



BUSINESS PAPER

GENERAL MEETING

**Wednesday 10 December 2025
at 6:30 PM**



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AGENDA AND SUMMARY OF RECOMMENDATIONS

ACKNOWLEDGEMENT OF COUNTRY

Statement by the Chairperson:

"Council recognises the Traditional Owners of the lands of Hornsby Shire, the Darug and GuriNgai peoples, and pays respect to their Ancestors and Elders past and present and to their Heritage. We acknowledge and uphold their intrinsic connections and continuing relationships to Country."

PRESENT

NATIONAL ANTHEM

OPENING PRAYER/S

ACKNOWLEDGEMENT OF RELIGIOUS DIVERSITY

Statement by the Chairperson:

"We recognise our Shire's rich cultural and religious diversity and we acknowledge and pay respect to the beliefs of all members of our community, regardless of creed or faith."

VIDEO AND AUDIO RECORDING OF COUNCIL MEETING

Statement by the Chairperson:

"I advise all present that tonight's meeting is being video streamed live via Council's website and also audio recorded for the purposes of providing a record of public comment at the meeting, supporting the democratic process, broadening knowledge and participation in community affairs, and demonstrating Council's commitment to openness and accountability. The audio and video recordings of the non-confidential parts of the meeting will be made available on Council's website once the Minutes have been finalised. All speakers are requested to ensure their comments are relevant to the issue at hand and to refrain from making personal comments or criticisms. No other persons are permitted to record the Meeting, unless specifically authorised by Council to do so."

APOLOGIES / LEAVE OF ABSENCE

POLITICAL DONATIONS DISCLOSURE

Statement by the Chairperson:

"In accordance with Section 10.4 of the Environmental Planning and Assessment Act 1979, any person or organisation who has made a relevant planning application or a submission in respect of a relevant planning application which is on tonight's agenda, and who has made a reportable political donation or gift to a Councillor or employee of the Council, must make a Political Donations Disclosure Statement."

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

DECLARATIONS OF INTEREST

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

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

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

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

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

CONFIRMATION OF MINUTES

THAT the Minutes of the General Meeting held on 12 November, 2025 be confirmed; a copy having been distributed to all Councillors.

PETITIONS**PRESENTATIONS****RESCISSION MOTIONS****MAYORAL MINUTES****ITEMS PASSED BY EXCEPTION / CALL FOR SPEAKERS ON AGENDA ITEMS***Note:*

Persons wishing to address Council on matters which are on the Agenda are permitted to speak, prior to the item being discussed, and their names will be recorded in the Minutes in respect of that particular item.

*Persons wishing to address Council on **non agenda matters**, are permitted to speak after all items on the agenda in respect of which there is a speaker from the public have been finalised by Council. Their names will be recorded in the Minutes under the heading "Public Forum for Non Agenda Items".*

GENERAL BUSINESS

- *Items for which there is a Public Forum Speaker*
- *Public Forum for non agenda items*
- *Balance of General Business items*

OFFICE OF THE GENERAL MANAGER**Page Number 1****Item 1 GM58/25 CODE OF CONDUCT COMPLAINTS - ANNUAL REPORT****RECOMMENDATION**

THAT the contents of General Manager's Report No. GM58/25 be received and noted.

CORPORATE SUPPORT DIVISION**Page Number 4****Item 2 CS66/25 COUNCIL'S CODE OF MEETING PRACTICE - ADOPTION FOLLOWING
PUBLIC EXHIBITION**

RECOMMENDATION

THAT:

1. The contents of Director's Report No. CS66/25 be received and noted.
2. Public Forum Meetings be held on the same evening as the Council Meetings, commencing at 5:30pm with attendance to include online and in person.
3. The commencement of Council Meetings be 7:00pm to allow for Public Forum Meetings.
4. Subject to the inclusion of clauses 3.10(a), 3.10(b), 4.4(a), 4.4(b), 9.7(a), 10.7(a) and additional Point to Clause 2.1 as proposed in Director's Report No. CS66/25, the Code of Meeting Practice Attached, be adopted and its provisions apply from 1 January 2026.

Page Number 10**Item 3 CS67/25 INVESTMENTS AND BORROWINGS FOR 2025/2026 - STATUS FOR THE PERIOD ENDING 31 OCTOBER 2025****RECOMMENDATION**

THAT the contents of Director's Report No. CS67/25 be received and noted.

COMMUNITY AND ENVIRONMENT DIVISION

Nil

PLANNING AND COMPLIANCE DIVISION**Page Number 13****Item 4 PC19/25 CHERRYBROOK PRECINCT STATE-LED REZONING PROPOSAL****RECOMMENDATION**

THAT the submission regarding the Cherrybrook state-led rezoning proposal attached to Director's Report No. PC19/25 be forwarded to the Department of Planning, Housing and Infrastructure in response to the exhibition to advocate for detailed analysis of issues, refinement of the proposed yield and provision for adequate infrastructure to support the Cherrybrook Precinct prior to implementation.

INFRASTRUCTURE AND MAJOR PROJECTS DIVISION

Nil

CONFIDENTIAL ITEMS**Item 5 IM6/25 RFT17/2025 - GALSTON VILLAGE PUBLIC DOMAIN UPGRADE**

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

Item 6 IM8/25 RFT26/2025 - OMV FOP CIVIL LANDSCAPE AND FIELD OF PLAY

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

Item 7 CS69/25 ACQUISITION BY AGREEMENT - EASEMENT GALSTON

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

Item 8 CS70/25 ACQUISITION BY AGREEMENT - EASEMENT GALSTON

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

Item 9 CS73/25 ACQUISITION BY AGREEMENT - EASEMENT GALSTON

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

Item 10 CS74/25 ACQUISITION BY AGREEMENT - EASEMENT GALSTON

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

Item 11 CS75/25 ACQUISITION BY AGREEMENT - EASEMENT GALSTON

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

Item 12 CS76/25 ACQUISITION BY AGREEMENT - EASEMENT GALSTON

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

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

Page Number 27

Item 13 MN11/25 MAYOR'S NOTES 01.11.2025 - 30.11.2025**NOTICES OF MOTION**

Page Number 29

Item 14 NOM10/25 DEVELOPMENT OF COMMUNITY GARDENS POLICY AND PROGRAM**COUNCILLOR MCINTOSH TO MOVE**

That Council:

1. Acknowledges the importance and value of the existing community gardens in our Shire, and the potential benefits that enhancing existing, and developing new and additional community gardens, would bring our community.
2. Recognises the policy, guidelines and program gap that currently exists to facilitate the establishment and support of community gardens within our community.
3. Holds a Councillor strategy session to discuss:
 - a) The process of developing a draft community gardens policy, guidelines and support program.
 - b) Undertaking research, consultation and collaboration with relevant stakeholders and the community, Community Gardens Australia and other councils with existing

community gardens programs, to identify community needs and requirements and best practice community garden arrangements that might be incorporated into a draft policy

- c) The minimum infrastructure levels that might be required to support Community Gardens including water, amenities such as access to toilet facilities, etc taking into account capital and recurrent costs.
4. Includes discussion of the opportunities for verge / nature strip gardening and the policy considerations needed to be addressed such as maintenance, access issues and sightlines / community safety in order to respond to resident enquiries.

SUPPLEMENTARY AGENDA

MATTERS OF URGENCY

1 CODE OF CONDUCT COMPLAINTS - ANNUAL REPORT

EXECUTIVE SUMMARY

- Clause 11.1 of Council's Procedures for the Administration of the Code of Conduct requires the Complaints Coordinator to report annually to Council on Code of Conduct complaints made about Councillors and/or the General Manager.
- Three (3) Code of Conduct complaints were received about Councillors and/or the General Manager in the year to 30 September 2025. All complaints were finalised by the independent conduct reviewer's at the Preliminary Assessment stage and did not progress to investigation.

RECOMMENDATION

THAT the contents of General Manager's Report No. GM58/25 be received and noted.

PURPOSE

The purpose of this Report is to meet the requirements of Council's Procedures for the Administration of the Code of Conduct (Procedures) in respect of the receipt of Code of Conduct complaints during the period 1 October 2024 to 30 September 2025.

BACKGROUND

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

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

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

DISCUSSION

There were three (3) Code of Conduct complaints made against Councillors and/or the General Manager in the period from 1 October 2024 to 30 September 2025. Statistics in relation to this matter, as required by the Office of Local Government, are shown in the summary table below.

