guidelines would continue to apply to any flood prone land.</p>
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Ministerial Direction	Objective and Direction	Response
4.3 Planning for Bushfire Protection	<p>Objective</p> <p>The objectives of this direction are to:</p> <p>(a) protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and</p> <p>(b) encourage sound management of bush fire prone areas.</p> <p>Direction</p> <p>(1) In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 3.34 of the Act, and prior to undertaking community consultation in satisfaction of clause 4, Schedule 1 to the EP&A Act, and take into account any comments so made.</p> <p>(2) A planning proposal must:</p> <p>(a) have regard to Planning for Bushfire Protection 2019,</p> <p>(b) introduce controls that avoid placing inappropriate developments in hazardous areas, and</p> <p>(c) ensure that bushfire hazard reduction is not prohibited within the Asset Protection Zone (APZ).</p> <p>(3) A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:</p> <p>(a) provide an Asset Protection Zone (APZ) incorporating at a minimum:</p> <p>i. an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and</p> <p>ii. an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,</p> <p>(b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with,</p> <p>(c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,</p>	<p>The Mount Kuring-Gai, Asquith, Dural and a small part of the Thornleigh industrial precincts contain bushfire prone land and many of the Shire's local centres are also located in bushfire prone land.</p> <p>The planning proposal relates to urbanised land currently used and zoned to permit a range of employment uses. The proposed amendments are simply a review and update of existing development standards that will enable greater utilisation of existing employment zoned land for employment purposes.</p> <p>The existing development controls contained within the Hornsby LEP and Hornsby DCP are considered sufficient to ensure that where development is proposed on bushfire prone land it is located and designed to minimise the risk to life and property from bushfires.</p> <p>Direction 4.3 states that the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following the receipt of any gateway and this is reflected in the Consultation requirements listed in Part 5 of this report. Any comments made by the Commissioner will be considered as per the requirements of Direction 4.3.</p>

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Ministerial Direction	Objective and Direction	Response
	<p>(d) contain provisions for adequate water supply for firefighting purposes,</p> <p>(e) minimise the perimeter of the area of land interfacing the hazard which may be developed,</p> <p>(f) introduce controls on the placement of combustible materials in the Inner Protection Area.</p>	
4.4 Remediation of Contaminated Land	<p><u>Objective</u></p> <p>The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.</p> <p><u>Direction</u></p> <p>(1) A planning proposal authority must not include in a particular zone (within the meaning of the local environmental plan) any land to which this direction applies if the inclusion of the land in that zone would permit a change of use of the land, unless:</p> <p>(a) the planning proposal authority has considered whether the land is contaminated, and</p> <p>(b) if the land is contaminated, the planning proposal authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and</p> <p>(c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning proposal authority is satisfied that the land will be so remediated before the land is used for that purpose. In order to satisfy itself as to paragraph 1(c), the planning proposal authority may need to include certain provisions in the local environmental plan.</p> <p>(2) Before including any land to which this direction applies in a particular zone, the planning proposal authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.</p>	<p>Consistent.</p> <p>The Planning Proposal does not seek a change of use of any industrial land. Development on any land that is subject to a change of use application would be assessed at the time a development application is received.</p>
4.5 Acid Sulfate Soils	<p><u>Objective</u></p> <p>The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p> <p><u>Direction</u></p> <p>(1) The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Planning Secretary when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present.</p>	<p>Consistent.</p> <p>The Brooklyn Local Centre is located on land identified as Class 5 on the Acid Sulfate Soils Map. The Planning Proposal does not alter existing Acid Sulfate Soil development controls contained within the Hornsby LEP or Hornsby DCP and does not propose the</p>

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Ministerial Direction	Objective and Direction	Response
	<p>(2) When a relevant planning authority is preparing a planning proposal to introduce provisions to regulate works in acid sulfate soils, those provisions must be consistent with:</p> <p>(a) the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Planning Secretary, or</p> <p>(b) other such provisions provided by the Planning Secretary that are consistent with the Acid Sulfate Soils Planning Guidelines.</p> <p>(3) A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the Planning Secretary prior to undertaking community consultation in satisfaction of clause 4 of Schedule 1 to the Act.</p> <p>(4) Where provisions referred to under 2(a) and 2(b) above of this direction have not been introduced and the relevant planning authority is preparing a planning proposal that proposes an intensification of land uses on land identified as having a probability of acid sulfate soils on the Acid Sulfate Soils Planning Maps, the planning proposal must contain provisions consistent with 2(a) and 2(b).</p>	<p>intensification of development on any potential Acid Sulfate Soil land.</p>
5.1 Integrated Land Use and Transport	<p><u>Objective</u></p> <p>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <p>(a) improving access to housing, jobs and services by walking, cycling and public transport, and</p> <p>(b) increasing the choice of available transport and reducing dependence on cars, and</p> <p>(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</p> <p>(d) supporting the efficient and viable operation of public transport services, and</p> <p>(e) providing for the efficient movement of freight.</p> <p><u>Direction</u></p>	<p>Consistent.</p> <p>The planning proposal would create more opportunities for the community to both live and work locally. It also seeks to retain and increase employment opportunities in locations with higher amenity and transport accessibility through local provision to permit light industries in the E1 Local Centre zone (excluding those identified as Area 1 on the Land Zoning Map).</p>

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Ministerial Direction	Objective and Direction	Response
	<p>(1) A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</p> <p>(a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and</p> <p>(b) The Right Place for Business and Services – Planning Policy (DUAP 2001).</p>	
7.1 Industry and Employment	<p><u>Objective</u></p> <p>The objectives of this direction are to:</p> <p>(a) encourage employment growth in suitable locations,</p> <p>(b) protect employment land in employment zones, and</p> <p>(c) support the viability of identified centres.</p> <p><u>Direction</u></p> <p>1) A planning proposal must:</p> <p>(a) give effect to the objectives of this direction,</p> <p>(b) retain the areas and locations of Employment zones,</p> <p>(c) not reduce the total potential floor space area for employment uses and related public services in Employment Zones.</p> <p>(d) not reduce the total potential floor space area for industrial uses in E4, E5 and W4 zones, and</p> <p>(e) ensure that proposed employment areas are in accordance with a strategy that is approved by the Planning Secretary.</p>	<p>Consistent.</p> <p>This Planning Proposal includes a number of amendments which seek to support the vitality the Shire’s centres though additional local provisions that will:</p> <ul style="list-style-type: none">• protect existing employment floor space in centres for employment uses• increase the diversity and range of employment opportunities in larger centres• encourage uses in centres that will attract pedestrian traffic <p>Amendments 4, 5 and 6 of this Planning Proposal are being proposed to better protect, retain and improve the utilisation and appeal of the Shire’s industrial precincts. This will be achieved through amendments that:</p> <ul style="list-style-type: none">• increase the height and FSR controls for industrial zoned land• Better protect the Shire’s remaining industrial land from higher and better use encroachment, through restrictions on the size of food and drink premises in E4 General Industrial zoned land.

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Ministerial Direction	Objective and Direction	Response
		The Planning Proposal has been prepared as a result of the Hornsby ELS which was prepared in accordance with the Greater Sydney Region Plan and North District Plan and gives effect to the relevant objectives and priorities of these plans.

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Appendix B: Hornsby Shire Employment Lands Study

To download a copy please visit: <https://future.hornsby.nsw.gov.au/wp-content/uploads/2021/05/HSC5861-Hornsby-Employment-Land-Study-FA.pdf>

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Appendix C: Implementation Action Plan

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IMPLEMENTATION ACTION PLAN – HORNSBY EMPLOYMENT LAND STUDY			
Actions	Policy Affected	Timeframe	
Amend HDCP <ul style="list-style-type: none"> • Update the commercial centre hierarchy diagram and definitions in the DCP. • Include a maximum floorspace and design requirements for light industry uses in the B2 zone. • Include a ground level floor to ceiling height to maximise and protect the diversity of uses that can be accommodated in the B5 zone. • Remove or vary the maximum site cover provision to enable greater flexibility in design for industrial uses (Mount Kuring-Gai and Dural). Landscaping, parking and setback controls also to be considered when undertaking this action. 	DCP	Short term < 2 years	
Amend HLEP (prepare a planning proposal) <ul style="list-style-type: none"> • Permit the following land uses: <ul style="list-style-type: none"> - Residential only as shop-top housing, or where a commercial premise is provided at the ground floor in the B1 zone. - Residential flat buildings only where a commercial premise is provided at the ground floor in the B2 and B4 zones. - Residential flat buildings only where a commercial premise or light industry is provided at the ground floor in the B6 zone. - Light industry and local distribution premises in the B2 zone. - Office premises, wholesale supplies and vehicle body repair workshops in the B5 zone. • Prohibit the following land uses: <ul style="list-style-type: none"> - Shop top housing in the B5 zone. - Neighbourhood supermarkets in the B5, B6, IN1 and IN2 zones. 	LEP	Short term < 2 years	

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<ul style="list-style-type: none"> - Specialised retail premises in the IN1 and IN2 zones. - Residential accommodation in the SP3 Tourist zone. • Include a provision for no net loss of commercial floorspace in the B2 zone. • Increase building height control to 14.5m in the B5 zone. • Remove building height control in the IN1 zone, or alternatively increase building height to at least 16 metres to enable greater flexibility in built form design. • Include a local provision to restrict restaurant and retail sales in the IN1 and IN2 zones. 		
Strategic actions <ul style="list-style-type: none"> • 1.2: Revitalise Pennant Hills to Thornleigh Corridor • 2.2: Increase the utilisation capacity of Hornsby B5 Urban Service Land • 2.3: Update the Employment Land Development Monitor (ELDM) 	LSPS, LEP, DCP	Short term < 2years
Amend HDCP Review the current controls and prepare amendments to update the DCP: <ul style="list-style-type: none"> • Masterplans for Berowra, Galston, Mount Colah, and Pennant Hills. • Site requirements for minimum width along street frontage in town centres to enable feasible amalgamation of sites for redevelopment. • Site requirements for commercial floorplate maximum dimensions along retail frontage in B5 and B6 zones to enable large format premises. 	DCP	Medium term < 4 years
Amend HLEP Review the following matters to determine whether to prepare a planning proposal to amend the LEP:	LEP	Medium term < 4 years

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<ul style="list-style-type: none"> FSR and building height to ensure development feasibility in the B2 zone. Minimum non-residential FSR in centres where future demand is anticipated in the B2 zone. FSR and building height to enable higher density employment activities in the B6 zone. Consider FSR of 1:1 and building height of 14.5m in the B6 zone – subject to design and feasibility testing. Permissible uses in the IN4 working waterfront zone, removing uses not dependent on access to water or would introduce reverse amenity impacts i.e. shop top housing. Land in Mount Kuring-Gai and Asquith/ Hornsby industrial areas identified as potentially containing significant flora and fauna habitats for rezoning to environmental conservation or alternatively the suitability of the land for development. Rezoning the Brickpit site in Thornleigh from IN2 Light Industrial to RE1 Public Recreation. 		
<p>Strategic actions</p> <ul style="list-style-type: none"> 1.3: Grow Waitara into a vibrant eat street and convenience centre 1.4 Revitalise Asquith Village 1.5: Implement minimum non-residential FSR controls 1.6: Increase the industrial capacity of Mount Kuring-Gai and Asquith 1.7: Deliver better places of employment 3.1: Rezone land that no longer aligns with the function and role of the centre or employment precinct 	LSPS, LEP, DCP	Medium term < 4 years
<p>Strategic actions</p> <ul style="list-style-type: none"> 2.1: Establish a pipeline of industrial land 2.4: Secure supply of enterprise and business development land 4.4: Partnerships with the health and social services industry, precinct planning 5.5: Early delivery of utility service 	LSPS, LEP, DCP	Long Term < 6 years

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Strategic actions to be implemented under Hornsby Town Centre Review		Policy Affected	Timeframe
<ul style="list-style-type: none"> 1.1: Prioritise employment growth in the Hornsby Town Centre 		LSPS, LEP, DCP	Short term < 2 years
Strategic actions to be implemented under the Economic Development and Tourism Strategy		Policy Affected	Timeframe
<ul style="list-style-type: none"> 4.1: Attract knowledge intensive jobs in Hornsby Town Centre 4.2: Support the growth of agriculture, manufacturing and tourism 4.3: Explore synergies with local TAFE and Universities to develop training and education programs targeted to local industries 4.4: Partnerships with the health and social services industry, business cluster development 5.3: High-speed internet 6.3: Establish a clear economic identity for Hornsby LGA 		LSPS, LEP, DCP	Long term < 6 years
Strategic actions to be implemented under the Integrated Land Use and Transport Strategy		Policy Affected	Timeframe
<ul style="list-style-type: none"> 5.1: Road networks are appropriate to accommodate growth 5.2: Industrial and urban service areas have strong public transport connectivity 5.4: Sufficient provision of parking 		LSPS, LEP, DCP	Long term < 6 years

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Appendix D: Equivalent Zone Table

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Equivalent zone tables



Hornsby Local Environmental Plan 2013

Current Business and Industrial Zones	Employment Zones
B1 Neighbourhood Centre B2 Local Centre	E1 Local Centre
B3 Commercial Core	E2 Commercial Centre
B4 Mixed Use	MU1 Mixed Use
B5 Business Development B6 Enterprise Corridor	E3 Productivity Support
IN1 General Industrial IN2 Light Industrial	E4 General Industrial
IN4 Working Waterfront	W4 Working Waterfront

[View Table](#) [Download Table](#)

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Hornsby Development Control Plan 2024

Part 5 Industrial



5 Industrial

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Introduction

This Part of the DCP applies to land within the industrial areas of Hornsby Shire. The industrial areas are located in Thornleigh, Mount Kuring-gai, Hornsby Heights, Asquith/ Hornsby and Dural Service Centre and includes land within the E4 General Industrial land use zone.

The planning controls for the industrial areas are informed by the Ku-ring-gai and Hornsby Subregional Employment Study (2008), the Dural Service Centre Retail and Commercial Study (2009) and the Hornsby Employment Land Study (2021).

The Hornsby Employment Land Study (2021) supports the Hornsby LSPS, providing a strategic framework to facilitate and accommodate future employment growth within Hornsby Shire. It outlines guiding principles, directions and actions such as increasing the industrial capacity of Mount Kuring-gai and Asquith and establishing a pipeline of industrial land. Implementation of the Employment Land Study's actions will inform changes to the development controls in this DCP.

Hornsby Shire's industrial land is competitively placed to attract industrial activity. Development in industrial areas will incorporate a range of employment generating land uses such as industry, transport related uses, warehousing and distribution. The industrial areas will also incorporate land uses that provide services to meet the day to day needs of workers in the area. Other land uses that are typically located in business centres, such as retail and offices, are to be limited within the industrial areas to reinforce the commercial centres hierarchy and ensure the most efficient use of infrastructure.

Development is to be sited and designed to be environmentally sustainable, minimise land use conflicts and operate under appropriate environmental management measures to manage waste and minimise air, water and noise pollution. Development will also be compatible with the scale, form, design, colour, height, materials, setbacks and landscaping of the surrounding area, in particular sensitive areas.

5.1 Industrial Land

The following section provides controls for the development of land zoned E4 General Industrial.

Note: Part 8 River Settlements of this DCP provides provisions for the W4 Working Waterfront zone.

5.1.1 Scale

Desired Outcomes

- Development with a height, scale and intensity compatible with the character of the area.
- Development that provides appropriate areas for access, car parking and landscaping.

Prescriptive Measures

Floor Space Ratio

- The maximum floor space ratio for industrial land shall be in accordance with the *HLEP Floor Space Ratio Map* as follows:

Table 5.1.1-a: Summary of HLEP FSR Provisions

HLEP Area	Maximum Floor Space Ratio
H	0.7:1
N	1:1

Note:

As detailed in Clause 4.5 of the HLEP, the Floor Space Ratio of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area. See the HLEP for the definition of gross floor area.

Height

- ~~The Sites with the following~~ maximum building heights ~~shall be in accordance with the -Height of Building Maps~~ under Clause 4.3 of the *HLEP* ~~should comply with the maximum number of storeys in Table 5.1.1 b.~~

Table 5.1.1 b: Translation of Height to Storeys

HLEP Area	Maximum Building Height (m)	Maximum Storeys (excluding basement car parking)
K	10.5m	2 storeys
N	14.5m	3 storeys

- Basement car parking that protrudes more than 1 metre above existing ground level is counted as a storey.

Notes:

Building height (or height of building) means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

~~**Storey** means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include:~~

- ~~A space that contains only a lift shaft, stairway or meter room, or~~
- ~~A mezzanine, or~~
- ~~An attic.~~

Basement means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing).

Storey controls are based on a typical industrial floor to floor height of 4.5 metres and an allowance for some roof projections.

~~Site Coverage~~

- ~~d. The maximum site coverage for buildings within specific industrial areas should comply with Table 5.1.1 e.~~

Table 5.1.1 e: Maximum Site Coverage

Industrial Estate Area	Maximum Site Coverage
Dural Service Centre	35%
Mount Kuring-gai	50%

Notes:

~~The Dural Service Centre industrial area is located on the eastern side of New Line Road, extending from property No. 232 to 278 New Line Road, Dural.~~

~~Site coverage means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage:~~

- ~~(a) Any basement;~~
- ~~(b) Any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary;~~
- ~~(c) Any eaves;~~
- ~~(d) Unenclosed balconies, decks, pergolas and the like.~~

~~Lot size (or site area) in relation to development, means the area of the lot to which an application for consent to carry out the development relates, excluding:~~

- ~~(a) Any land on which the development is not permitted under an environmental planning instrument, and~~
- ~~(b) If a lot is a battle-axe or other lot with an access handle, the minimum lot size excludes the area of the access handle.~~

Ancillary Office Space

- ~~e.d.~~ The maximum floor space permitted to be constructed/utilised for ancillary office purposes is 30 percent of the gross floor area within an individual premises.

Industrial Retail Outlet

- ~~f.e.~~ In accordance with Clause 5.4 of the HLEP, the retail floor area of an industrial retail outlet is the lesser of:

- (a) 10% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or
- (b) 100m².

Note:

Industrial retail outlet means a building or place that:

- (a) Is used in conjunction with an industry or rural industry, and
- (b) Is situated on the land on which the industry or rural industry is located, and
- (c) Is used for the display or sale (whether by retail or wholesale) of only those goods that have been manufactured on the land on which the industry or rural industry is located,

but does not include a warehouse or distribution centre.

5.1.2 Setbacks

Desired Outcomes

- Setbacks that complement the streetscape and allow for landscaping that reduces the visual mass of buildings.
- Setbacks that allow for the retention of significant landscape features and respect site constraints.

Prescriptive Measures

- Except as otherwise provided in this DCP, the minimum setbacks of all buildings and structures to the boundaries of the site are outlined in Table 5.1.2-a.

Table 5.1.2-a: Minimum Boundary Setbacks

Setback	Minimum Building Setback
Front Boundary (to all roads)	Mount Kuring-gai – 10m Dural Service Centre – 15m to New Line Road and 10m to local roads Other Areas – 5m to roads and 0m to laneways
Side Boundary	Mount Kuring-gai – 5m Dural Service Centre – 5m Other Areas – 0m, unless the land is within 5m of a sensitive area
Rear Boundary	Mount Kuring-gai – 5 10m Dural Service Centre – 4 5m Other Areas – 0m, unless the land is within 5m of a sensitive area
Land within 5m of a sensitive area	A minimum 5m separation between the industrial building/ structures and the property boundary of a sensitive area to provide for screen planting, except for land in Asquith refer to Figure 5.1-a.

b. Buildings with a frontage to Sefton Road, Thornleigh which exceed 10.5m in height, must have a minimum setback of 5m increased by 1m for every meter the building exceeds 10.5m in height.

b-c. Setback areas should not be used for storage, loading areas, or for the advertising of products.

e-d. The setback of buildings and ancillary facilities from the property boundary may need to be increased to maintain landscape features, as detailed in Section 5.1.3 of this DCP.

Note:

Sensitive areas include any adjoining residential lands, community uses, educational uses, public open spaces and recreational areas.

The Dural Service Centre industrial area is located on the eastern side of New Line Road, extending from property No. 232 to 278 New Line Road, Dural.

Setback Encroachments

d.e. The following minor structures are able to encroach into the prescribed setbacks:

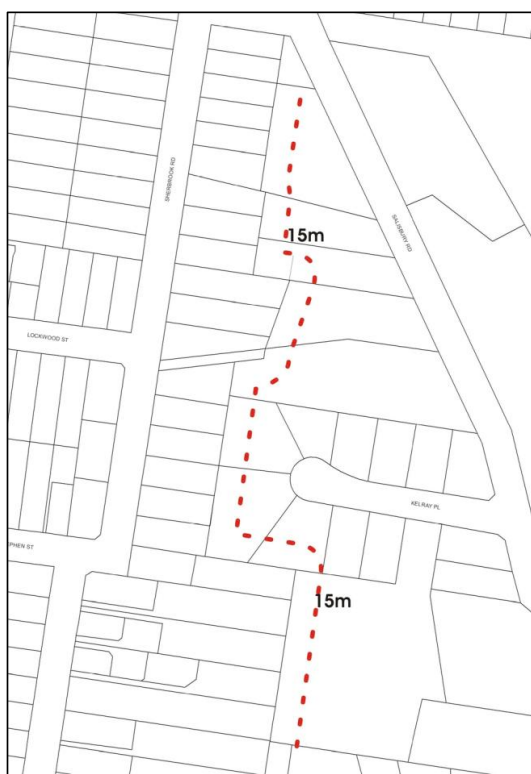
- Driveways or basement ramps up to 8 metres wide with deep soil verges at least 2 metres wide adjacent to the side boundary,
- Roof eaves and awnings,
- Sunshades and screens, and
- Blade columns which support roofs or sunshades.

Bushfire Asset Protection Zones (APZs)

e.f. The setback of buildings should accommodate required bushfire APZs on the site as detailed in the 'Bushfire' element in Section 1.3.3.1 of this DCP.

f.g. APZs should be located within buffer areas that protect significant vegetation, threatened species and populations as detailed in the 'Biodiversity' element in Section 1.3.1.1 of this DCP.

Figure 5.1-a: 15 metre wide setback at the western interface of the Asquith industrial area (C)



5.1.3 Landscaping

Desired Outcomes

- a. Landscaping that softens the visual impact of buildings.
- b. Landscaping that retains existing landscape features.

Prescriptive Measures

General

a. Landscaping should be included in building setback areas to complement the appearance of the building.

b. Landscaped areas should be designed to accommodate a minimum soil depth of 1m

c. A minimum of 50% of the required setback area to all public roads should be landscaped area. This landscaping is to extend along the full length of each street frontage (other than a vehicle entry/exit driveway).

d. Setbacks from sensitive areas should be fully landscaped.

e. Where landscaping is required for screening, landscape planting should achieve a mature height in scale with the structures of the site. Landscaping should include species that will grow to the height of the building.

f. Landscaping along Old Northern Road and New Line Roads should incorporate grass swales and dense vegetation planting.

Retention of Landscape Features

- f. The proposed building, ancillary structures, driveways, drainage, and service trenches should be setback:
 - In accordance with the 'Watercourses' element in Section 1.3.1.3 of this DCP,
 - 10-20 metres to significant bushland as detailed in the 'Biodiversity' element in Section 1.3.1.1 of this DCP, and
 - In accordance with the requirements of AS 4970 for significant trees to be retained.

Fencing

- g. In the Asquith and Mt Kuring-gai Industrial areas, fencing should not be provided in front of the building line.
- h. In other areas, any fencing provided in front of the building line to a public street should be palisade style in recessive colours (eg. black or dark green).
- i. Any masonry fence in front of the building line to a public street should not extend more than 3 metres either side of the driveway entrance.
- j. Any fencing between development and sensitive areas should be designed to maintain the amenity of the adjoining land uses.

Certain Land in Mount Kuring-gai and Asquith/Hornsby

- k. In addition to the above controls, certain industrial land in Mount Kuring-gai and Asquith/Hornsby has been identified as potentially containing significant flora and fauna habitats, as identified in Figure 5.1-b and Figure 5.1-c of this DCP. The siting of buildings and ancillary facilities should protect any significant flora and fauna habitats.

Notes:

Landscaped area means a part of a site used for growing plants, grasses, and trees, but does not include any building, structure, or hard paved area.

Sensitive areas include any adjoining residential lands, community uses, educational uses, public open spaces, and recreational areas.

The applicant is encouraged to incorporate plant species indigenous to Hornsby Shire as part of the development. Refer to Council's website www.hornsby.nsw.gov.au.

For further information on potentially containing significant flora and fauna habitats in Mount Kuring-gai and Asquith/Hornsby refer to the Review of Industrial Lands in the Hornsby Local Government Area by PSB dated October 2001.

Figure 5.1-b: Location of potentially significant flora and fauna habitats on industrial zoned land at Mount Kuring-gai (C)



Figure 5.1-c: Location of potentially significant flora and fauna habitats on industrial zoned land at Asquith/Hornsby (C)



5.1.4 Open Space

Desired Outcomes

- a. Development that provides adequate communal open space on-site for employees.

Prescriptive Measures

- a. An outdoor eating and sitting area should be provided on-site at a rate of 1m² per employee, with a minimum total area of 10m² and a minimum dimension of 2 metres.
- b. On-site communal areas should incorporate green space where possible.
- c. Communal seating and lunch gathering areas should be shaded in summer and have protected sunny areas in winter.
- d. Where an outdoor space cannot be accommodated on-site, an internal eating/sitting area is to be provided.

Note:

For the purposes of calculating the required communal open space area, the potential number of employees on a property is to be calculated using average employee density data. Examples of average employee densities are:

Commercial / Retail development - 1 employee / 30m² GFA

Industrial - 1 employee / 50m² GFA

Source: Hornsby Shire Section 7.11 Development Contributions Plan.

5.1.5 Sunlight

Desired Outcomes

- e. Development designed to provide reasonable sunlight to sensitive areas.

Prescriptive Measures

- f. On 22 June, public open space areas, plaza areas and footpaths should receive 2 hours of sunlight between 9am and 3pm to at least 50% of the area.
- g. On 22 June, 50% of the principal private open space in any adjoining residential property should receive 2 hours of unobstructed solar access.

Note:

Sensitive areas include any adjoining residential lands, community uses, educational uses, public open spaces and recreational areas.