Total number of code of conduct complaints made about Councillors and/or the General Manager under the code of conduct in the year to September (the reporting period).	3
Number of code of conduct complaints referred to a conduct reviewer during the reporting period.	3
Number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage during the reporting period and the outcome of those complaints.	3
Outcome – Take no action.	2
Outcome – Resolve the complaint by alternative and appropriate strategies (informal discussion).	1
Number of code of conduct complaints investigated by a conduct reviewer during the reporting period.	0

Without identifying particular matters, the outcome of investigations completed under these procedures during the reporting period.	0
Number of matters reviewed by the Office of Local Government (OLG) during the reporting period and, without identifying particular matters, the outcome of the reviews.	0
Total cost of dealing with code of conduct complaints made about Councillors and the General Manager during the reporting period, including staff costs.	\$9,700.00 (excl GST)

ITEM 1**BUDGET**

There are no budgetary implications associated with this Report.

POLICY

There are no policy implications associated with this Report.

CONCLUSION

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

RESPONSIBLE OFFICER

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

GLEN MAGUS

Acting General Manager

General Manager Division

Attachments:

There are no attachments for this report.

File Reference: F2005/00156

Document Number: D09254683

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

EXECUTIVE SUMMARY

- At its 8 October 2025 General Meeting, Council considered Director's Report No. CS53/25 and adopted a draft Code of Meeting Practice for the purpose of public exhibition.
- In line with the requirements of the Local Government Act, the public exhibition of the draft Code was for a period of 28 days with a period of 42 days allowed for the lodgement of submissions by members of the public.
- At the close of the public exhibition and submission lodgement period, 17 submissions had been received.
- Submissions received have requested additional clauses to identify funding sources when Motions, Amendments, Notice of Motions and Mayoral Minutes are moved; Public Forums be held and that Councillors make reasonable efforts to attend, or submit an apology; amendment to clause 2.1 to include Respectful.
- Subject to the above, it is recommended that Council adopt the final draft Code as attached, as its new Code of Meeting Practice and that the provisions of the new Code apply from 1 January 2026.

RECOMMENDATION

THAT:

1. The contents of Director's Report No. CS66/25 be received and noted.
2. Public Forum Meetings be held on the same evening as the Council Meetings, commencing at 5:30pm with attendance to include online and in person.
3. The commencement of Council Meetings be 7:00pm to allow for Public Forum Meetings.
4. Subject to the inclusion of clauses 3.10(a), 3.10(b), 4.4(a), 4.4(b), 9.7(a), 10.7(a) and additional Point to Clause 2.1 as proposed in Director's Report No. CS66/25, the Code of Meeting Practice Attached, be adopted and its provisions apply from 1 January 2026.

PURPOSE

The purpose of this Report is to provide the opportunity for Council to adopt a new Code of Meeting Practice to apply from 1 January 2026 as required under the Office of Local Governments (OLG) updated 2025 Model Code of Meeting Practice (MCMP).

BACKGROUND

The OLG has reviewed the MCMP following extensive consultation with the local Government sector, the 2025 version of the MCMP has now been prescribed under the Local Government General Regulations and Councils are required to adopt a revised code of meeting practice that incorporates the mandatory provisions of the 2025 MCMP no later than 31 December 2025.

Council officers have developed a draft Code of Meeting Practice which incorporates the mandatory (and some of the non-mandatory) provisions of the MCMP prescribed in August 2025 as well as some supplementary provisions from Council's existing Code which are considered to be relevant and represent good practice.

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

Council considered Director's Report No. CS53/25 – Review of Council's Code of Meeting Practice – at its 8 October 2025 General Meeting and resolved that:

THAT:

- 1. Council adopt the draft Code of Meeting Practice attached to Director's Report No. CS53/25 for the purpose of public exhibition.*
- 2. The public exhibition be for a period of 28 days, with a period of 42 days allowed for the lodgement of submissions by members of the public.*
- 3. Following the conclusion of the public exhibition period, a further report be submitted for Council's consideration which details any submissions received and proposes the adoption of a final Code of Meeting Practice.*

The following timetable has since been followed to ensure that Council is in a position to adopt an updated Code of Meeting Practice at the 10 December 2025 General Meeting:

Thursday 9 October 2025	Commencement of public exhibition period for draft Code
Thursday 20 November 2025	End of period for public to make submissions on draft Code

DISCUSSION

Following Council's adoption of a draft Code of Meeting Practice at its 8 October 2025 General Meeting, the draft Code was placed on public exhibition in line with the requirements of the Local Government Act. At the conclusion of the public exhibition period, 17 submissions have been received. The table below summaries the submissions and identifies Councils action.

Summary of Submissions Received		
Clause	Number of submissions	Action
2.1- Retain Retain the wording Respectful	3	Additional point added to clause 2.1 Respectful
3.12 – Retain Notice of Motion has legal, strategic, financial or policy implications, the General Manager may prepare a report in relation to the Notice of Motion	4	Included as 3.10(a)
3.13 – Retain Identify funding source for NOMs requiring expenditure	3	Included as clause 3.10(b)
3.31 Support Prohibition of Pre-Meeting briefing sessions – No other names to be used	5	No Pre-Meeting briefings on business listed on the Agenda will be held.
Request New Clause 4.4(a) Reasonable efforts to attend Public Forum Meetings	6	Included as clause 4.4(a)
Request New Clause 4.4(b) Submit an apology and provide grounds if unable to attend Public Forum and leave of absence required.	5	Included as clause 4.4(b) Requiring submission of an apology, a leave of absence not required as no decisions are made at public forum meetings.
4.7 Request for Public Forum to be held on meeting nights. Speaker list to be published	12	Recommend Public Forum Meetings be held on the same night as Council Meetings, commencing at 5:30pm however prior and separate to the General Meeting as per mandatory provisions. Online participation for Councillors and Speakers recommended.
4.7 Request for Public forum to be held on an evening prior to the Council Meeting	1	Recommend Public Forum Meetings be held on the same night as Council Meetings, commencing at 5:30pm.
4.7	1	Public forum requirements have not been

No reduction of time for Public Speakers – remain at 3 minutes		amended remains as current practice.
4.5(a) – No limit on the number of public speakers	4	Public forum requirements have not been amended and remain as current practice. The Chairperson can allow additional speakers as current practice.
9.10 – Retain Identify funding source for Mayoral Minutes requiring expenditure	3	Included as clause 9.7(a)
10.9 – Retain Identify funding source for Motions or Amendments requiring expenditure	3	Included as clause 10.7(a)
Retain clause 13.8 The Council must not resolve to adopt any item of business under Clause 13.1 for which a public speaker has indicated an intention to speak	3	Not required as no public forum speakers are at Council meetings.
Additional Clause 16.1 Requests recording details in the minutes regarding management of the declaration of conflict of interests	3	Declarations of interests are recorded in Minutes and managed in accordance with the Councillor Code of Conduct as current practice.

At the Council Meeting on 8 October 2025, Councillors expressed concerns regarding the removal of the term “Respectful” from clause 2.1 and the deletion of clauses 3.12, 3.13, 9.10, and 10.9, which relate to identifying funding sources when a Motion, Amendment, Notice of Motion, or Mayoral Minute is raised.

In response to feedback from Councillors and the community, the following clauses have been reinstated in the attached Code of Meeting Practice:

Additional Point Adopted by Council

2.1 *Respectful:* Councillors, staff and Meeting attendees treat each other with respect.

Additional Clauses Adopted by Council

3.10(a) If the General Manager considers that a Notice of Motion submitted by a councillor for consideration at an ordinary Meeting of Council has legal, strategic, financial or policy implications which should be taken into consideration by the Meeting, the General Manager may prepare a report in relation to the Notice of Motion for inclusion with the business papers for the Meeting at which the Notice of Motion is to be considered by Council.

3.10(b) A Notice of Motion for the expenditure of funds on works and/or services other than those already provided for in Council’s current adopted operational plan must identify the source of

funding for the expenditure that is the subject of the Notice of Motion. If the Notice of Motion does not identify a funding source, the General Manager must either:

- i. prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the Meeting at which the Notice of Motion is to be considered by Council, or
- ii. by written notice sent to all Councillors with the business papers for the Meeting for which the Notice of Motion has been submitted, defer consideration of the matter by Council to such a date specified in the notice, pending the preparation of such a report.

4.4(a) All Councillors must make reasonable efforts to attend Public Forum Meetings either in person or by audio-visual link.

4.4(b) Where a councillor is unable to attend one or more Public Forum Meetings, the councillor should submit an apology, if practicable, identify (by date) the Meetings from which the councillor intends to be absent and the grounds which caused the absence.

9.7(a) Where a mayoral minute makes a recommendation which, if adopted, would require the expenditure of funds on works and/or services other than those already provided for in Council's current adopted operational plan, it must identify the source of funding for the expenditure that is the subject of the recommendation. If the mayoral minute does not identify a funding source, Council must defer consideration of the matter, pending a report from the General Manager on the availability of funds for implementing the recommendation if adopted.

10.7(a) A motion or an amendment to a motion which if passed would require the expenditure of funds on works and/or services other than those already provided for in Council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the motion. If the motion does not identify a funding source, Council must defer consideration of the matter, pending a report from the General Manager on the availability of funds for implementing the motion if adopted.

There is substantial support from both Councillors and the community for the continuation of a Public Forum to facilitate input on both agenda and non-agenda matters. Community submissions indicate a clear preference for the Public Forum to be convened on the same evening as the Council Meeting, immediately preceding it.

It is recommended that the Public Forum be scheduled on the same evening as the Council Meeting, commencing at 5:30 pm.

The attached Code of Meeting Practice prescribes existing requirements for Public Forum addresses, which would apply to future forums. To maximise accessibility and engagement, it is further recommended that participation be available in both online and in-person formats for Councillors and members of the public.

In accordance with the Model Code, all Public Forums must be livestreamed. As the Public Forum is to be held directly prior to the Council Meeting, an interval will be required between the two meetings to enable livestream transition, it is therefore also recommended that the commencement of the Council Meeting be 7:00pm to adequately allow for the Public Forum Meeting and the transition between livestreams.

CONSULTATION

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

BUDGET

There are no budgetary implications associated with this Report.

POLICY

It is proposed that the new Code of Meeting Practice will become a policy document of Council and will apply from the 1 January 2026.

CONCLUSION

The draft Code of Meeting Practice was publicly exhibited in accordance with the requirements of the Local Government Act. During the exhibition period, 17 submissions were received, requesting a minor amendment to clause 2.1 and the inclusion of additional clauses 3.10(a), 3.10(b), 4.4(a), 4.4(b), 9.7(a), and 10.7(a). These clauses relate to the identification of funding sources for Motions, Amendments, Notices of Motion, and Mayoral Minutes.

Support for Public Forum Meetings to be held immediately prior to the Council Meeting, commencing at 5:30 pm, is also recommended, together with a change to the start time of Council Meetings to 7:00 pm.

It is considered appropriate that these amendments be incorporated and that the Code of Meeting Practice be adopted, effective from 1 January 2026.

RESPONSIBLE OFFICER

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

STEPHEN COLBURT
Manager, Governance and Customer Service
Corporate Support Division

NICOLA DORMAN
Acting Director Corporate Support
Corporate Support Division

Attachments:

1.  Code of Meeting Practice for Adoption

File Reference: F2004/07032
Document Number: D09256693

3 INVESTMENTS AND BORROWINGS FOR 2025/2026 - STATUS FOR THE PERIOD ENDING 31 OCTOBER 2025

EXECUTIVE SUMMARY

- This Report provides details of Council's investment performance for the period ending 31 October 2025 as well as the extent of its borrowings at the end of the same period.
- Council invests funds that are not, for the time being, required for any other purpose. The investments must be made in accordance with relevant legislative requirements and Council's policies, and the Chief Financial Officer must report monthly to Council on the details of funds invested.
- All of Council's investments have been made in accordance with the requirements of the Local Government Act, the Local Government (General) Regulation and Council's Investment of Surplus Funds Policy and Investment Strategy.
- In respect of Council's cash and term deposit investments, the portfolio achieved an annualised return for October 2025 of 5.01% which includes a positive yield of 12.35% from TCorp Managed Funds. On a financial year to date basis the portfolio achieved an annualised return of 5.10 % which includes a positive yield of 12.04% from TCorp Managed Funds.

RECOMMENDATION

THAT the contents of Director's Report No. CS67/25 be received and noted.

PURPOSE

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

BACKGROUND

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

DISCUSSION

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

Council's investment performance for the month ending 31 October 2025 is detailed in the attached document. In summary, the portfolio achieved an annualised return for October 2025 of 5.01%, which includes a positive yield of 12.35% from TCorp Managed Funds. On a financial year to date basis the portfolio achieved an annualised return of 5.10% which includes a positive yield of 12.04% from TCorp Managed Funds.

The returns from TCorp Managed Funds can experience market volatility due to external economic conditions. It is noted that this product has a medium to long term investment horizon and will, therefore, reflect marked to market valuations monthly. Advice provided by Council's independent investment advisor, Prudential Investment Services is to continue to hold this investment. This is due to the anticipated net positive performance returns that will be gained over the long term.

The Borrowings Schedule as at 31 October 2025 is attached for Council's information, noting that Council became debt free on 1 July 2023 with no loans entered into since. The Borrowings Schedule also discloses future lease repayments for various items of plant and equipment.

BUDGET

Budgeted investment income for the year is \$8,702,915 with an average budgeted monthly income of \$725,243. Net investment income for the month ended 31 October 2025 was \$1,743,215 which includes an unrealised gain of \$262,358 from TCorp Managed Funds.

Budgeted investment income year to date at 31 October 2025 is \$2,900,971. Total investment income year to date at 31 October 2025 is \$5,592,767 which includes a year-to-date unrealised net gain of \$1,002,029 from TCorp Managed Funds.

Approximately 42.42% of the investment income received by Council relates to externally restricted funds (e.g., Stronger Communities Grant funding and Section 7.11 and Section 7.12 development contribution funds) and is required to be allocated to those funds. All investments have been made in accordance with the Local Government Act, the Local Government (General) Regulation and Council's Investment of Surplus Funds Policy and Investment Strategy.

CONCLUSION

The investment of Council funds and the extent of its borrowings as of 31 October 2025 is detailed in the documents attached to this Report. Council's consideration of the Report and its attachments

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



RESPONSIBLE OFFICER

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

DUNCAN CHELL
Chief Financial Officer
Corporate Support Division

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Attachments:

1.  HSC Investment Summary Report October 2025
2.  HSC Borrowing Summary Report October 2025

File Reference: F2004/06987-02
Document Number: D09259163

4 CHERRYBROOK PRECINCT STATE-LED REZONING PROPOSAL

EXECUTIVE SUMMARY

- The Department of Planning, Housing and Infrastructure (DPHI) recently exhibited the state-led rezoning proposal for the Cherrybrook Precinct.
- The state-led rezoning proposal seeks to rezone the government owned land and private land adjoining the Cherrybrook Metro Station to facilitate a mixed use precinct with development capacity for over 9,350 new homes within walking distance to the metro station.
- The proposal will enable development of up to 28 storeys in the town centre and includes provision for a 3000m² community facility/library and up to 8,250m² for commercial/retail floor space.
- The rezoning proposal will facilitate substantial changes to the 2022 finalised Place Strategy and State Significant Planning Proposal for the government owned-land adjoining the Metro Station, including a dwelling capacity increased from 3,200 to over 9,350 new dwellings.
- This report presents an overview of the state-led rezoning proposal and outlines the key issues of concern for Hornsby Shire.
- The concept of development in proximity to the Cherrybrook Metro Station is supported in principle as a means to deliver a sustainable and accessible centre. However, a number of issues need to be resolved, including but not limited to the strategic justification for the increased dwelling yields and the quality and adequacy of the associated infrastructure provision to support. Other issues include the ongoing management of the Blue Gum High Forest, design and delivery of the public plaza and public domain area and infrastructure funding mechanisms.
- It is recommended that Council endorse the submission attached to Director's Report No. PC19/25 for forwarding to the Department of Planning, Housing and Infrastructure, to advocate for amendments to the proposed Cherrybrook State-led rezoning proposal prior to implementation.