5.1.6 Vehicle Access and Parking

Desired Outcomes

- Development that provides sufficient and convenient parking for residents and visitors with vehicular access that is simple, safe and direct.
- Developments that incorporate on-site service areas that provide for a range of industrial uses.

Prescriptive Measures

Vehicular Access

- Direct vehicular access to main roads should be avoided where alternative access is available via service lanes or local roads.
- For development in the Dural Service Centre, vehicular access to New Line Road should be via service lanes and vehicular access to Old Northern Road should be via service roads, in accordance with the Traffic Management Strategy (see Figure 5.1-d and Figure 5.1-e).

Parking

- Parking should be provided to the rear of buildings or below ground level.
- Parking may be considered in front setback areas where site constraints warrant. A maximum of 50% of the required front setback area should be used for carparking and driveway areas.
- Car parking should be screened from the street by landscaping.

Service Vehicles

- Each industrial unit/premises should have access to a loading and unloading area on-site.
- Where a development consists of multiple industrial units, at least 1 communal loading area that is capable of accommodating an articulated vehicle should be provided on-site.
- Loading areas should have minimum dimensions of 3 metres x 7 metres and have turning areas that comply with AS 2890.2, applicable to the size of vehicle that may service the site.

Note:

Refer to Part 1 General of the DCP for car parking, service vehicle, bicycle parking provisions and ancillary general design requirements.

5.1.7 Traffic Management Work

Desired Outcomes

- Traffic management works that provide for the safe and efficient movement of vehicles to, from and within precincts.

Prescriptive Measures

- Applicants should liaise with Transport for NSW and Council to determine the extent of any road works required along New Line Road, in accordance with the Traffic Management Strategy.
- Service lanes should be provided in accordance with the Traffic Management Strategy (see Figure 5.1-d and Figure 5.1-e).

Main Roads

Development adjoining roads that are subject to Section 2.119 of the Transport and Infrastructure SEPP require separate approval from TfNSW for access to State and Regional Roads as classified by TfNSW. A list of classified and unclassified main roads for Hornsby Shire is provided in Annexure C.

Figure 5.1-d: Dural Service Centre Traffic Management Strategy – Sheet 1 (C)

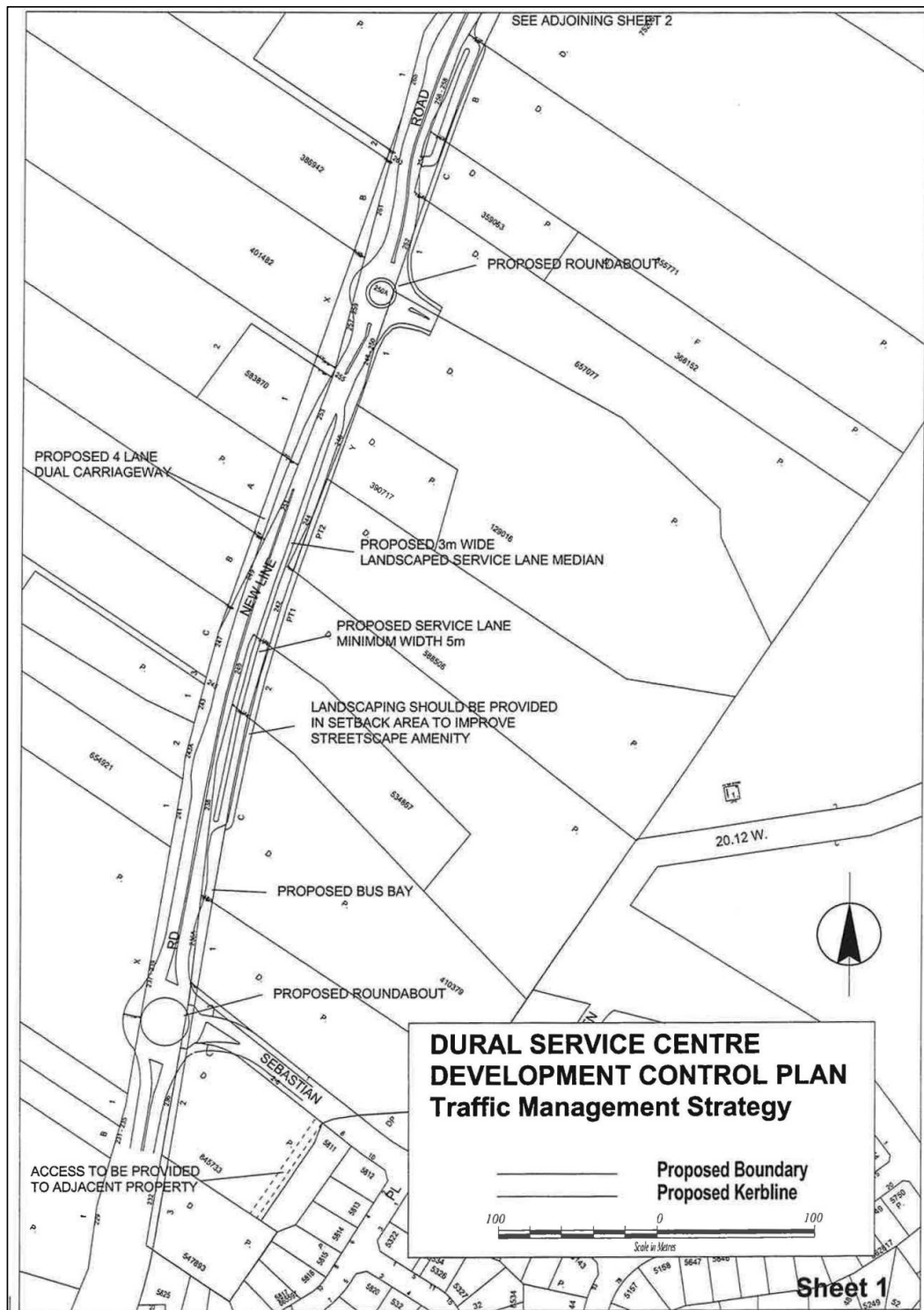
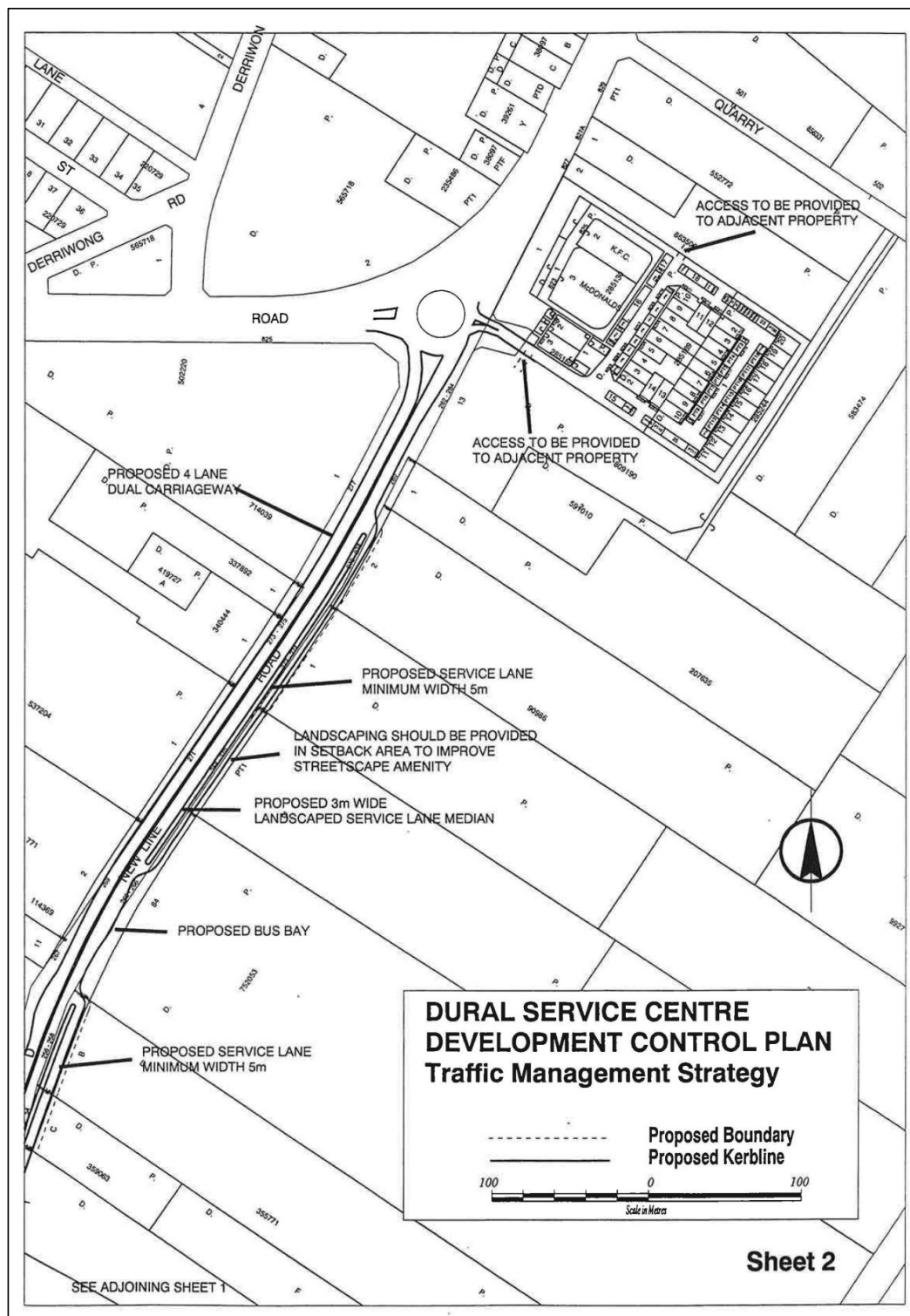


Figure 5.1-e: Dural Service Centre Traffic Management Strategy – Sheet 2 (C)



5.1.8 Design Details

Desired Outcomes

- a. Development that contributes positively to the streetscape.

Prescriptive Measures

General

- a. Facades should adopt a contemporary appearance, relating to the function of the building.
- b. The main entry to the building should be easily identifiable from the street and directly accessible from the front of the building or the driveway in the case of a multi-unit complex.
- c. Corner buildings should be designed to address both streets.
- d. Architectural features should be included in the design of new buildings to provide for a more visually interesting precinct. These may include:
 - Elements which punctuate the skyline,
 - Distinctive parapets or roof forms,
 - Visually interesting facades,
 - Architectural emphasis in the built form, and
 - A variety of window patterns.
- e. Other features that are encouraged include balustrades, pergolas, expressed structure and downpipes, glazed skylights, sun shading devices and distinctive entries.
- f. Roof fixtures and lift overruns or service plants should be incorporated into the design of the roof to minimise visual intrusiveness and support an integrated building design.

Colours and Materials

- g. Buildings in the Asquith, Mount Kuring-gai and Dural Service Centre industrial areas should have recessive colours and external finishes consistent with nearby bushland areas (i.e. grey greens, grey blues, browns etc).
- h. Colours in the Thornleigh industrial area should be consistent with the themes of adjoining development and enhance the visual amenity of the industrial precinct.
- i. Large areas of glass may be included, however, mirror glass with a reflectivity in excess of 15% should be avoided.

Storage Areas

- j. Outdoor storage areas should be located behind the front building setback and screened from view from adjoining sensitive areas.
- k. Development should make provision for an enclosed on-site waste and recycling facility that has a storage area to accommodate the waste generated from the development as detailed in the 'Waste Management' element in Section 1.3.2.3 of this DCP.
- l. Above ground liquid storage facilities, including waste, should be located in a covered bunded area constructed of impervious materials.

5.2 Sex Service Premises

HLEP Clause 6.7 contains provisions for the location of sex services premises. The following provides provisions for the use of a premises for sex services in the E4 General Industrial Zone, in addition to the building controls provided elsewhere in this DCP.

Note:

Sex services premises means a brothel but does not include home occupation (sex services).

5.2.1 Location

Desired Outcomes

- Sex services premises that are discreetly located and appropriately separated from sensitive land uses.
- Sex services premises that are not located in proximity to another brothel so as to create a concentration or cluster of brothels.

Prescriptive Measures

- Under the HLEP sex services premises are only permissible with Council consent in the E4 General Industrial Zone.
- Sex services premises should not adjoin or be clearly visible from:
 - Schools, educational institutions for young people or places where children and adolescents regularly gather,
 - where worshippers regularly gather,
 - bus stops regularly used by school buses, or
 - any other place likely to be regularly frequented by children.
- When sex services premises front the street, premises should be located on upper levels of buildings rather than the ground floor.

Note:

For planning principles on the location of sex services premises refer to case Yao v Liverpool City Council [2017] NSWLEC 1167 available on the NSW Land and Environment Court website at www.lec.nsw.gov.au/lec/practice-and-procedure/principles/planning-principals.html.

5.2.2 Design Details

Desired Outcomes

- Sex services premises that are modest in scale and discreet in design, to limit the potential for adverse environmental impacts.
- Sex services premises that are designed to maximise the safety and security of staff, clients and the general public by upholding the principles of Crime Prevention Through Environmental Design (CPTED).
- Sex services premises that provide facilities to assist in the implementation of best practice health standards.