RECOMMENDATION

THAT the submission regarding the Cherrybrook state-led rezoning proposal attached to Director's Report No. PC19/25 be forwarded to the Department of Planning, Housing and Infrastructure in response to the exhibition to advocate for detailed analysis of issues, refinement of the proposed yield and provision for adequate infrastructure to support the Cherrybrook Precinct prior to implementation.

PURPOSE

The purpose of this report is to present an overview of the Cherrybrook Precinct state-led rezoning proposal, outline the key issues and implications for Hornsby Shire and seek endorsement of a submission to be made to the Department of Planning, Housing and Infrastructure in response to the public exhibition.

BACKGROUND

In September 2013, DPHI finalised the North West Rail Link Corridor Strategy for land surrounding proposed stations on North West Metro line. The Corridor Strategy informed the detailed precinct planning for each station including the 2013 Cherrybrook Station Structure Plan, which established the land use vision for the Cherrybrook Station Precinct.

In June 2017, Cherrybrook Station Precinct was nominated as one of 16 Priority Precincts (known as Planned Precincts in the North District Plan) to be coordinated by DPHI with Transport for NSW (TFNSW), State agencies and local councils. The 'Planned Precinct' would involve future master planning of land adjacent to the station and the broader precinct.

In July 2022 the Department of Planning, Housing and Infrastructure released the rezoning package for the Government owned land adjoining the Cherrybrook Metro Station and the draft Place Strategy for the private land surrounding the station precinct.

At its meeting on 14 September 2022, Council endorsed submissions to DPHI on these projects highlighting concerns over proposed yields, building height, floor space ratio, design excellence, open space and community facilities, traffic and transport, affordable housing, implementation and funding.

The Cherrybrook Station Precinct rezoning including the Place Strategy was finalised in late 2022 enabling delivery of up to 3,200 new dwellings (up to 5 storeys in height) across the precinct.

Since 2022, the NSW Government has been working on a state-led rezoning proposal to implement the Place Strategy. Council officers have provided preliminary and high-level feedback to DPHI on certain aspects of the rezoning proposal. However, the ability to influence the outcomes and inclusions of the state-led rezoning proposal has been limited. Council does not have a decision-making role in the determination of the state-led rezoning proposal.

The state-led rezoning proposal was placed on public exhibition for a period of 28 days from 7 November 2025 to 5 December 2025.

DISCUSSION

The rezoning proposal will facilitate substantial changes to the 2022 finalised Place Strategy and State Significant Planning Proposal for the government owned-land adjoining the Metro Station, including a dwelling capacity increased from 3,200 to over 9,350 new dwellings.

Given the substantial nature of the changes proposed to the finalised 2022 Place Strategy and implications for the Hornsby Shire, a letter was sent to the Minister for Planning and Public Spaces seeking an extension of time to the public consultation period.

A response from the Minister has been received advising that an extension to the exhibition period is not being considered. The Minister encouraged Council to lodge its submission by 5 December 2025 and that Council may choose to provide an elected body endorsed submission following the December meeting which would be considered as a formal submission if endorsed by elected members.

In response to this advice, prior to the closing of the exhibition period a draft submission based on this report was submitted to DPHI. DPHI representatives have acknowledged Council's reporting deadlines and are expecting a Council endorsed submission following the 10 December 2025 General Meeting.

1. Overview of the Cherrybrook Precinct state-led rezoning proposal

Housing is a key priority for the NSW Government. The proposed rezoning of the Cherrybrook Precinct is being undertaken by DPHI to facilitate the delivery of diverse and affordable homes in well located areas. Key objectives for the state-led rezoning proposal as outlined in the exhibited Explanation of Intended Effect are to:

- Respond to the Government's priority to deliver housing, particularly new public transport
- Increase housing near the Cherrybrook Metro Station
- Deliver housing that is supported by open space, community facilities and active transport infrastructure
- Increase the amount of affordable housing in accessible locations
- Build on the vision of the Cherrybrook Station Precinct Place Strategy
- Consider appropriate scale along the metro corridor

The rezoning proposal seeks to amend development controls to facilitate a new mixed-use precinct with local retail, community facilities, open space and new dwellings to facilitate the following outcomes:

- Yield: Delivery of 5,200 new homes over the next 20 years with a total net capacity for over 9,350 dwellings (4,256 in Hornsby Shire), including a 5 – 10% Affordable Housing provision.
- Bulk and scale: Allowable building heights of up to 28 storeys (90m) and a floor space ratio (FSR) of up to 4:1.
- Public open space: Approximately 4.5ha of open space provided over 5 new local parks (3 in Hornsby Shire), including 2.2ha of Blue Gum High Forest.
- Community/library facilities: A 3,000m² multi-purpose community facility and library in the town centre.
- Commercial/retail space: Up to 8,250m² of neighbourhood commercial/retail floor space primarily in the town centre including a small area to the south of Castle Hill Road.
- Biodiversity: Preservation of the ecologically threatened Blue Gum High Forest and increased tree canopy.

The exhibition documents are available on DPHI's 'Cherrybrook precinct state-led rezoning proposal' website (<https://www.planningportal.nsw.gov.au/draftplans/exhibition/cherrybrook-precinct-state-led-rezoning-proposal>) and include the following:

- Explanation of Intended Effect
- Master Plan Report
- Design Guide
- Planning Report

- Draft Infrastructure Schedule
- Traffic Transport Study
- Biodiversity Assessment Report – Precinct
- Connecting with Country Plan
- Aboriginal Cultural Heritage Study
- Statement of Heritage Impact
- Sustainability and Resilience Report
- Stormwater and Flooding Report
- Strategic Bushfire Study
- Acoustics Report
- Utilities Report
- Visual Impact Assessment
- Biodiversity Development Assessment Report – SSP
- Preliminary Geotechnical Investigation
- Preliminary Site Investigation

The rezoning proposal applies to land within both Hornsby and The Hills local government areas. Once finalised, the rezoning would be implemented through a self-repealing State Environmental Planning Policy (SEPP) that will amend the planning controls within the Hornsby Local Environmental Plan 2013 and The Hills Local Environmental Plan 2019. This is expected to occur in mid-2026.

2. Summary of issues

Development around train stations is consistent with the objectives and planning priorities of the Greater Sydney Region Plan and North District Plan by integrating land use and transport along major transport corridors and nodes, which will also contribute to the delivery of accessible centres. Therefore, the concept of development in proximity to the Cherrybrook Metro Station is supported in principle.

However, based on a review of the exhibition documents, there are a number of concerns which were raised in Council's submission to the 2022 Place Strategy and also by staff in preliminary feedback that have not been resolved. Given the substantial increase in dwelling capacity of the precinct, additional issues with the state-led rezoning proposal have also been identified as outlined below.

Strategic justification for increased dwelling yields

Since the 2022 Place Strategy was finalised, the dwelling capacity for the Precinct has increased from 3,200 dwellings to over 9,350 (with 4,256 of these to be located with the Hornsby Shire). Overall, this represents an increase of 292%.

The overall bulk and scale of allowable development in the Precinct has also increased, with building heights increasing from 5 storeys up to 28 storeys (90m) in Hornsby Shire and floor space ratios increasing from 1:1 to 4:1. The changes to dwelling capacity, height and floor space ratio represent a shift from a low-medium density outcome to a medium-high density outcome for the Precinct.

No strategic justification or evidence has been provided to support the increase other than the need for more housing to address the housing crisis. The extent of the increased density proposed is a significant variation to the finalised Place Strategy which was prepared in collaboration with stakeholders, service providers, Councils and the community. Increases to the dwelling capacity must be supported by a strong strategic evidence base and be able to demonstrate that high standards of urban amenity can be achieved and maintained for current and future residents of the Precinct.

The Hornsby Town Centre Transport Oriented Development (TOD) precinct was recently rezoned for an additional 6,000 dwellings and commercial development to enable an additional 2,900 jobs. Cherrybrook is anticipated to enable capacity of over 9,350 new dwellings and only provide 210 jobs. The housing opportunity for Cherrybrook exceeds Hornsby Town Centre by nearly double, without the associated employment or commercial opportunities that Hornsby Town Centre will provide. It would be preferable to see a decrease in the overall yield of the precinct to reduce potential overdevelopment that is incompatible with the capacity and servicing constraints of the area and the original vision for Cherrybrook.