Prescriptive Measures

General

- The scale of the premises should be limited to:
 - a maximum of 5 workrooms that provide sex services, and
 - a maximum gross floor area of 160m².
- The pedestrian entrance should be:
 - via the public domain and not via another business/ premises, and
 - discreet in design, not excessively bright in light or colour.
- The interior of the premises should not be visible from adjoining or surrounding premises or the public domain.
- Appropriate noise shielding or attenuation techniques should be incorporated into the design of the building to prevent noise transmitting outside the premises.
- The building should be designed to accommodate facilities and amenities consistent with SafeWork guidelines.

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Common Areas

- f. A reception/waiting area within the front of the premises should be provided for clients.
- g. Food and drinks should not be served to clients.
- h. A safe and accessible staff room that includes facilities for food and beverage preparation should be provided.
- i. A minimum of two receptacles should be provided either in the laundry or another readily accessible area of the premises for the separate storage of clean linen and used linen.
- j. Facilities or arrangements should be provided for the cleaning of linen including either the use of commercial laundering or on-site facilities.

Equitable Access

- k. Access for people with a disability should be provided. For example, where a sex services premises is located on an upper level, a chair lift may be required.
- l. All common areas and facilities, including toilets, should be suitable for use by people with a disability.

Safety and Security

- m. New buildings or alterations and additions should avoid alcoves, entrapment spaces and blind corners internally and externally.
- n. In existing buildings, where no new works are proposed, lighting should illuminate existing entrapment spots and mirrors provided to improve sightlines around blind corners.
- o. Casual surveillance should be provided to pedestrian access pathways and car parks.
- p. Barriers, such as landscaping and fencing, should be low in height or visually permeable to prevent obstructing site lines between the street and the building, in particular the entrance.
- q. In consultation with police, a Plan of Management (POM) should be submitted with the development application addressing safety and security measures, including:

- Lighting of access/egress routes and existing entrapment spots but avoiding light spillage, particularly to adjacent sensitive areas,
- Security cameras located in public areas, such as entries, hallways, stairs and car parking areas,
- Workroom doors without locks,
- Security grills on windows able to be opened from inside,
- A security alarm/intercom connected from each workroom to a central base, such as reception, and
- External storage areas, including waste storage, secured to avoid creating hiding places or potential entrapment spots and unauthorised access.

Signage

- r. A maximum of 1 external sign per premises with a maximum area of 0.5m².
- s. The sign should only indicate the address and contact number.
- t. A clearly visible street number should be displayed on the premises to avoid disturbance to surrounding premises arising out of confusion as to the location of the premises.
- u. The sign may be illuminated only during operating hours.
- v. Flashing, moving and/or neon signs are not permitted.
- w. Sex workers or sex related products should not be displayed from windows, the front door or outside of the premises.
- x. Spruikers (staff at the door or outside of the premises who encourage patrons to enter) are not permitted.

Note:

For guidelines on amenities, refer to the SafeWork Health and safety guidelines for sex services premises in NSW.

For further information on CPTED refer to Section 1.3.2.7 of this DCP.

Sensitive areas include any adjoining residential lands, community uses, educational uses, public open spaces and recreational areas

Equivalent zone tables



Hornsby Local Environmental Plan 2013

Current Business and Industrial Zones	Employment Zones
B1 Neighbourhood Centre B2 Local Centre	E1 Local Centre
B3 Commercial Core	E2 Commercial Centre
B4 Mixed Use	MU1 Mixed Use
B5 Business Development B6 Enterprise Corridor	E3 Productivity Support
IN1 General Industrial IN2 Light Industrial	E4 General Industrial
IN4 Working Waterfront	W4 Working Waterfront

ATTACHMENT/S

REPORT NO. PC15/25

ITEM 6

- 1. POLICY - ENFORCEMENT**
- 2. POLICY - CONFLICT OF INTEREST**
- 3. POLICY - FERAL CATS**
- 4. POLICY - KEEPING OF ANIMALS**
- 5. POLICY - PROPERTY NUMBERING**
- 6. POLICY - SMOKE FREE ENVIRONMENT**



Enforcement Policy

Responsible Branch	Adopted date	Review date
Regulatory Services		

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Hornsby Shire Council Enforcement Policy

ATTACHMENT 1 - ITEM 6

1 Introduction

This Policy provides information for internal and external stakeholders about Council's position on compliance and enforcement and outlines the process and matters to be considered during the enforcement process.

For the purposes of this policy, a report alleging unlawful activity is where an individual expresses concern in relation to alleged unlawful activity, or they request service from Council about such matters.

In the context of this Policy unlawful activity means any regulatory requirement, activity or work that has been or is being carried out:

- Contrary to a requirement of an Act, Regulation or associated provision regulating a particular activity, work or matter,
- Contrary to an environmental planning instrument that regulates the activities or work that can be carried out,
- Without a required development consent, approval, permit, certificate or licence, and/or
- Contrary to the conditions or requirements of a development consent, approval, permit, certificate or licence.

1.1 Purpose

The purpose of this Policy is to clarify Council's approach to considering enforcement action for alleged offences for which Council has responsibility. Council's approach is to:

- Act effectively, fairly and consistently in response to allegations of unlawful activity or when undertaking proactive investigations.
- Ensure enforcement action is proportionate to the severity of the non-compliance, without bias, and in accordance with legislation.
- Utilise Council's resources to investigate alleged unlawful activity in a manner consistent with the public interest.

1.2 Policy Objective

The objectives of this Policy are:

- To improve compliance management and reduce the impact of unlawful activity on the community and environment.
- To provide a framework to facilitate a risk-based approach to compliance and enforcement.
- To provide information for all internal and external stakeholders about Council's position and process for compliance and enforcement.

1.3 Application

1. This Policy applies a risk-based approach to compliance management to ensure resources are focused on matters posing the highest risk to the community and environment.
2. This Policy specifies the criteria which Council will consider when deciding:
 - a) if an investigation is required,
 - b) if enforcement action is necessary, and
 - c) the most appropriate type of enforcement action.

3. This Policy applies to regulatory issues including investigation and enforcement, within Council's area of responsibility including, but not limited to:

- Animal control and companion animals
- Development and building control
- Illegal dumping and littering
- Non-compliance with approvals
- Activity without approval
- Activity in contravention of signage
- Unauthorised and prohibited development
- Vegetation clearing and tree vandalism
- Fire safety
- Pollution control
- Public health and food safety
- Stormwater nuisances
- Transportation of waste
- Residential swimming pool safety
- Unattended property/vehicles
- Biosecurity weeds

4. This Policy does not apply to the issuing of penalty infringement notices (PIN) under the Road Rules by Council's Parking Enforcement Officers during proactive parking zone patrols.

1.4 Compliance and enforcement principles

The following are principles that underpin Council's actions relating to compliance and enforcement:

Principle	Action
Accountable and transparent	<ul style="list-style-type: none"> • Acting in the best interests of public health, safety and the environment, • Ensuring accountability for decisions to take or not take action, • Acting fairly and impartially and without bias or unlawful discrimination, • Providing information about compliance and enforcement priorities and reasons for decisions to improve understanding and certainty and promote trust by the community, • Ensuring reasons for decisions are given to relevant parties, particularly when there is a departure from this policy, and • Acting on any complaints or concerns about the conduct of enforcement and compliance officers in accordance with Council's Complaints and Unreasonable Complaint Policy.
Consistent	<ul style="list-style-type: none"> • Ensuring compliance and enforcement action is implemented consistently, and • Encouraging reports about possible unlawful activity by acting reasonably in response to the circumstances and facts of each matter.
Proportional	<ul style="list-style-type: none"> • Ensuring the level of enforcement action is proportionate to the level of risk and seriousness of the breach, • Making cost-effective decisions about enforcement action, and • Taking action to address harm and deter future unlawful activity.

Timely	• Ensuring Council's responses and decision making in respect of reports alleging unlawful activity is timely.
Discretion	• Consideration of a range of factors when deciding whether to investigate.

1.5 Discretion

Discretionary powers operate in such a way that, while Council has a responsibility to enforce a law, this does not mean there is an obligation to enforce the law in all cases, including at the insistence of another party.

In exercising discretionary powers, Council officers should:

- Use discretionary powers in good faith, including for the intended and authorised purpose.
- Base decisions on facts and findings supported by the evidence.
- Consider the merits of the case, including weighing up the importance of relevant factors.
- Make decisions with consideration to relevant policies and guidelines.
- Observe the rules of procedural fairness.

1.6 Procedural fairness

Procedural fairness, also known as natural justice, ensures that an investigation and the outcome are fair, as well as perceived to be fair. Procedural fairness ensures that any person whose rights or interests are likely to be affected by a conclusion, finding or decision, are given an opportunity to respond, and that their response is considered by the decision maker.

As part of its investigations into unlawful activity, Council officers adhere to the rules of procedural fairness, which, depending on the circumstances may mean Council is required to:

- Inform people who may be adversely affected by allegations against them.
- Inform people of any adverse finding or allegation proposed to be made about them and provide them with a reasonable opportunity to put forward their case to Council in writing.
- Consider any submissions put to Council by a party.
- Make reasonable inquiries or investigations before making decisions.
- Act fairly and without bias or conflicts of interest.
- Conduct investigations without undue delay.
- Ensure that a record of the investigation has been made.

The rules of procedural fairness have been incorporated into the legislative provisions relating to the issuance of Notices and Orders, such as requiring Council to provide written notice of any intention to direct certain works to occur or cease, and to consider any representations made by a notice recipient.

There may be instances where Council officer must override certain procedural fairness requirements in situations that involve on-the-spot offences such as non-compliance with signage, an emergency or serious risks to personal safety, public health, or the environment.

1.7 Confidentiality of people who report allegations of Unlawful Activity

Information provided to Council is collected, stored and protected following the principles of the *Privacy and Personal Information Protection Act 1998*.

Council provides access to information in accordance with the *Government Information (Public Access) Act 2009* (the GIPA Act). Council will not provide details of an investigation that would compromise the integrity of the investigation.

Information concerning legal proceedings may be withheld due to legal professional privilege, or where the information could compromise the integrity of Council's investigation in accordance with the *Government Information (Public Access) Act 2009*.

2 Responding to reports about unlawful activity

2.1 Recording allegations of Unlawful Activity

All allegations of unlawful activity reported to Council, including via an elected member (Councillors) or the General Manager, are recorded as a Service Request in Council's Customer Request Management (CRM) system and are investigated in accordance with this Policy and relevant operational procedures for the Planning and Compliance Division.

Reports made through third party programs, such as Snap-Send-Solve, will not be considered a report to Council and will not be registered as a Service Request.

Commented [AH1]: As discussed at Councillor Workshop
2 July 2025

2.2 How reports alleging Unlawful Activity will be dealt with by Council

Council will act in accordance with the principles at section 1.4 when dealing with reports alleging Unlawful Activity.

Council will conduct a preliminary assessment of every report it receives to determine the level of risk and priority for a response in accordance with Table 1. Generally, reports relating to public safety, public health and impacts on the environment will be given a higher risk rating.

Table 1 – Risk Category Assessment

Risk Category			
Critical	High	Medium	Low
Matters likely to cause permanent, long term or reoccurring serious damage to health, property or environment.	Moderate, major or severe consequences likely or very likely	Moderate consequences are likely, serious impacts are very unlikely	Consequences are minor or moderate and are unlikely or very unlikely to occur
Large scale impacts	Medium-large scale impacts	Small-medium scale impacts	Small scale, isolated impacts
Very serious offences	Serious offences	Moderate offence severity	Low level offence severity

2.3 Reports which may not be investigated

Not all reports received by Council regarding alleged unlawful activity will require an investigation.

To ensure efficient use of limited Council resources, the following matters will be registered in Councils record system as 'information only' and will not be investigated, based on being low risk:

- Nuisance odours and smoke from domestic sources
- Anonymous dog barking complaints
- Roaming cats
- Building not in accordance with plans – private certifier appointed

- Construction work with no environmental, public safety or amenity impact (signage, toilets, tool noise, music, vehicle noise)
- Domestic noise (including air conditioners, heat pumps, musical instruments, power tools, lawn mowers, leaf blowers, swimming pool pumps, social noise or motorcycles)
- Noise complaints – Liquor licence premises
- Stormwater nuisance from overland flow
- Neighbour disputes (see s 2.3.3)
- Tree disputes between neighbours
- Dividing fences
- Right of way/ covenant complaints
- Short term rental accommodation
- Strata property disputes
- Overgrown lands that are not a public health risk
- Unsightly properties
- Damage to adjoining properties

Refer to Appendix B for a list of alternative options available to seek to address the matters which may not be investigated by Council under this Policy.

Commented [AH2]: As discussed at Councillor Workshop
2 July 2025

2.3.1 Anonymous reports

During an investigation, Council must consider and validate the impacts of any breaches on a person and where necessary obtain statements to support any court proceedings.

Council may choose to close anonymous reports or reports where the property address of a customer is not provided or validated, unless there is a serious safety risk to life, property or the environment.

2.3.2 Response times

The primary objective of an investigation is to obtain sufficient evidence to determine whether a contravention of the law has occurred and to ensure that this evidence is available for potential enforcement action, in accordance with Table 4 of this Policy.

In doing so, the investigating officer may need to attend the site within a reasonable timeframe to minimise environmental harm and obtain evidence contemporaneously with the activity.

For example, where a report is received alleging significant tree clearing is occurring, it may be necessary for an investigation officer to attend the property on the same day, or the following day, to observe the activity, conduct interviews, and request that the activity cease.