Recommendation – Council's submission should raise concern over the strategic merit and evidence base to support the increased dwelling capacity and request a reduction in the total dwelling capacity to reduce potential overdevelopment and seek a revised yield that is compatible with the capacity and servicing constraints of the area.

Exclusion of Neighbourhood 6 from the overall dwelling capacity

Review of the exhibition documentation has highlighted that the area known as Neighbourhood 6 (within Hornsby Shire) has not been master planned and is not included in the total dwelling capacity figures for the Precinct. It is estimated that this area could yield a potential of approximately 2,000 new dwellings. Therefore, should the dwelling capacity of the Cherrybrook precinct be fully realised the total dwelling capacity is closer to 11,341 new dwellings. This has significant implications for the adequacy of necessary supporting infrastructure upgrades including but not limited to open space provision, traffic and transport infrastructure, provision of schools and other community facilities.

Recommendation – It is recommended that Council's submission request that Neighbourhood 6 not be rezoned as part of the Precinct, or that the potential dwelling capacity be included in the total dwelling capacity and the calculations for the adequate provision of infrastructure required.

Affordable housing

The rezoning proposal outlines that affordable housing provisions of between 5 – 10% delivering approximately 535 new affordable homes is intended to be provided as follows:

- Town Centre (public land): 10% of residential floor space (limited to 15 years)
- Outside the Town Centre (private land): 5% of residential floor space (provided in perpetuity)

While the increased affordable housing provision on government land is supported, the limitation of this provision to 15 years is not adequate. Given the large increase in yield this rezoning provides on government owned land, the State government should be leading by example in the provision of affordable housing and providing increased amounts of affordable housing stock in perpetuity.

Recommendation – Council's submission should seek that the 10% affordable housing proposed for the government land be provided in perpetuity.

Community and library facilities provisions and funding

The inclusion of a multi-purpose community facility and library within the Precinct is supported. However, the adequacy of the size of these facilities to meet the needs of the new population is uncertain.

The exhibited *Cherrybrook State Government Land State Significant Precinct Social Infrastructure Needs Assessment* prepared by Cred Consulting for the 2022 proposal specified a multipurpose community facility benchmark of 80m² per 1,000 persons and that the State Library of NSW People Places calculator be used to determine library floorspace.

The exhibition material proposes the inclusion of a combined multi-purpose community and library facility of 3,000m². However, based on the above benchmarks and the provision of 9,350 new dwellings, the size of these facilities should be closer to 3,200m². Further to this, the omission of 2,000 dwellings from Neighbourhood 6 in the overall dwelling capacity means that the size should be reinvestigated to ensure its adequacy to meet future needs.

The proposed mechanism to deliver these facilities is through incentive provisions for the delivery of the “cold shell” to Council with development contributions collected to fund the fit out and embellishment. These facilities are going to be imperative to the success of the Precinct and will provide an anchor point for the community to come together.

The costs associated with the fit out of this facility are contained within the draft Infrastructure Schedule for both the Hills Shire Council and Hornsby Council. Council needs to be provided with some assurances that the funds raised by The Hills Shire will not be diverted to a separate nearby facility and will be provided directly to Hornsby Shire to enable the timely realisation of the fit-out and embellishment costs.

Additionally, the facility will have significant ongoing running costs which cannot be funded from development contributions and for which Hills Shire residents will benefit from. For example, the provision of updated books, digital records, cultural and educational resources. The cost sharing aspect of this needs to be further considered.

Recommendation – Council’s submission should:

- Request the re-calculation of the size of the facility based on the full yield of the precinct (inclusive of Neighbourhood 6), but note in principle support for the provision of a community facility/library facility of at least 3,200m².
- Request further consideration of how development contributions funds collected by The Hills Shire Council will be provided to Hornsby Shire for the fit-out and embellishment of the facilities.
- Identify the establishment of library resources (such as books, digital records, cultural and educational resources) as a required inclusion in the draft Infrastructure Schedule.
- Note that the facility will have significant ongoing running costs which cannot be funded from development contributions and for which The Hills Shire have a significant benefit and request that the cost sharing of this aspect be considered.

Adequacy of commercial floor space and jobs

It is unclear from the exhibited documentation how much commercial floor space is proposed as different figures are quoted ranging from 5,400m² up to 8,250m². Notwithstanding this, when compared to the 6,000 new homes, 101,500m² of commercial/retail floor space and 2,900 new jobs

provided via the Hornsby Town Centre TOD rezoning proposal, the proposal for Cherrybrook appears to have a significant shortfall in the provision commercial floor space (approximately 8,250m²) and 210 new jobs to service the 9,350 new dwellings. It is essential that the Precinct accommodate appropriate levels of access to retail, business and service facilities, so residents do not have to travel to other centres to have day to day shopping or services needs met.

Recommendation – Council's submission should request that the provision of commercial floor space be reinterrogated to ensure an adequate quantum is planned to support the Precinct, including consideration of Neighbourhood 6.

Public plaza and associated public domain works

A public plaza and public domain area are proposed to be included within the town centre area. However, very little detail is included as part of the exhibition rezoning material to understand how this area will be designed and function. Due to the natural topography of the site, significant design treatments such as external lifts and ramps will be required to enable adequate functionality and usability of this public area. There also needs to be careful planning and design to ensure that the active frontages along the adjacent buildings are achieved and contribute to positive public domain/streetscape outcomes. It is also unclear from the exhibition material who is responsible for developing this public plaza, how it will be delivered and if this will be an asset managed by Council or the landowner.

Recommendation – Council's submission should request clarification of the method of delivery of the public plaza and who is intended to manage it into the future. It should also request the need for careful planning around the slope of the land and how this may necessitate the need for external lift and/or ramps for public access. The need for urban play equipment and public toilets should also be factored in to planning and costing of the public plaza.

Quality and adequacy of open space

The provision of quality open space to support the precinct will be an important factor in the liveability of the area. The quantum of open space being provided within the precinct is minimal compared to the proposed number of residents. It is essential that the open space provided be of a high quality and usability for future residents. The provision of playgrounds, space for off leash dogs, fitness equipment and picnic facilities (tables, seats and shelters) are critical.

Based on the rezoning exhibition material, only one existing park (Robert Road Park) is proposed to be zoned RE1 Public Recreation. The provision of additional open space required across the Precinct will be delivered through development incentive provisions with dedication of this land to Council for public parkland in exchange for obtaining the development 'uplift' made possible through the rezoning proposal. There are a number of issues for each of the proposed open spaces proposed within the Hornsby Shire LGA as follows:

Park 01 – Located in Neighbourhood 1 (directly north of the proposed Town Centre)

This park is largely constrained by the existing onsite detention (OSD) basin which was originally built to service the Sydney Metro land. It is difficult to see how this water body can be converted into a feature for recreation or any other function suitable for a local park. It also limits the design of the land and restricts the creation of useable local open space capable of meeting the needs of future residents.

The basin is currently an asset of Transport for NSW. It is not clear whether there is an intention to shift the ownership away from the State. The OSD basin currently only serves the Metro Station and

should not become an asset for Council to maintain as part of the any redevelopment. Either undergrounding or beautification of the OSD basin should be considered as part of incentive provisions for new development with 100% of this cost attributed to the developer.

Park 02 – Located within Neighbourhood 2

This park contains a significant amount of Blue Gum High Forest. This area will offer little value in terms of useable public recreation space and concern is raised with this area being included as part of the Precinct's overall open space provision. Council's previous submissions have suggested that the provision of low impact walking trails on raised boardwalks could be included to allow for public access. However, the potential impact of any new built infrastructure on this Critically Endangered Ecological Community would need to be further considered and possible offsets provided.

Park 03 – Located within Neighbourhood 3

As proposed in the draft Master Plan, this park is irregular in shape with a small frontage to Curtis Close. For enhanced safety, passive surveillance, visibility and permeability, the boundaries of Park 03 should be review and extended to the corner of Edward Bennett Drive and to Curtis Close to provide an open space with three street frontages.

Provision for an off-leash dog park

Due to the increase in pet ownership in apartments and pet ownership generally, Council is under increased pressure to provide off leash dog parks. To service this demand, it would be appropriate to consider the land located under the transmission line easement and adjoining the commuter car park for an off leash dog park.