2.3.3 Neighbour disputes (Civil Matter)

Council regularly receives reports from parties involved in neighbour disputes seeking Council's involvement. When a dispute between two neighbours is a civil matter, Council will often have no authority to resolve the dispute.

Where practicable, individuals will be provided with information about how to resolve neighbour disputes including referral information on resources that are available or the body that may be able to assist, including in matters relating to:

- Tree removal / maintenance and pruning branches on private property
- Building works where Private Certifier is appointed the Principal Certifier
- Dividing fences
- Easement disputes
- Encroachment into neighbouring properties
- Damage to neighbouring properties
- Neighbourhood noise, including talking

2.3.4 Order of occupancy

Order of occupancy refers to when a legitimate business or land-use was already in operation before the person complaining about its impact moved into the vicinity.

Council may consider the order of occupancy during an investigation to protect legitimate businesses or land-uses from unreasonable expectations about their operation and from an unreasonable level of annoyance by a person.

This applies in mixed-use locations where residential and commercial land zones are close to each other and the complainant may be culpable for a lack of due diligence or consideration prior to residing at that location, and rural zones where there is a reasonable expectation to have odour and noise associated with agriculture.

3 Investigation of alleged unlawful activity

Investigations are to be conducted in accordance with the principles under section 1.4. Council will prioritise matters based on the level of risk, as determined by Table 1.

3.1 Factors to determine whether investigation is required

When deciding whether to investigate unlawful activity, Council Officers must consider a range of factors set out in the table below. Council Officers will generally determine not to further investigate the matter if one or more of the factors in Table 2 are satisfied.

When a decision is made to not perform an investigation, the reason for the decision will be recorded against the Service Request and the customer will be notified of the decision.

Table 2 – Factors to determine whether an investigation is required

Factors which do not support further investigation
• The report is premature as it relates to some unfinished aspect of work that is still in progress.
• The activity or work is permissible without planning approval.
• A significant period of time has elapsed since the events the subject of the report took place, or Council is statute-barred from taking enforcement action.
• Council does not have jurisdiction to investigate and deal with the matter (e.g. SafeWork NSW for workplace safety matters; the NSW Environment Protection Authority for environmental offences; Crown Lands, Building Commission NSW, Natural Resources Access Regulator, NSW Liquor & Gaming for disturbance complaints associated with liquor licensed premises).
• The report relates substantially to a matter previously determined by Council, and no new or compelling information is presented which would cause Council to change its earlier decision.

<ul style="list-style-type: none"> • The report is not supported with evidence or appears to have no substance.
<ul style="list-style-type: none"> • The relevant Manager determines that investigation or other action would have an unreasonable impact on resources and/or is unlikely to achieve an outcome sufficient to justify the expenditure of resources.
<ul style="list-style-type: none"> • Matters that are generally low risk and alternative pathways exist for complainants such as civil enforcement, examples include neighborhood noise.

4 Taking enforcement action

Once Council Officers have investigated and confirmed that an activity is unlawful, Council Officers have a discretion to determine what, if any, enforcement action should be taken.

The outcomes of enforcement action are, broadly, to:

- restrain or remedy a breach,
- punish an offender for breaking the law (by imposing a penalty or commencing prosecution proceedings), and
- prevent and provide a deterrent to potential future breaches.

It is noted that if Council decides not to commence proceedings under the EPA Act, LG Act, POEO Act, any person may commence their own civil enforcement proceedings for an order to remedy or restrain a relevant breach.

4.1 Matters to consider

When deciding whether to take enforcement action in relation to an alleged case of unlawful activity, Council will consider the full circumstances and facts of the matter, and the public interest. The following common considerations will assist Council Officers when determining the enforcement outcome:

Considerations about the alleged offender:

- any prior warnings, instructions, advice that was issued to the person or organisation reported or previous enforcement action taken against them
- whether the offence was committed with intent or for financial gain
- whether the person or organisation reported has been proactive in the resolution of the matter and assisted with councils' investigation
- any mitigating or aggravating circumstances demonstrated by the alleged offender
- Any mitigating circumstances of hardship affecting the person.

Considerations about the impact of any enforcement action:

- the need to deter any future unlawful activity
- whether an educative approach would be more appropriate than a coercive approach in resolving the matter
- the prospect of success if the proposed enforcement action was challenged in court
- the costs and benefits of taking formal enforcement action as opposed to taking informal or no action
- what action would be proportionate and reasonable in response to the unlawful activity

- whether council is prevented from taking action based on earlier advice given, ie whether an estoppel situation has been created.

Considerations about the potential for remedy:

- whether the breach can be easily remedied
- whether it is likely consent would have been given for the activity if it had been sought
- whether there is a draft planning instrument on exhibition that would make the unauthorised use legal.

4.1.1 Determining the level of impact

Council Officers will use table 3 to assist in determining the level of impact to inform their determination of what, if any, enforcement action should be taken in the circumstances.

Table 3 - Determining the level of impact

Category	Factors to consider
Low	<ul style="list-style-type: none"> • The breach is merely technical, very minor or administrative. • Nil or negligible evidence of impact on persons or the environment. • No evidence of actual or potential human health impacts. • Any harm is easily rectified or a short-term impact to amenity.
Medium	<ul style="list-style-type: none"> • An impact of low to medium extent that has caused some actual or potential harm to the environment, safety or amenity of some individuals. • The duration of the impact is medium-term, localised and may require remediation.
High	<ul style="list-style-type: none"> • A large or very large impact to the environment, safety, amenity or persons. • The impact has medium to long-term or permanent environmental impact that will require remediation and or mitigation works, or compensatory offsets in some cases.

4.2 Enforcement options

Depending on whether the circumstances of the breach fall within the 'Low', 'Medium' or 'High' categories in the table 3, Council will generally take enforcement actions outlined in table 4 below.

Council Officer's determination to take enforcement action will also be evaluated based on the seriousness of the breach, appropriateness of enforcement action in the circumstances and the most appropriate allocation of available Council resources.

Table 4 - Enforcement options summary

Enforcement action	Significance of unlawful activity		
	High	Medium	Low
Prosecution proceedings	•		
Civil legal proceedings	•		
Injunction proceedings	•		
Penalty Notice	•	•	•
Order/Direction	•	•	•
Notice/show cause	•	•	•
Undertaking		•	•
Formal warning		•	•
Mediation/education			•
No action			•

Council's enforcement options, and the circumstances in which they may be exercised, are further detailed below.

4.2.1 No enforcement action

Council will take no enforcement action if it is identified that:

- The outcome of an investigation reveals that a breach has not occurred
- There is insufficient evidence to establish whether there has been a breach and/or who committed the breach
- A breach has occurred but is technical, inconsequential or minor in nature
- The investigation determines the activity to be lawful activity (for example, there is an existing planning approval, the activity is permissible without Council approval or consent being required)
- Council does not have jurisdiction or is not the appropriate authority to take action on the issues raised.

4.2.2 Warning letter

A warning letter is issued where the breach is of a minor nature, and it is determined that no formal enforcement action is necessary. This may arise in situations where the degree of harm and the culpability of the offender are low, the offender has no history of non-compliances, and the offender has remedied the breach quickly.

4.2.3 Official caution

A formal caution under the Fines Act 1996 may be used when a penalty infringement notice (PIN) could be issued for an offence. This may include instances where the seriousness of the breach is low, a person has no history of non-compliance, the breach results in no harm, or where an incident is promptly rectified.

The written caution would outline that further breaches can lead to escalating enforcement action, such as issuing a PIN.

Official cautions are to be issued in accordance with the Caution Guidelines under the Fines Act 1996 issued by the NSW Attorney General.

4.2.4 Penalty Infringement Notice (PIN)

Council generally issues PINs (i.e.: fines), which are a financial penalty, in the following circumstances:

- the cause of and responsibility for the breach is clear;
- the seriousness of the breach is low to medium;
- a financial penalty is considered an effective deterrent to future breaches; and
- the investigation officer has sufficient evidence to prove all elements of the offence if the person receiving the PIN elects to have the matter heard by a Court.

A person who receives a PIN may make representations seeking a review. PINs issued by Council are administered by Revenue NSW and all representations in relation to PINs are to be directed to Revenue NSW. Any representations made directly to Council, including staff or elected members, will be referred to Revenue NSW.

For any representations that Revenue NSW refers to Council for consideration, those will be dealt with in accordance with Council's internal review processes and any recommendations recorded in Council's records and provided to Revenue NSW.

4.2.5 Prosecution

Prosecution proceedings may be commenced for more serious offences where there is sufficient evidence, there is a significant breach, the decision to prosecute is in the public interest, the offender may have been subject to other enforcement actions that have failed to deter further breaches, or the breach may have caused actual environmental harm.

A prosecution can generally be commenced in the Local Court or the NSW Land and Environment Court, depending on the provisions of the legislation that Council is seeking to enforce. Council will usually consider commencing prosecution proceedings in the Local Court in the first instance.

Council's decision to prosecute will be made in accordance with section 5 of this Policy, taking into consideration factors such as the jurisdictional limit of the Local Court and additional orders that may be available to Council if proceedings were commenced in the NSW Land and Environment Court.

4.2.6 Directions, notices and orders

A range of directions, notices and orders are available to Council as regulatory responses under various pieces of legislation. Usually, Council will issue a direction, notice or order to address harm which has occurred or is about to occur, such as water pollution. These instruments can be issued relatively quickly to respond to a wide range of issues, and it is an offence not to comply with the requirements of these instruments. Some examples are:

- POEO Act – clean-up notices, prevention notices, noise abatement directions;
- EPA Act – development control orders;
- LG Act – s124 orders;
- Food Act – improvement notices, prohibition orders;
- Companion Animals Act 1998 – nuisance Orders, menacing dog order, dangerous dog order;
- Public Health Act – improvement notices and prohibition orders.

4.2.7 Civil enforcement proceedings

Council may bring civil enforcement proceedings in the NSW Land and Environment Court to remedy or restrain a breach of the EPA Act, LGA Act or POEO Act (or regulations made under those Acts).

Council will usually bring civil enforcement proceedings in circumstances where there has been non-compliance with an order that was issued and it is now seeking orders from the Court compelling the person to comply, or where there is an actual or threatened breach of an Act that has occurred.

5 Commencing legal proceedings

5.1 Matters to consider

Council will usually consult with Council's legal team before deciding whether to commence criminal or civil proceedings. In addition, Council officers will consider the following:

- the outcome that is sought, i.e. there is a need to restrain or remedy a breach, or to take punitive action;
- whether there is sufficient evidence to establish a case to the required standard of proof;
- whether there is a reasonable prospect of success before a court; and
- whether the public interest warrants legal action being pursued.

5.1.1 The outcome that is sought

Whether to commence proceedings, and the nature of any proceedings, will be determined by the outcome that Council is seeking. This could include prosecution proceedings to punish and deter an offender or civil enforcement proceedings to require compliance with an order.

Reasonable prospects of success

The decision to commence legal proceedings is a serious one, and Council will generally only commence legal proceedings if:

- Council has sufficient evidence to establish the contravention to the required standard of proof (i.e. beyond a reasonable doubt for a criminal prosecution, and on the balance of probabilities for a civil enforcement proceeding), and
- Council has reasonable prospects of success, considering:
 - the availability, competence and credibility of witnesses,
 - the existence or otherwise of evidence to support any defence that may be raised by the defendant,
 - similar cases that have occurred in the past, the current law in force at the relevant time, and
 - any other factors, which may affect the likelihood of a successful outcome.

5.1.2 Whether the public interest requires legal action be pursued

A further consideration in deciding whether to commence legal proceedings is whether to do so is in the public interest. In making this determination, Council Officers must consider the factors under section 4.1.1, and also consider the following factors that relate more specifically to the decision to commence legal proceedings:

- whether there are any available alternatives to legal action;
- whether an urgent resolution is required (court proceedings may take some time);
- the possible length and expense of court proceedings;
- any possible counter-productive outcomes of proceedings;
- what the effective sentencing options are available to the court in the event of conviction;
- budget and resourcing constraints on council commencing proceedings; and
- whether the proceedings or the consequences of any resulting conviction would be unduly harsh or oppressive.

5.1.3 Time within which to commence proceedings

Prosecution proceedings must be commenced within certain prescribed time limits. For example, criminal proceedings for an offence under the EPA Act must be commenced within two (2) years of the offence being committed or within two (2) years from the date when evidence of the offence first came to the attention of an authorised officer (section 9.57 of the EPA Act). If these prescribed time limits have expired, Council will not be able to commence a prosecution.

6 Principal Certifier and Council Responsibilities

The extent of Council's role in addressing concerns regarding a development depends on whether Council has been appointed the Principal Certifier for the development.

A Principal Certifier must be appointed by the owner prior to the start of any building work and can be either a Council Certifier or Private Certifier.

6.1 Principal Certifier's Role

The Principal Certifier's role is to independently assess and verify that the development has been built in accordance with the terms of the development consent, as well as to verify that the completed building is suitable for occupation and use in accordance with its classification under the Building and Development Certifiers Act and regulation.

The Principal Certifier is responsible for issuing Complying Development Certificates, Construction Certificates, Occupations Certificates, as well as ensuring compliance with development consents, Building Code of Australia (BCA) and criteria of the State Environmental Planning Policy.