Recommendation – Council's submission should:

- Request that clarification be provided as to the future ownership and management of the OSD basin in Park 01.
- Request that potential impacts of any new development on the health and integrity of the Blue-Gum High Forest be investigated with further consideration of the need for possible offsets to mitigate the impacts of any low impact walking trails included through this area.
- Request that Park 03 be relocated to corner of and Edward Bennett Drive and to Curtis Close to provide three street frontages for enhanced safety, passive surveillance, visibility and permeability.
- Request that the land under the transmission easement, adjacent to the commuter car park be further considered as an area to provide an off leash dog parks.

Provision of offsite playing fields

The rezoning proposal recognises the need for an additional four to five sports/playing fields to cater for the increase in population, with two of these proposed to be located within the Hornsby Shire. The exhibition documentation states that these facilities should ideally be located within 2-5km of the Precinct, however no sites are identified, and no land acquisition has been considered.

Council understands that the provision of community infrastructure for the rezoning proposal is based on 9,341 additional dwellings, with provision of playing fields based on the need for one field per 4,000 people (referenced from the 2022 exhibition – *Cherrybrook Station Government Land State Significant Precinct Social Infrastructure Needs Assessment, Cred, May 2022*). This benchmark is generally supported by Council. However, with the potential dwelling capacity of the precinct being

closer 11,341 (inclusive of Neighbourhood 6) this means that over six playing fields would be required to adequately service the Precinct's population.

Recommendation – Council's submission should request that an updated Social Infrastructure Needs Assessment be prepared which considers the full development yield of the Precinct (inclusive of Neighbourhood 6), so that it is possible to cross-reference where the calculations for community infrastructure comes from and whether this would be adequate to support the Precinct.

Preservation of Blue Gum High Forest

The rezoning proposal appropriately recognises the presence of Blue Gum High Forest (BGHF) as a critically endangered ecological community within the Precinct and has proposed to integrate these areas into the proposed open space network, with additional areas on private land flagged for protection or restoration. While the intent to retain and enhance BGHF is clear, the rezoning proposal documentation does not identify enforceable buffers, limits on recreation, lighting, and hard surfaces, or mechanisms for long-term management and funding of these area.

The proposed conversion of BGHF to usable open space with potential inclusion of walking trails, lighting, and recreational infrastructure, poses risks to biodiversity through increased edge effects, trampling, weed invasion, and fragmentation.

While the original intent of the protection of the BGHF is admirable, the proposed passive open space usage and hence management of this area is not in keeping with the stated protection intentions outlined in the rezoning package. The proposed zoning of C2 Environmental Conservation for Park 02 should be changed to C3 Environmental Management if DPHI continues to see the BGHF as an area not being used or managed purely for environmental conservation purposes.

Recommendation – Council's submission should raise concern over the proposed zoning of the Blue Gum High Forest area in Park 02 based on the intended management activities and future use and consider a zone which strikes a balance between environmental management and recreation such as C3 Environmental Management.

Traffic and transport infrastructure

Council's previous submissions have raised concerns with the ability of the existing road network to accommodate densification within the Precinct and how any required traffic and infrastructure upgrades will be delivered and managed into the future. This concern remains a critical issue for the state-led rezoning proposal.

It is acknowledged that the Traffic and Transport Study prepared by Bitzios has been updated. However, the Study only necessitates road upgrades based on the 3,200 dwelling model, with some additional upgrades which could be provided to support a medium growth scenario of approximately 5,200 new dwellings (if dwelling yields exceeded 3,200 in the future). While the Study acknowledges potential high and ultimate growth scenarios of between 7,200 - 9,350 new dwellings, it concludes that the broader network traffic upgrades required are expected to be similar to those required for the medium growth scenario of 5,200 new dwellings.

This modelling does not sufficiently differentiate between medium, high density and ultimate growth scenarios and risks resulting in an under-estimate of the required road and intersection upgrades need to adequately service the immediate precinct and wider area. It is critical that traffic and transport infrastructure planning for the Precinct (as well as community facilities and commercial offering) are based on the total permissible dwelling capacity for the precinct (now also including Neighbourhood 6).

It is not clear if the updated Traffic and Transport Study has considered the wider traffic network issues which are likely to be exacerbated by growth within the Cherrybrook Precinct. For example, the potential cumulative traffic impacts further along New Line Road may be significant, given Cherrybrook Station is the closest Metro station for many rural areas to the north.

Issues with the broader regional road network should be identified now, with solutions identified and programmed in conjunction with the current rezoning proposal. The State Government should commit to any funding shortfall should the rezoning proposal be supported, given the wider implications on the surrounding area and the legacy issues with New Line Road.

No commuter parking is identified in the Infrastructure Schedule. An additional deck on the existing metro commuter car park to accommodate demand generated by the rezoning should be identified to be provided by the State.

Recommendation - Council's submission should:

- Request the remodelling of the traffic generated from the precinct based on the full dwelling yield (including Neighbourhood 6) and that this be used to inform and update the Infrastructure Schedule.
- Request that augmentation of the metro commuter car park be included in the Infrastructure Schedule and identified as a State responsibility.
- Request that legacy issues with New Line Road be resolved and funding allocated separately by the State Government to fix the existing road network issues.
- Raise concern with broader regional road network impacts which should be identified prior to finalisation of the rezoning proposal and any funding shortfall covered by the State Government should the rezoning proposal be supported.

Capacity of the Metro line

It is not clear from the documentation whether the capacity of the existing metro line to support the additional population has been taken into consideration as part of the rezoning proposal.

While the strategic merit for some additional development around the Cherrybrook Metro station is supported, the increase in yield over and above the finalised 2022 Place Strategy and whether the Metro can cope with the proposed increases, particularly considering that cumulative impact of existing and planned new development at Showground, Norwest and Castle Hill, has not been demonstrated.

Recommendation – Council's submission should raise further evidence to demonstrate the additional housing capacity that could realistically be supported by the Metro line.

Infrastructure provision and funding

The rezoning proposal includes a draft Infrastructure Funding and Delivery Schedule which provides an indication of how items are proposed to be provided either via incentive clauses, developer works or by State Government funding. It also separates nominated items to be delivered/funded by either Hornsby Shire, The Hills Shire and items funded by both Councils.

However, the draft Schedule lacks detailed descriptions of each item and the associated costings. Council understands that s7.12 Contribution Plans for each Council are being prepared separately to the rezoning proposal. The contributions framework (both local and state) needs to be in place prior to the rezoning being finalised. Details of the supporting financial strategy including clear identification of the works list, timing for delivery, funding sources and responsible authority are required.

A key concern is the funding arrangement for the fit out and embellishment of the community facility, library and cultural facilities. While these facilities will be located within land located in the Hornsby LGA, the facilities will be used and directly benefit residents of The Hills Shire Council as well. The delivery of these facilities should be prioritised with adequate funding mechanisms in place to expedite their completion. Council's preferred approach is to have funds for the fit out collected across s7.12 plans for both The Hills Shire and Hornsby Shire Council areas. We would welcome the opportunity to workshop the mechanism for transfer of funds and the apportionment of monetary contributions with DPHI and The Hills Shire Council prior to the draft s7.12 plans being finalised.

Concern remains that the increased density proposed for the Precinct is a significant variation to the finalised Place Strategy. There is no strategic justification or evidence included as part of the exhibited material to support that the inclusions in draft Infrastructure Funding and Delivery Schedule will be appropriate to cater to the current and future needs of the Precinct. Further, with Neighbourhood 6 dwelling yields not considered in the total dwelling capacity for the Precinct and the traffic study recommending infrastructure upgrades based on 3,200 new homes, the effectiveness of the proposed infrastructure to support the ultimate yield of the Precinct is questioned.

With infrastructure provision included through State and local contributions, there will be a significant time lag for the new infrastructure to be delivered. Alternate mechanisms should be considered and incorporated to assist and support in the timely delivery of essential infrastructure required to support the growing population.

Recommendation - Council's submission should:

- Raise concern with lack of detail included as part of the exhibited material to support that the inclusions in draft Infrastructure Funding and Delivery Schedule are adequate for the increased capacity of the Precinct.
- Raise concern with the lack of detailed descriptions of each item and the associated costings.
- Raise concern with the adequacy of the draft Infrastructure Schedule in that it does not appear to consider the potential dwelling capacity of Neighbourhood 6 and the infrastructure upgrades that an additional 2000 new dwellings may have on the infrastructure needs for the Precinct.
- Request the opportunity to workshop the mechanism for transfer of funds and the apportionment of monetary contributions with The Hills Shire Council prior to the draft s7.12 plans being finalised.
- Request assistance with alternate mechanisms to support the timely delivery of essential infrastructure required to ensure high standards of urban amenity within the Cherrybrook Precinct, given the lag in collection of development contributions.