It is the Principal Certifier's responsibility to ensure building and construction compliance and conduct routine inspections of the development site.

6.2 Council's Role when Principal Certifier is a Private Certifier

Where a private certifier is appointed the Principal Certifier for a development, it is their responsibility to ensure that the building work complies with the development consent and construction certificates.

Complaints received by Council alleging non-compliance at a privately certified development will be referred to the Principal Certifier to consider and investigate in the first instance. Council will notify the complainant of this action and provide the complainant with the Principal Certifier's contact details before closing the request.

Council will act on complaints received in relation to development sites where a Private Certifier is appointed the Principal Certifier when:

- The work threatens life, safety or damage to property or the environment at the time of the complaint and immediate action is required whether there are any available alternatives to legal action;
- The complaint relates to work that may not form part of a development consent;
- The Private Certifier's response to the complaint is considered inadequate or Council does not agree with the Private Certifier's position;
- Where the Private Certifier has notified Council that their Written Directions Notice (WDN) has not been complied with;
- The complaint relates to breaches of conditions of consent related to the environment (including trees)
- The complaint relates to the damage of heritage items;
- The complaint relates to the removal of natural rock face, extensive clearing of land, excessive excavation and works that result in a permanent change of natural waterflow or channel.

6.3 Building Commission NSW's Role in regulating Certifiers

The Building Commission NSW regulates the conduct of all registered certifiers (Private Certifiers and Council Certifiers) and is responsible for issuing and maintaining certification accreditations.

The Building Commission NSW can investigate complaints against registered certifiers and councils in their capacity as certifying authorities.

All complaints made by the public about the actions or inactions of a private certifier will be encouraged to be lodged directly with the Building Commission NSW.

7 Role of Councillors in enforcement

A member of the public may raise a concern directly with a Councillor however, representations to a Councillor are not a formal complaint made to Council.

Members of the public are encouraged to submit their concerns to Council directly. Alternatively, where they are forwarded by a Councillor, they will be recorded as a Service Request in Council's Customer Request Management (**CRM**) system and are managed in accordance with this Policy.

While Councillors cannot direct Council Officers, they can assist individuals who raise concerns with them to help understand the complaint handling process including investigating and taking enforcement.

8 Complaints about Council's enforcement actions

Complaints about Council's handling of reports alleging unlawful activity will be recorded separately and reviewed by the relevant supervisor, which will be escalated as needed for review sequentially to the General Manager, who will review and respond in accordance with Council's Complaints Handling Policy.

9 Resilience and Hazards

Where an investigation has led to the finding of contamination on a property and remediation is required by Council, it is considered to be 'Category 1' remediation works in accordance with Section 4.8 of the State Environmental Planning Policy (Resilience and Hazards) and requires development consent.

This includes, but is not limited to, any works that are within 40m of a drainage channel, creek or water body, involve groundwater treatment, on-site capping, contaminant migration, removal of Underground Petroleum Storage Systems (UPSS), requirement for ongoing Environmental Management Plans, or requires greater than 10 truck movements.

Appendix A – Other resources

Other resources that may be relevant or of assistance in the investigation and enforcement of unlawful activity can be found at:

- Hornsby Development Control Plan 2024 and Hornsby Local Environmental Plan 2013 www.hornsby.nsw.gov.au/
- Land and Environment Court www.lec.justice.nsw.gov.au
- Local Court New South Wales www.localcourt.nsw.gov.au
- NSW Department of Planning, Industry and Environment <https://www.planning.nsw.gov.au>
- NSW Environment Protection Authority <https://www.epa.nsw.gov.au>
- NSW Food Authority www.foodauthority.nsw.gov.au
- NSW Legislation www.legislation.nsw.gov.au
- Hornsby Shire Council's Compliance Handling Policy (POL00191)
- Hornsby Shire Council's Customer Service Policy (POL00205)
- Model Compliance and Enforcement Model Policy, NSW Ombudsman (December 2015)
- Enforcement Guidelines for Councils, NSW Ombudsman (December 2015)
- Practice Standard for Registered Certifiers [Practice Standard for registered certifiers - Volume Two - Class 1a Buildings](#)
- Hornsby Council Civil Enforcement Information <https://www.hornsby.nsw.gov.au/business/compliance/civil-enforcement>
- Protocol for homeless people in public spaces [Protocol for homeless people in public places | NSW Government](#)
- Hornsby Council Stormwater Drainage on Private Properties <https://www.hornsby.nsw.gov.au/property/myproperty/stormwater-drainage-on-private-properties>

Appendix B – Alternative options to Council

Commented [AH3]: As discussed at Councillor Workshop
2 July 2025

Complaint	Alternative options
Noise from domestic sources	<ul style="list-style-type: none"> Mediation through an accredited mediator www.hornsby.nsw.gov.au/property/myproperty/neighbourhood-mediation-and-dispute-resolution Noise Abatement Order from the Local Court www.legalaid.nsw.gov.au/my-problem-is-about/my-neighbour/noise/applying-for-a-noise-abatement-order NSW Police for after hours domestic noise, i.e.: music, neighbours, car alarms www.police.nsw.gov.au/contact_us/enquire/noise_complaints
Noise from liquor licensed premises	<ul style="list-style-type: none"> Liquor and Gaming www.liquorandgaming.nsw.gov.au/community-and-stakeholders/have-your-say/complaints/make-a-noise-complaint
Anonymous dog barking complaints	<ul style="list-style-type: none"> Mediation through an accredited mediator www.hornsby.nsw.gov.au/property/myproperty/neighbourhood-mediation-and-dispute-resolution
Building not accordance with approved plans	<ul style="list-style-type: none"> Private Certifier appointed for the development, information on the site fencing or on the NSW Planning Portal website www.planningportal.nsw.gov.au/map
Private Certifier concerns	<ul style="list-style-type: none"> Building Commission NSW www.cas.fairtrading.nsw.gov.au/icmspublicweb/forms/buildingcertifierform.html
Unsafe worksite, asbestos removal	<ul style="list-style-type: none"> Safework NSW www.safework.nsw.gov.au/safety-starts-here/consultation-at-work/safety-complaints2
Stormwater nuisance	<ul style="list-style-type: none"> Mediation through an accredited mediator www.hornsby.nsw.gov.au/property/myproperty/neighbourhood-mediation-and-dispute-resolution
Dividing fences	<ul style="list-style-type: none"> NSW Civil and Administrative Tribunal ncat.nsw.gov.au/case-types/housing-and-property/dividing-fences.html Legal Aid NSW www.legalaid.nsw.gov.au/
Tree branches disputes	<ul style="list-style-type: none"> Mediation through an accredited mediator www.hornsby.nsw.gov.au/property/myproperty/neighbourhood-mediation-and-dispute-resolution Legal Aid NSW www.legalaid.nsw.gov.au/my-problem-is-about/my-neighbour/trees
Problems with construction quality and builders	<ul style="list-style-type: none"> Building Commission NSW www.service.nsw.gov.au/transaction/lodge-a-home-building-complaint-with-the-building-commission-nsw
Right of way/ covenants	<ul style="list-style-type: none"> Mediation through an accredited mediator www.hornsby.nsw.gov.au/property/myproperty/neighbourhood-mediation-and-dispute-resolution Legal Aid NSW www.legalaid.nsw.gov.au

Short Term Rental Accommodation	<ul style="list-style-type: none"> Fair Trading NSW www.nsw.gov.au/departments-and-agencies/fair-trading/complaints-and-enquiries/travel/short-term-rental-accommodation
Strata Property Disputes	<ul style="list-style-type: none"> Fair Trading NSW https://www.fairtrading.nsw.gov.au/housing-and-property/strata-and-community-living/resolving-disputes-and-mediation NSW Civil and Administrative Tribunal ncat.nsw.gov.au/
Unsuitably properties	<ul style="list-style-type: none"> Mediation through an accredited mediator www.hornsby.nsw.gov.au/property/myproperty/neighbourhood-mediation-and-dispute-resolution
Neighbour Disputes	<ul style="list-style-type: none"> Mediation through an accredited mediator www.hornsby.nsw.gov.au/property/myproperty/neighbourhood-mediation-and-dispute-resolution Legal Aid NSW www.legalaid.nsw.gov.au
EPA Licenced Facilities, noise, pollution	<ul style="list-style-type: none"> NSW Environmental Protection Authority www.epa.nsw.gov.au/Reporting-and-incidents/Report-pollution
Selling of tobacco products and smoking indoors	<ul style="list-style-type: none"> NSW Health reportsmokingvaping.health.nsw.gov.au/ www.health.nsw.gov.au/tobacco/Pages/smoke-free-laws.aspx
Allegations of abuse and personal safety concerns	<ul style="list-style-type: none"> NSW Police Emergency – call 000 Non-emergency – call 131 444
Homeless people causing damage or intimidation	<ul style="list-style-type: none"> NSW Police Emergency – call 000 Non-emergency – call 131 444 Crisis and support services www.hornsby.nsw.gov.au/community/services/homelessness
Trespassing, damage to adjoining property	<ul style="list-style-type: none"> NSW Police Emergency – call 000 Non-emergency – call 131 444 Legal Aid NSW www.legalaid.nsw.gov.au
Damaged signs on State Roads	<ul style="list-style-type: none"> Transport NSW https://parkingsigns.nsw.gov.au/feedback
Shopping trolleys marked by retail owner	<ul style="list-style-type: none"> Coles www.coles.com.au/help/abandoned-trolley Woolworths, Big W, Dan Murphys trolleytracker.com.au/woolworths Aldi help.aldi.com.au/abandoned-trolley-or-catalogue



POLICY REGISTER

POLICY TITLE:	CONFLICT OF INTEREST POLICY FOR PROPOSED COUNCIL DEVELOPMENT AND APPLICATIONS INVOLVING COUNCIL STAFF OR COUNCILLORS	
FOLDER NUMBER:	F2007/00307	
POLICY OWNER / DIVISION:	Planning and Compliance	
POLICY OWNER / BRANCH:	Development Assessments	
FUNCTION:	Council Property & Land Development	
RELEVANT LEGISLATION:	Environmental Planning and Assessment Act 1979 Environmental Planning and Assessment Regulation 2000 Local Government Act 1993	
POLICY ADOPTION/AMENDMENT DATE:	13 August 2025	REPORT NUMBER: PC15/25
REVIEW YEAR:	2025	
AMENDMENT HISTORY:	18 February 1998 (Report No ST5/98) 21 June 2000 (Report PLN 180/00) 14 July 2004 (Report PLN 168/04) 3 May 2006 (Report PLN108/06) 17 July 2013 (Report PL69/13) 9 December 2015 (Report PL101/15) 12 September 2018 (Report PL24/18) 13 August 2025 (Report PC15/25)	

Part 1: Preliminary**(1) Scope**

This policy applies to council-related development and development submitted by councillors and council staff.

(2) Definitions

(1) In this policy:

application means an application for consent under Part 4 of the Act to carry out development and includes an application to modify a development consent. It does not include an application for a complying development certificate.

council means Hornsby Shire Council

council-related development means development for which the council is the applicant developer (whether lodged by or on behalf of council), landowner, or has a commercial interest in the land the subject of the application, where it will also be the regulator or consent authority

Note: Council-related development applications do not include development applications which includes development on public roads managed by a council, such as driveway for a dwelling house across a footpath or other minor works.

development process means application, assessment, determination, and enforcement

the Act means the *Environmental Planning and Assessment Act 1979*.

- (2) A word or expression used in this policy has the same meaning as it has in the Act, and any instruments made under the Act, unless it is otherwise defined in this policy.
- (3) Notes included in this policy do not form part of the policy.

Note: This policy does not apply to activities under Part 5 of the Act and Review of Environmental Factors (REF)

Part 2: Development Applications submitted by councillors or council staff

(3) Aim

This Part aims to manage potential conflicts of interest and increase transparency at all stages of the development process for councillor and council staff-related development to ensure:

- (1) impartial and comprehensive development assessment of development applications submitted by councillors or council staff (including any relatives); and
- (2) development applications in which councillors or council staff have a pecuniary or other interest are independently assessed, free of any influence or bias.

(4) Management controls and strategies

- (1) The management controls outlined in Clause 2 apply to development where the applicant or land owner is:
 - a) a councillor; or
 - b) a member of council staff who is principally involved in the exercise of council's functions under the Environmental Planning and Assessment Act 1979.
 - c) a member of council staff who is not involved in the exercise of council's functions under the Environmental Planning and Assessment Act 1979, however, public submissions are received by way of objection to the application.

including any relatives of the above.
- (2) Development applications for specified applications under this Part shall be managed as follows:
 - a) The assessment of an application and/or modification of an application must be undertaken by an Independent Town Planning Consultant.
 - b) The application be determined by the Hornsby Local Planning Panel in accordance with the Minister for Planning's Local Planning Panel Direction – Development Applications and Applications to Modify Development Consents under Section 9.1 of the Environmental Planning and Assessment Act, 1979 (unless excluded under the Minister's Direction).

- (3) Where an application and/or modification is made by a member of council staff (including any relatives); who is not involved in the exercise of council's functions under the Environmental Planning and Assessment Act 1979 and no public submissions are received by way of objection to the application, the application may be assessed by Council staff and the Manager Development Assessments or the Director Planning and Compliance may determine the application under delegated authority.

Part 3 Development Applications submitted by council

(5) Aim

This Part aims to manage potential conflicts of interest and increase transparency at all stages of the development process for council-related development.

(6) Management controls and strategies

(1) The following management controls apply to:

- a) the assessment of an application for council-related development (Development Application)
 - The assessment of an application and/or modification of an application must be undertaken by an Independent Town Planning Consultant.
- b) the determination of an application for council-related development
 - By the Hornsby Local Planning Panel in accordance with the Minister for Planning's Local Planning Panel Direction – Development Applications and Applications to Modify Development Consents under Section 9.1 of the Environmental Planning and Assessment Act, 1979 (unless excluded under the Minister's Direction)
 - Council applications with a Capital Investment Value (CIV) of more than \$5 million are required to be determined by the Regional Planning Panel in accordance with State Environmental Planning Policy (Planning Systems) 2021.
- c) the regulation and enforcement of approved council-related development
 - By a private certifier
- d) Council-related development applications must be exhibited for a minimum of 28 days to ensure transparency during the assessment process.

(2) The management strategy for the following kinds of development is that no management controls need to be applied:

- a) commercial fit outs and minor changes to the building façade;
- b) internal alterations or additions to buildings that are not a heritage item;
- c) advertising signage;
- d) minor building structures projecting from a building facade over public land (such as awnings, verandas, bay windows, flagpoles, pipes, and services); or
- e) development where the council might receive a small fee for the use of their land.

(7) Identifying whether a potential conflict of interest exists, assessment of level risk and determination of appropriate management controls

- (1) Development applications lodged with council that are council-related development are to be referred to the General Manager (or a delegate) for a conflict-of-interest risk assessment.

(2) The General Manager is to:

- a) assess whether the application is one in which a potential conflict of interest exists;
- b) identify the phase(s) of the development process at which the identified conflict of interest arises;
- c) assess the level of risk involved at each phase of the development process;
- d) determine what (if any) management controls should be implemented to address the identified conflict of interest (in each phase of the development process if necessary) having regard to any controls and strategies outlined in clause 6 of the policy and the outcome of the General Manager's assessment of the level of risk involved as set out clause 7(2)(c) of the policy,

Note: The general manager could determine that no management controls are necessary in the circumstances.

- e) the proposed management approach for the proposal in a statement that is to be published on the NSW Planning Portal.

(8) Implementation

To be implemented by Hornsby Shire Council.

(9) Declarations of Conflicts of Interest

Where a staff member, team within Council, or a Councillor, is party to a development application as applicant and/or land owner, the person(s) must advise their supervisor of their conflict of interest and ensure that this procedure and Council's Code of Conduct are adhered to. Declarations must be made when submitting an application via the NSW Planning Portal.

(10) Review

This policy must be reviewed within one year of the election of every new Council, or earlier should circumstances arise to warrant revision.



POLICY REGISTER

POLICY TITLE:	FERAL CAT POLICY	
FOLDER NUMBER:	F2007/00307	
POLICY OWNER / DIVISION:	Planning and Compliance	
POLICY OWNER / BRANCH:	Regulatory Services	
FUNCTION:	Animal Control	
RELEVANT LEGISLATION:	NSW Companion Animals Act 1998	
POLICY ADOPTION/AMENDMENT DATE:	13 August 2025	REPORT NUMBER: PC15/25
REVIEW YEAR:	2025	
AMENDMENT HISTORY:	11 November 2009	EN43/09
	17 July 2013	PL69/13
	9 December 2015	PL101/15
	13 August 2025	PC15/25
RELATED POLICIES:		

POLICY PURPOSE / OBJECTIVES:

1. To remove the requirement to impound and hold identified feral cats for the mandatory period.

POLICY STATEMENT:

1. Cats may be destroyed without a requirement to hold them for a period of seven days if they are identified by a qualified veterinarian as feral by:
 - Appearance
 - Behaviour that demonstrates they are not domesticated
 - Not being identified by a microchip and not having any other identification



POLICY REGISTER

POLICY TITLE: **POLICY – KEEPING OF ANIMALS**

FOLDER NUMBER: F2007/00307

POLICY OWNER / DIVISION: Planning and Compliance

POLICY OWNER / BRANCH: Regulatory Services

FUNCTION: Animal Control

RELEVANT LEGISLATION:

POLICY ADOPTION/AMENDMENT DATE: ~~13 August 2015~~ ~~2-September 2015~~ ~~18~~ **REPORT NUMBER:**
PC15/2524/18

REVIEW YEAR: 2025

AMENDMENT HISTORY: 18 February 1988 and including amendments as of 21 June 2000
14 July 2004 (Report PLN168/04)
3 May 2006 (Report PLN108/06)
17 July 2013 (Report PL69/13)
9 December 2015 (Report PL101/15)
~~13 August 2015 (Report PC15/25)~~

RELATED POLICIES:**POLICY PURPOSE / OBJECTIVES:**

To provide guidelines on the standards which may be considered by Council in assessing whether an Order may be issued under Section 124 of the Local Government Act 1993, or in assessing a development application under the Environmental Planning and Assessment Act 1979 for the keeping of animals.

POLICY STATEMENT:

1. The keeping of animals may be undertaken for commercial purposes and be classified as development involving the use of land as defined under the Environmental Planning and Assessment Act 1979 for which development consent is required to be obtained from Council before the use is commenced.
2. Where development consent is required, the provisions of this Policy are a guide as to matters considered by Council. However, each application is assessed on the merits of the application and the standards under the Policy may be varied.
3. Where a small number of animals are kept for non-commercial use, such as a family pet, supply of eggs for personal consumption, etc, approval by Council is generally not required. Notwithstanding,

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Date printed: 12 September 2018

in the event of complaints being received, Council is required to consider the validity of the complaint and whether an Order should be issued under Section 124 of the Local Government Act 1993 to prohibit or modify the keeping of the animal(s) concerned. In this situation, the standards under this Policy may be referred to as a guide.

4. This Policy consists of the following Parts:

- Part 1 - Keeping of poultry
- Part 2 - Keeping of horses
- Part 3 - Keeping of goats
- Part 4 - Keeping of pigs
- Part 5 - Erection of boarding and/or breeding kennels for dogs in rural areas

PART 1 - Minimum Standards and Conditions for the Keeping of Poultry**1. Dictionary**

For the purposes of this Part;

Fowl; means birds of the species *Gallus gallus*, commonly known as the domestic or barnyard hen or cock.

Poultry; means fowl, ducks, geese, turkey and the like.

Rooster; means the male of the bird species *Gallus gallus*.

2. Poultry not to be nuisance or health risk

Poultry must not be kept under such conditions as to create a nuisance or to be dangerous or injurious to health.

3. Poultry and fowls not to be kept near certain premises**Poultry**

- 3.1 Poultry, other than fowls, must not be kept within 30 metres of any dwelling, public hall, school or any premises used for the manufacture, preparation, sale or storage of food.

Fowls

- 3.2 Fowls of the species *Gallus gallus* or guinea fowls must not be kept within 4.5 metres (or such greater distance as the Council may determine in a particular case), of a dwelling, public hall, school or any premises used for the manufacture, preparation, sale or storage of food.

4. Enclosure of yard space

Poultry yards must be so enclosed as to prevent the escape of poultry.

5. Offensive odours

Poultry yards must at all times be kept clean and free from offensive odours.

6. Floor materials for poultry houses

The floors of poultry houses must be paved with concrete or mineral asphalt underneath the roosts or perches. However, this clause does not apply to poultry houses:

- 6.1 that are not within 15.2 metres of a dwelling, public hall or school; or
- 6.2 that are situated on clean sand.

7. Number of hens

Fowls must not be kept on premises in residential areas or closely settled areas in greater number than five (5) hens.

8. Roosters

The keeping of roosters is prohibited within or in close proximity to residential areas.

9. Rat proofing

The poultry yard and poultry houses are to be rat proofed.

10. Drainage

The poultry yard and poultry houses are to be properly graded and drained and positioned such that any faeces, rubbish or refuse is not washed or deposited onto or into any adjoining property, public place or watercourse.

11. Food materials

All poultry feed is to be kept in vermin and fly-proof containers with a tight fitting lid.

PART 2 - Minimum Standards and Conditions for the Keeping of Horses**12. Horses not to be kept near certain premises**

Horses must not be kept within 9 metres (or such greater distance as the Council may determine in a particular case) of a dwelling, school, shop, office, factory, workshop, church or other place of public worship, public hall or premises used for the manufacture, preparation, or storage of food.

13. Floor materials of stables

The floors of stables must be paved with concrete or mineral asphalt or other equally impervious material, and must be properly graded to drain.

14. Enclosure of yard space

Horse yards must be so enclosed as to prevent the escape of horses and prevent them from coming within the distance prescribed by or under clause 12 above from any building listed in such clause.

15. Drainage

The stables and horse yards are to be so sited, constructed and drained as to prevent manure and refuse arising therefrom, being washed or deposited onto or into any adjoining property, public place or watercourse.

16. Erection of stables

Prior to the erection of any stable, a development application is to be lodged and approved by Council and a construction certificate issued.

17. Provision of manure and refuse bin

The occupier, or if unoccupied the owner, of any premises which contain any stable or horse yard shall provide a box or bin impervious to moisture and flies for the reception of all manure or refuse in such stable or horse yard.

The occupier or owner must cause such stable or horse yard to be cleansed daily.

18. Use of manure and refuse bin

The occupier, or if unoccupied the owner, of any premises which contain any stable or horse yard shall cause all manure or other refuse, if not removed immediately to be placed in the a box or bin required to be provided under clause 17, and shall cause the box or bin to be kept covered, and to be emptied and cleansed once at least in every week, and more often if the Council shall so require and shall not at any time allow such box or bin to become a nuisance.

PART 3 - Minimum Standards and Conditions for the Keeping of Goats**19. Goats not to be nuisance or health risk**

Goats must not be kept under such conditions or in such a manner as to create a nuisance or to be dangerous or injurious to health.

20. Goats not to be kept near certain premises

Goats must not be kept within 45 metres (or such greater distance as the Council may determine in a particular case) of any dwelling, public hall or school or any premises used for the manufacture, preparation, or storage of food.

21. Number of goats to be kept

Goats shall not be kept on premises in greater number than one per 93 square metres of available yard space

22. Floor materials for goat sheds

The floors of goats sheds must be paved with concrete, mineral asphalt or other equally impervious material, and must be properly graded to drain.

23. Water supply

An adequate water supply shall be provided to the goat shed and such shed shall be cleansed and hosed down daily.

24. Enclosure of yard space

The goat yard must be so enclosed as to prevent the escape of goats.

PART 4 - Minimum Standards and Conditions for the Keeping of Pigs**25. ~~Development consent~~Maximum number of pigsPurpose for the keeping of pigs**

~~Premises must not be used for the keeping of pigs~~ ~~Pigs are generally not permitted unless development consent has been issued associated with a rural and agricultural related land use~~ under the provisions of the Environmental Planning and Assessment Act 1979.

26. Erection of buildings and sheds

Prior to the erection of any building or shed ~~to contain pigs~~, a development application ~~should~~is-to be lodged and approved by Council and a construction certificate issued.

27. Structural standards

The minimum structural requirements shall be:-

- 27.1** Pigs shall be kept in enclosed pens and yards provided with a pig-proof fence. Such fences shall be situated at least 6 metres from the side and rear boundaries of the land and the area outside the fences shall be planted with trees and shrubs to effectively screen the pens and yards. Such trees and shrubs shall be maintained by the occupier.
- 27.2** The floors of pens shall be constructed of concrete, unless there is a depth of at least 300mm of clean shavings, litter or the like.
- 27.3** The walls of the pens shall be constructed of brick, stone, or concrete, provided that the use of timber or galvanised iron walls on top of brick walls one metre high (cement rendered) will be permitted. Divisional walls within a shed may be of steel mesh, set at least 50mm above the floor.
- 27.4** The roof shall be constructed of galvanised iron, fibre cement or other approved Council material.
- 27.5** New materials only may be used in the construction of pens and sheds.
- 27.6** All roofs shall be fitted with guttering and downpipes discharging into an approved drainage system.
- 27.7** An adequate water supply shall be available.
- 27.8** All drainage of effluent arising from the premises shall be disposed of without nuisance in a Council approved manner.

28. Pigs not to be kept near certain premises

Pigs must not be kept (and pigs' dung must not be deposited) ~~in residential areas~~ within 60 metres (or such greater distance as the Council may determine in a particular case) of a dwelling, shop, office, factory, church or other place of public worship, workshop, school or public place in a village or other urban part of the Shire.

29. Removal of dung

All dung shall be removed from the pens daily and disposed of without nuisance in a Council approved manner.

30. Putrescible matter prohibited

No putrescible matter shall be brought onto the premises and pigs are to be fed on approved dry feed only which is to be kept and stored in vermin and fly proof containers.

31. Feeding troughs

All materials for the feeding of stock shall be deposited in troughs only. Feeding troughs shall be constructed of impervious material.

32. Repair and cleaning

All premises, utensils, appliances and tools shall be kept in good repair and in a clean and sanitary condition at all times.

33. Not to pollute

- 33.1** Pigs must not be kept in such a place that is within 100m of a natural watercourse, or a manner as to pollute any waters, or likely to pollute waters, supplied for use (or

used, or likely to be used):

(a) by a person for drinking or domestic purposes, or

(b) in a dairy.