Heritage

The rezoning proposal covers a larger area around the Cherrybrook Station Precinct than the 2022 Place Strategy. The rezoning proposal includes two heritage listed items in Neighbourhood 3 located within the grounds of the Inala School. These items are identified in Schedule 5 of the Hornsby LEP 2013 as:

- Item No.302 (House) – 150 Castle Hill Road, Cherrybrook; and
- Item No. 303 ("Inala school" - original house) – 160-168 Castle Hill Road, Cherrybrook

The rezoning material includes provision for buildings of between 6 to 20 storeys on or around these heritage listed properties. The Statement of Heritage Impact, (SHI) prepared by Artefact Heritage, states that the proposed new maximum building heights would have physical and visual impacts on these items and their settings. To reduce adverse impacts on the heritage significance and landscape setting of these items, it is recommended that the building heights around these items is lowered.

Recommendation - Council's submission should request the lowering of the maximum building height incentives on and around the heritage items to minimise any adverse impacts on these items and their landscape setting.

Precinct approach for Integrated Water Cycle Management

The rezoning proposal documents focus Integrated Water Cycle Management (IWCM) and Water Sensitive Urban Design on individual lot-based controls, rather than producing a single integrated water management plan that identifies priority areas for WSUD, sets quantitative targets for stormwater retention, reuse, or water quality, or links water management to open space and biodiversity outcomes.

A comprehensive precinct based approach for stormwater would provide certainty in standards, outcomes and future management rather than an allotment based approach reliant on individual owners to manage systems into the future.

The exhibited Master Plan does not clearly identify or secure land for regional bio-retention basins, constructed wetlands, or daylighted watercourses, and the open space network is not explicitly designed to function as part of the stormwater management system. There is also little detail provided on how overland flow paths, detention basins, or riparian buffers will be protected or enhanced, and no clear mechanism for ensuring that WSUD and IWCM measures are delivered, maintained, and monitored over time.

Recommendation - Council's submission should highlight the need for a single integrated water management plan across the Precinct that identifies priority areas for water sensitive urban design, sets quantitative targets for stormwater retention, reuse, or water quality, or links water management to open space and biodiversity outcomes.

Road width and design to enable waste collection services

Garbage collection and rigid truck circulation whether onsite or from the street, is often overlooked when master planning new developments. Consideration of street width, on-street parking provision and building design are factors which influence the ability of Council's contractor to be able to service developments. It is not clear from the documentation whether there has been any consideration of this issue. This should be further considered as part of the Master Plan's "Movement and Access Networks" and the Design Guide.

Recommendation - Council's submission should request consideration of waste collection within the Master Plan's "Movement and Access Networks" and the Design Guide for the precinct.

Adequacy of the documentation to support the rezoning proposal

Many of the exhibited documents are presented as updates to the 2022 Place Strategy. This makes it difficult to fully understand and interpret what potential dwelling capacities have been used to determine the infrastructure needs. The exhibition material also lacks a sound evidence base to support the commercial and retail floor space offerings as well as the social and community infrastructure required to support the Precinct. Given the substantial increase to the dwelling capacity,

it is crucial that there is appropriate justification and a sound evidence base to support the increases and ensure the Precinct will be provided with adequate amounts of supporting infrastructure.

Recommendation - Council's submission should request that additional time is allocated to the project to undertake the essential updates to the technical evidence base to determine the appropriate levels of supporting infrastructure required to service the Precinct.

CONSULTATION

Council officers have attended Project Working Group meetings with DPHI, The Hills Shire Council and other state agencies regarding the planning for the Cherrybrook Precinct. Council officers raised issues based on high level concepts and requested further analysis of the implications associated with these concepts. The full details have now been released through public exhibition and many issues raised by officers have not been appropriately addressed in the exhibition documentation.

The suite of documents supporting the exhibition of the state-led rezoning proposal were placed on public exhibition on Friday 7 November 2025 via the NSW Planning Portal for a period of 28 days with submissions closing at 5pm on Friday 5 December 2025. DPHI scheduled a community information session from 4-7pm on Tuesday 25 November 2025 at West Pennant Hills Sports Club.

During the exhibition period, on 26 November 2025, representatives from DPHI gave a presentation to Councillors outlining the proposal for the Cherrybrook Station Precinct.

BUDGET

There are no budgetary implications associated with this Report at this time.

POLICY

If approved, the state-led rezoning proposal would be implemented through a self-repealing State Environmental Planning Policy (SEPP) that will amend the planning controls within the Hornsby Local Environmental Plan 2013 and The Hills Local Environmental Plan 2019. This is expected to occur in mid-2026. The SEPP is proposed to repeal Ministerial Direction 1.22 – Implementation of the Cherrybrook Station Place Strategy as it would no longer be required.

The Explanation of Intended Effect included as part of the exhibition material outlines additional reforms that would be applied to the Cherrybrook Station Precinct consistent with the planning changes applied to support other recent Transport Orientated Development Accelerated Precincts. These additional changes are intended to expedite the delivery of new housing within the precinct and include:

- A new temporary State Significant Development (SSD) category for residential development that is valued above \$60 million (increased from \$30 million), enabling Council as the consent authority on a greater portion of development within the Precinct;
- Removing the need for concurrence and referral requirements that are not high risk; and
- 'Switching off' the infill affordable housing pathway, as the intended planning controls include an affordable housing component intended to be delivered based on the precinct specific masterplan.

CONCLUSION

The Department of Planning, Housing and Infrastructure has invited feedback on the state-led rezoning proposal for the Cherrybrook Precinct.

This report presents an overview of the proposal and outlines key issues of concern for Hornsby Shire which are recommended to be raised in the submission attached to this report. The concerns relate to strategic justification for the increased dwelling yields and the adequacy of the associated infrastructure provision to support the increased density, the quality and adequacy of open space, community and library facilities and commercial floor space provision. Other issues raised include the ongoing management of the Blue Gum High Forest, design and delivery of the public plaza and public domain area, traffic and transport infrastructure capacity and funding mechanisms.

It is recommended that Council endorse the submission attached to Director's Report No. PC19/25 for forwarding to the Department of Planning, Housing and Infrastructure, to advocate for more detailed analysis of issues and refinement of the proposal for the Cherrybrook Precinct prior to implementation.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is Louise Higginson, Acting Manager Strategic Land Use Planning, who can be contacted on 02 9847 6780.

KATHERINE VICKERY

Acting Director - Planning and Compliance
Planning and Compliance Division

Attachments:

1.  Cherrybrook Rezoning submission

File Reference: F2020/00123-002

Document Number: D09264449

13 MAYOR'S NOTES 01.11.2025 - 30.11.2025

Saturday 1st November 2025 – The Mayor attended the Hornsby Relay for Life Event at Rofe Park, Hornsby Heights.

Saturday 1st November 2025 – The Mayor attended Grace Diwali Celebrations, hosted by Sydney Telugu Association Inc at Cherrybrook Community and Cultural Centre.

Sunday 2nd November 2025 – The Mayor attended the 75 Years Celebration of Waitara Anglican Church.

Sunday 2nd November 2025 – The Mayor attended a Community Picnic in Galston.

Monday 3rd November 2025 – The Mayor attended a photo opportunity at the re-opening of Galston Library.

Wednesday 5th November 2025 – The Mayor hosted two Citizenship Ceremonies in the Council Administration Building, Hornsby.

Thursday 6th November 2025 – The Mayor attended a photo opportunity for the delivery of nursery plants, at Hills Wildlife Sanctuary.

Friday 7th November 2025 – The Mayor attended Northern Suburbs Football Association's 2025 President's Dinner, at the Royal Sydney Yacht Squadron, Kirribilli.

Friday 7th November 2025 – On behalf of the Mayor, Deputy Mayor Cllr Sallianne McClelland attended Studio Artes Annual Ball 2025 – Memory Lane Mash Up Ball, at Hornsby RSL.