- 33.2** Pig's dung must not be washed or deposited in such a place or manner as to pollute any water referred to in clause 33.1.

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PART 5 - Minimum Standards and Conditions for the Erection of Boarding and/or Breeding Kennels for Dogs in Rural Areas**34. Development consent**

Premises must not be used for the boarding and/or breeding of dogs and no boarding and/or breeding kennels erected unless development consent has been issued under the provisions of the Environmental Planning and Assessment Act 1979 and a construction certificate issued for the erection of any boarding and/or breeding kennels.

35. Construction and sound proofing of buildings

Any building used for the housing of dogs is to be soundly constructed and sound-proofed to prevent any noise nuisance from barking dogs. Noise levels emitted from the premises are not to exceed 5dB(A) above existing background levels.

36. Floor material of kennels

The floor of the kennels is to be constructed of concrete and to be properly drained to Council's satisfaction.

37. Distance of kennels from residences and occupancies

No kennels are to be erected within 100 metres of any adjoining residence or occupancy.

38. Number of dogs to be accommodated

Dogs are to be limited in number according to the location of the proposed kennels.

39. Exercising of dogs

Dogs are to be exercised under supervision.

40. Acoustical compliance

The occupation of the kennels will not be permitted until Council is furnished with a certificate from an Acoustic Engineer that the building complies with Council's sound-proofing requirements.

41. Storage and preparation of food

All feed is to be stored and prepared in a properly constructed building capable of being easily cleansed, maintained and kept free of vermin.

42. Confinement of dogs

Dogs shall at all times be kept within the confines of the kennels and exercise yards except during their receipt or release.

43. Storage and disposal of excrement

All excremental waste and loose hair, if not removed immediately, is to be collected in an impervious fly-proof container which is to be emptied and cleansed at least once in every seven consecutive days.

All such wastes shall be deposited at a Council agreed waste disposal depot and shall not be incinerated or buried on the premises.

44. Drainage

The kennel drainage system shall be constructed so as to ensure the collection of all waste water which shall then be transported through earthenware or plastic pipe to a suitable arrestor pit thence to a properly constructed absorption drain. Details of all proposed drainage is to be submitted and approved by Council.

Note: All dogs kept on the premises should be identified and registered in accordance with the requirements of the Companion Animals Act 1998.

ATTACHMENT 4 - ITEM 6



POLICY REGISTER

POLICY TITLE:	PROPERTY NUMBERING	
FOLDER NUMBER:	F2007/00307	
POLICY OWNER / DIVISION:	Planning and Compliance	
POLICY OWNER / BRANCH:	Regulatory Services	
FUNCTION:	Development	
RELEVANT LEGISLATION:	Roads Act 1993 Local Government Act 1993	
POLICY ADOPTION/AMENDMENT DATE:	13 August 2025	REPORT NUMBER: PC15/25
REVIEW YEAR:	2025	
AMENDMENT HISTORY:	3 August 2011	PLN44/11
	17 July 2013	PL69/13
	9 December 2015	PL101/15
	13 AUGUST 2025	PC15/25
RELATED POLICIES:	Nil	

POLICY PURPOSE / OBJECTIVES:**PURPOSE**

To provide guidelines for the numbering of properties within Hornsby Shire in accordance with part 5 of the Australian/New Zealand Standard AS/NZS 4819:2011 – Rural and urban addressing.

OBJECTIVES

1. To facilitate the identification of properties in the Hornsby Shire by using a system of street numbering that is consistent, clear, logical and unambiguous.
2. To assist drivers of emergency vehicles, Australia Post and the general public to establish the location of individual properties.
3. To be open and consistent regarding decisions concerning change of address.

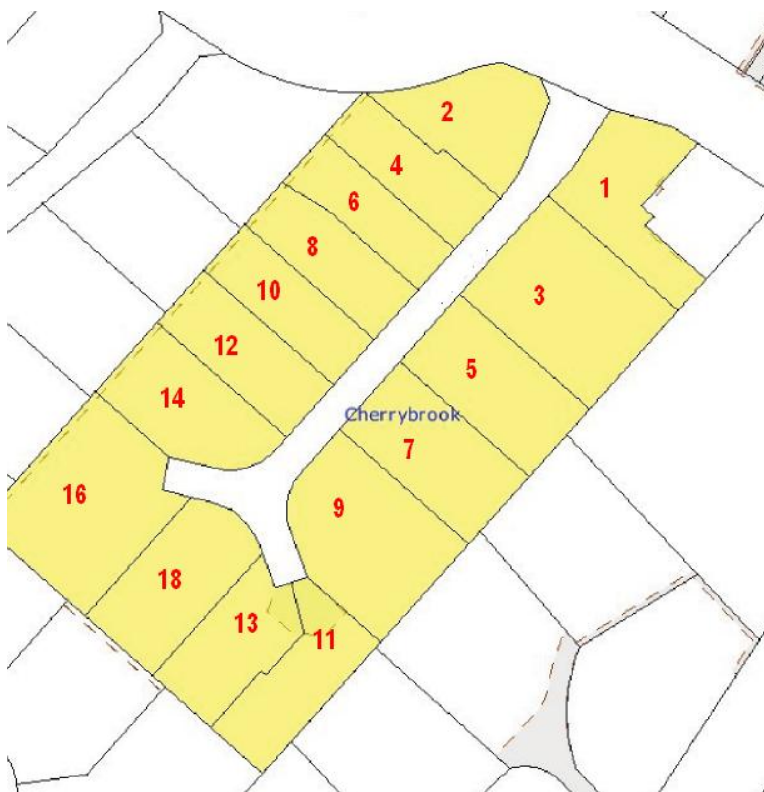
POLICY STATEMENT:

Councils have a responsibility to regulate the allocation of street address numbers. Street numbering is a regulatory function of Council under Section 162(1) Roads Act 1993. As the need arises, there is provision under Section 124 (Order No. 8) of the Local Government Act 1993, to order an owner or occupier of land to identify the premises with a marking that can be readily seen and understood from the road.

1. All properties in a street will be allocated a unique street number.
2. Numbering always starts at the beginning of the street.
3. The beginning of the street is defined as that end of the street closest to a main road. If the street begins and ends at a main road, the beginning of the street will be that end closest to the Post Office responsible for delivering mail.
4. Standing at the beginning of the street, looking up the street, even numbers will be allocated along the right hand side of the street commencing at the number two. Odd numbers will commence at the number one and be allocated along the left hand side of the street.
5. Lots fronting two streets or corner lots should be allocated a number to both streets. The unused number will become an *alternate address*.
6. In a street with existing numbers, the new number should fit into the existing sequence.
7. In the case of a Torrens Title subdivision where there is no whole number available, the property will take the number from the parent property with the prefix 'A', 'B' etc. The general rule is the front property will retain the original number and the block accessed by the access handle has the 'A' etc. If the existing dwelling is on the rear parcel, a request can be submitted to retain the original number.



8. The use of alphabetical prefixes is not permissible in allocating street numbers. Alphabetical suffixes will only be used where there is no reasonable alternative. An alphabetical suffix e.g. 'A' will not be allocated where a whole number is available.
9. Council will only consider altering an address of a property if there are difficulties associated with its identification and location. If a corner property is allocated an address but the driveway and letterbox is facing the adjacent street, an application can be made to change to the alternate address. A site inspection will be carried out and administration fees will be applicable.
10. A wide range of cultures have an aversion to different numbers. If Council obliged requests for different property numbering based on cultural preferences, this would over time have an adverse impact on the legibility of property numbering throughout the Shire. Accordingly, Council will maintain a sequential numbering system where all numbers are used and not accede to requests for a change in street numbering based on race, superstition, creed, religious or cultural beliefs. Buyers should be aware that when purchasing a property, Council will not place any weight upon these types of considerations in determining any request to alter street numbering.
11. All costs associated with the change of address remain the responsibility of the owner. This includes the replacement and/or relocation of letterboxes, alterations to numbers on buildings, notifications to government agencies, business contacts, friends and acquaintances etc., as well as alterations to business and personal stationery.
12. To ensure efficient postal delivery, Australia Post delivery criteria must be met. Further enquiries may be made at Australia Post's Customer Contact Centre on 13 76 78 for recommended postal address and letterbox information.
13. All requests for altered street numbering must be in writing and signed by the owner(s).
14. In the case of a private accessway, odd numbers will commence on the left hand side, even numbers on the right. Any blocks at the end of the cul-de-sac would be addressed having regard to the driveway access, either on the right hand or left hand side of the block.



ATTACHMENT 5 - ITEM 6

15. Unit Numbering (Strata Units)

- a) Unit numbers must correspond with the strata lot numbers, for example unit 1 would be lot 1 in a strata scheme. For example:

A block of units at 22 Smith Street, Hornsby;

Lot Number	Unit Number	Street Address
1	1	1/22 Smith Street Hornsby
2	2	2/22 Smith Street Hornsby
3	3	3/22 Smith Street Hornsby

- b) The authorised numbers are required to be displayed in a clear manner at or near the main entrance to each premise.
- c) No alpha prefixes, suffixes or letters in strata unit numbering will be accepted (ie. no unit B1 or 1B etc.).
- d) A schedule of the unit numbers and the corresponding strata numbers must accompany the application for a Strata Certificate when lodged with Council.
- e) Letter boxes must be provided in accordance with Australia Post's requirements. Details can be found at www.auspost.com.au. A separate letterbox must be provided for the Body Corporate.



POLICY REGISTER

POLICY TITLE: SMOKE FREE ENVIRONMENT

FOLDER NUMBER: F2007/00307

POLICY OWNER / DIVISION: Planning and Compliance

POLICY OWNER / BRANCH: Regulatory Services

FUNCTION: Environment

RELEVANT LEGISLATION:

POLICY ADOPTION/AMENDMENT DATE: 13 AUGUST 2025 **REPORT NUMBER:** PC15/25

REVIEW YEAR: 2025

AMENDMENT HISTORY:
 9 July 2008 (Report No. EN33/08)
 17 July 2013 (Report No. PL69/13)
 12 September 2018 (Report No. PL24/18)
 13 August 2025 (Report PC15/25)

RELATED POLICIES:

POLICY PURPOSE / OBJECTIVES:

The objectives of Council in banning smoking in various areas are to:

- Improve the health of community members
- Improve public amenity and maintenance of Council property
- Raise community awareness of the issues associated with smoking
- Provide community leadership in taking measures to protect the health and social wellbeing of the community
- Minimise cigarette butt pollution on Council owned beaches, waterways, parks and other open space areas.

POLICY STATEMENT:

Principles

This Policy recognises that Council has:

- An obligation to promote public health outcomes where Council provides assets and services intended to be of benefit to children and other members of the community
 - A commitment to improve the natural environment and the amenity of the local area by reducing the amount of cigarette butt litter found in outdoor spaces
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- An understanding that the damaging effects of passive smoking while well documented in regard to indoor areas, is also beginning to emerge in regard to outdoor areas
- An acknowledgement that the indirect effects of people smoking in an outdoor area can result in children playing with and swallowing discarded cigarette butts; cigarette-derived particles accumulating on clothing and skin; and smoking causing sensory irritations such as eye watering, coughing, difficulty in breathing or asthma.

Legislation

Under the *NSW Local Government Act 1993* Council has the power to:

- Erect suitably worded and strategically placed notices in "public places" (such places including but not limited to public reserves, Crown reserves, public bathing reserves, public baths, public swimming pools, public parks and public roads) within the local government area of [locality] prohibiting smoking (see, relevantly, s.632 (1) and (2)(e) of the Act)
- Serve, by means of an authorised person, a penalty notice (Penalty: \$110.00) upon any person who fails to comply with the terms of any such notice (see, relevantly, s.679 of the Act and cl.5-7 of, and Schedule 1 to, the General Regulation)
- Demand, by means of an authorised person, the name and address of any person reasonably suspected of failing to comply with the terms of any such notice (see, relevantly, s.680 of the Act)
- Remove, by means of an authorised person, from community land any person who fails to comply with the terms of any such notice (see, relevantly, s.681 of the Act)
- Otherwise prohibit smoking in any place within the local government area of (name), in respect of which Council is the owner or occupier, as a condition of entry to that place.

Areas Covered by the Policy

This Policy includes banning smoking in the following areas on Council land:

- Within 10 (ten) metres of all children's playground equipment
- On all Council playing fields, sporting grounds and sporting facilities (ie swimming pools, outdoor sports centres)
- At all events run or sponsored by Council
- In Council's pedestrian malls / plazas with the exception of alfresco dining areas on public land
- Within ten (10) metres of Council owned or managed buildings including balconies or covered areas of those buildings
- On all beaches
- In all bushland parks and reserves
- Within all covered bus stops and taxi ranks
- Within Council car parks
- Any leases, licences or other estates that apply to Council owned or managed lands and properties

Signage

Council open space areas will be signposted, wherever practicable, to provide smoke-free zones.

Signs will be installed in prominent places in the open space areas listed above.

Leases, Licences and Other Council Agreements

Council buildings and outdoor dining areas that are leased, licensed or hired by Council will have smoke-free clauses inserted into their agreements for use.

Enforcement of Ban

In implementing Council's Smoke-Free Environment Policy a program of community education and awareness, specifically targeting residents and day visitors, is to be undertaken.

Enforcement of this policy will be supported by persuasion, self-policing and punitive enforcement.