Saturday 8th November 2025 – The Mayor attended Glenorie RSL Sub-Branch's Beat the Retreat, at Glenorie RSL.

Saturday 8th November 2025 – The Mayor attended Caught in the Net - Brooklyn Theatre in the Park 2025 event at Rest Park, Brooklyn.

Saturday 8th November 2025 – On behalf of the Mayor, Deputy Mayor Cllr Sallianne McClelland attended Hornsby Multicultural Sangam Australia's Festival of Lights Celebration, at Berowra Community and Cultural Facility.

Sunday 9th November 2025 – The Mayor attended the Arcadian Artists Train in Dural and Galston.

Sunday 9th November 2025 – The Mayor attended the Official Opening of the North Epping Men's Shed, at North Epping.

Sunday 9th November 2025 – The Mayor attended a Remembrance Day Service held by Hindu Council of Australia, at the ANZAC Jawan Cenotaph, Cherrybrook.

Monday 10th November 2025 – The Mayor attended Nancy Horne's 100th Birthday event, in Cherrybrook

Tuesday 11th November 2025 – The Mayor attended Galston RSL Sub-Branch's Remembrance Day Service, at Galston Memorial.

Tuesday 11th November 2025 – On behalf of the Mayor, Cllr Verity Greenwood attended Berowra RSL Sub- Branch's 2025 Remembrance Day Service in Berowra.

Tuesday 11th November 2025 – On behalf of the Mayor, Cllr Jane Seaglove attended Glenorie RSL Sub- Branch's 2025 Remembrance Day Service in Glenorie.

Tuesday 11th November 2025 – On behalf of the Mayor, Deputy Mayor Cllr Sallianne McClelland attended Hornsby RSL Sub- Branch's 2025 Remembrance Day Service at Hornsby Cenotaph.

Friday 14th November 2025 – The Mayor attended a performance of Alice in Wonderland, at Galston High School.

Saturday 15th November 2025 – The Mayor attended Brooklyn Bridge's 80th Anniversary Celebration, in Brooklyn.

Sunday 16th November 2025 – The Mayor attended a celebration for Social Inclusion Week, at Hornsby RSL.

Wednesday 19th November 2025 – The Mayor hosted three Citizenship Ceremonies in the Council Administration Building, Hornsby.

Thursday 20th November 2025 – The Mayor attended a Toy Handover, at the Hornsby Working Men's Shed.

Saturday 22nd November 2025 – The Mayor attended 1st Cherrybrook's Annual Report Presentation, at Cumberland Reach.

Monday 24th November 2025 – The Mayor attended the Official Opening of Lifeline Westleigh Retail Shop, Westleigh.

Wednesday 26th November 2025 – The Mayor attended Hornsby Ku-ring-gai Domestic and Family Violence Walk the Talk Event, at PCYC Waitara.

Thursday 27th November 2025 - On behalf of the Mayor, Cllr Jane Seaglove attended a twilight event at Living Choice, Galston.

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

File Reference: F2004/07053-002

Document Number: D09261077

14 DEVELOPMENT OF COMMUNITY GARDENS POLICY AND PROGRAM

COUNCILLOR MCINTOSH TO MOVE

THAT Council:

1. Acknowledges the importance and value of the existing community gardens in our Shire, and the potential benefits that enhancing existing, and developing new and additional community gardens, would bring our community.
2. Recognises the policy, guidelines and program gap that currently exists to facilitate the establishment and support of community gardens within our community.
3. Holds a Councillor strategy session to discuss:
 - a) The process of developing a draft community gardens policy, guidelines and support program.
 - b) Undertaking research, consultation and collaboration with relevant stakeholders and the community, Community Gardens Australia and other councils with existing community gardens programs, to identify community needs and requirements and best practice community garden arrangements that might be incorporated into a draft policy
 - c) The minimum infrastructure levels that might be required to support Community Gardens including water, amenities such as access to toilet facilities, etc taking into account capital and recurrent costs.
4. Includes discussion of the opportunities for verge / nature strip gardening and the policy considerations needed to be addressed such as maintenance, access issues and sightlines / community safety in order to respond to resident enquiries.

Note from Councillor

Community gardens provide important opportunities for residents, who otherwise may not be able, to grow food produce, to share gardening and other knowledge and skills, to socially interact with others and help create a sustainable, participatory, inclusive and connected urban environment. Community gardens support the liveability of urban environments by providing recreational, social, educational, health and wellbeing benefits to local communities. Additionally, community gardens present a unique opportunity to share intergenerational and cultural knowledge about gardening and plant choices. They provide an opportunity for children to be introduced to the food cycle from the earliest ages and can provide a means for older people in our community to remain connected and active through gardening.

Community gardens can be located on Council and or other public lands or private premises such as

churches, schools, child care centres, retirement living or residential aged care facilities or within multi-unit dwelling complexes. Community garden groups may seek access to suitable land from Council to establish their desired community garden site, usually provided under a formal agreement with Council. Community gardens can also serve as active training and demonstration sites for gardening, urban sustainability and permaculture and composting and worm farming practices.

Community gardens are facilitated by individuals within the community with the appropriate drive, knowledge and skills to form a group, preferably incorporated, to self-manage and fund the establishment and ongoing management of the community garden and its activities.

In practice they do, however, often require guidance, training, support, startup funding and resources, and general assistance through the various stages of the group's and community garden's formation and establishment, and ongoing management and operating phases. It is good practice for each community garden on Council land, to develop and maintain a plan of management, undertake reporting requirements and demonstrate they are meeting any Council requirements.

There are already several community gardens established within Hornsby Shire, including Fagan Park eco garden, Edgeworth David community garden, Mt Colah community garden, Normanhurst neighbourhood garden, Thornleigh community garden and Willow Park's fruit and herb pocket garden. Council currently provides limited support and guidance to these existing community gardens by way of officer advice, provision of recycled sleepers, compost and worm farm systems, and grass mowing.

Council does not currently have a community gardens policy, guidelines or support program to assist existing and / or new community garden groups and sites. There currently is no clear process for community groups to apply to Council to access suitable lands and or seek support or assistance. This Notice of Motion seeks to address this policy and program gap within Hornsby Shire Council.

A Councillor strategy session is proposed to explore the development of a community gardens policy, guidelines and support program, including the following issues:

- level and extent of community interest and demand in and for community gardens
- the scope, process and timeframes to develop a draft community gardens policy, guidelines and support program for those on public land
- assessment criteria and decision-making protocols for granting approvals for the use of Council lands for community gardens
- the level of support Council is willing to provide to community garden groups and gardens including the required resources and funding level, and source, to establish a community gardens program on both public and non-public land
- the level of support and guidance that is available to community gardens from other sources such as *Community Gardens Australia*, the *Sydney Edible Garden Trail*, *Permaculture North* and other similar organisations and agencies
- funding that may be available through government and non-government agencies
- Council's role for community gardens on other agency lands and or private lands
- benefits of undertaking an audit of potential Council sites (or segments of sites) suitable for establishing community gardens utilising an agreed checklist of factors e.g. location, access, proximity to users, slope, drainage, soils, sun exposure/shade, supporting facilities,

receptiveness of neighbours, possible competing uses etc

- developing a formal agreement to be executed between Council and community garden(s) groups to clearly establish the obligations and requirements on Council and the group, including group incorporation, insurance coverage, WH&S and risk obligations, land use and gardening practices
- other matters raised by Council

Verge or nature strip gardening has been included in this discussion as there have been requests received from our community in regard to the permissions required for verge or nature strip planting. Council requires residents to maintain the nature strip adjacent to their properties, noting that *"In urban areas the condition of the nature strip adjacent to our property provides a 'leafy green and shaded' zone between roads and pedestrian / shared pathways. Maintained nature strips helps to maintain the appearance and pride of your neighbourhood, adds real estate value and creates a safer environment."*

A policy could outline the requirements placed on the property owner in regard to:

- planting choices
- maintenance
- the need to maintain access both for the pedestrian pathway and for alighting/unloading of vehicles kerbside, and
- the need to maintain driveway sightlines to ensure pedestrian and traffic safety.
- Creating a simple policy that expands upon existing statements regarding nature strip maintenance to facilitate verge or nature strip gardening would be a sound way forward without creating onerous application processes that would burden both property owners and council staff.

Attachments:

There are no attachments for this report.

File Reference: F2025/00327

Document Number: D09268649