



BUSINESS PAPER

GENERAL MEETING

**Wednesday 12 July 2023
at 6:30PM**



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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

Pastor Anderw Maxwell, of Asquith Church of Christ, Asquith will open the meeting in prayer.

ACKNOWLEDGEMENT OF RELIGIOUS DIVERSITY

Statement by the Chairperson:

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

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 AND REMOTE ATTENDANCE

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 14 June, 2023 be confirmed; a copy having been distributed to all Councillors.

THAT the Minutes of the Workshop Meeting held on 28 June, 2023 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 GM26/23 COUNCILLOR REPRESENTATION ON COMMITTEE - 2077 A.D. (AFTER DARK) DISTRICT TEAM 2023-2024

RECOMMENDATION

THAT Councillors appoint one Councillor representative to participate in the 2077 A.D. District Team for the 2023/24 financial year.

CORPORATE SUPPORT DIVISION**Page Number 5****Item 2 CS41/23 INVESTMENTS AND BORROWINGS FOR 2022/23 - STATUS FOR THE PERIOD ENDING 31 MAY 2023****RECOMMENDATION**

THAT the contents of Director's Report No. CS41/23 be received and noted.

COMMUNITY AND ENVIRONMENT DIVISION**Page Number 8****Item 3 CE7/23 RE-ESTABLISHMENT OF ALCOHOL FREE ZONE - PENNANT HILLS TOWN CENTRE AND HORNSBY TOWN CENTRE, AND ESTABLISHMENT OF AREAS WITHIN WAITARA.****RECOMMENDATION**

THAT Council:

1. Adopt the proposal for the re-establishment and establishment of an Alcohol-Free Zone for the Pennant Hills Town Centre, Hornsby Town Centre and areas within Waitara for a period of four years as shown in Attachment 1, 2 & 3 of Group Manager's Report No. CE7/23.
2. Publish notice in the local media declaring that an alcohol-free zone has been established and will commence operation seven days from the date of publication, and when the area is adequately signposted.
3. Install appropriate signage at the gateways of the zone, and at suitable intervals within the zone declaring that an alcohol-free zone has been established.

PLANNING AND COMPLIANCE DIVISION**Page Number 12****Item 4 PC15/23 RURAL LANDS PLANNING PROPOSAL****RECOMMENDATION**

THAT:

1. Council endorse progression of the Rural Lands Planning Proposal attached to Director's Report No. PC15/23 for submission to the Department of Planning and Environment for a Gateway Determination.
2. Upon receipt of a Gateway Determination, the Planning Proposal be placed on public exhibition in accordance with the Determination and consultation strategy outlined in this report.
3. Council endorse the amendments to the Hornsby Development Control Plan 2013 attached to Director's Report No. PC15/23 for exhibition concurrently with the Planning Proposal.
4. Following exhibition, a report on submissions be presented to Council for consideration.

INFRASTRUCTURE AND MAJOR PROJECTS DIVISION

Nil

CONFIDENTIAL ITEMS

Item 5 CS38/23 COMPULSORY ACQUISITION OF A PROPERTY AT HORNSBY FOR ROAD WIDENING

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 6 CS39/23 COMPULSORY ACQUISITION OF LAND AT HORNSBY FOR ROAD WIDENING

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 7 CS42/23 PROPOSED LICENCE OF COUNCIL LAND - HORNSBY

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 CS43/23 PARTIAL ACQUISITION OF PROPERTY FOR SHARED PATHWAY - WAHROONGA

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 24****Item 9 MN8/23 MAYOR'S NOTES 01 JUNE 2023 TO 30 JUNE 2023****NOTICES OF MOTION****SUPPLEMENTARY AGENDA****MATTERS OF URGENCY**

1 COUNCILLOR REPRESENTATION ON COMMITTEE - 2077 A.D. (AFTER DARK) DISTRICT TEAM 2023-2024

EXECUTIVE SUMMARY

- A District Team is being formed in the 2077 postcode as a result of the Hornsby Chamber of Commerce receiving Uptown grant funding from the NSW Government.
- Uptown grant funding is designed to fast-track the formation of local business communities and facilitate the growth of their districts into vibrant going out hubs in line with the NSW Government's 24-Hour Economy Strategy for Greater Sydney. The project focus is on the night-time economy, after 5pm.
- A District Team is a group of businesses who agree to work together and coordinate the marketing and promotion of the night-time offer within the precinct. A District Team is not a committee of Council but a community/business-based committee, operating in this instance under the auspices of the Hornsby Chamber of Commerce.
- The 2077A.D. (After Dark) District Team, has identified the value of having Council and Councillor representation on the District Team and have requested that Council nominate an interested Councillor or Councillors to participate. The nominated Councillor's role would be to champion the cause of growing the night-time economy in the 2077 postcode both within Council and within the broader community.
- This report recommends that Council nominate a Councillor or Councillors to participate in the 2077 A.D. District Team for the duration of the funded project period.

RECOMMENDATION

THAT Councillors appoint one Councillor representative to participate in the 2077 A.D. District Team for the 2023/24 financial year.

PURPOSE

The purpose of this Report is for Council to nominate a representative or representatives to participate in the 2077A.D. District Team.

BACKGROUND

At the October 2021 General Meeting, Council considered General Manager's Report No. GM48/21 and resolved that:

Council endorse the Memorandum of Understanding with the Hornsby Chamber of Commerce attached to General Manager's Report No. GM48/21 such that greater collaboration with business across the Shire can start to be developed.

With the Memorandum of Understanding in place, Council has actively worked with the Hornsby Chamber of Commerce to progress issues identified in the Economic Development and Tourism Strategy 2021-2026. The development of a night-time economy marketing strategy is a priority action item in this Strategy and is listed in the Operational Plan for delivery in 2023/24 and 2024/25.

DISCUSSION

Since the signing of the Memorandum of Understanding with the Hornsby Chamber of Commerce in 2021, Council's relationship with the Chamber has grown through the delivery of joint projects and events. Recently, Council collaborated with the Chamber and Hornsby RSL to draft an application for Uptown Grant funding to support the growth of the night-time economy in the 2077 precinct between the Asquith and Waitara train stations. The funded project is referred to as 2077 A.D. – Hornsby After Dark.

A foundational District Team comprised of local businesses was formed to submit the grant application. The foundational District Team was based on the registered pubs and clubs in the precinct, along with Hornsby Westfield, Event Cinemas and Hornsby Local Area Command. Hornsby Chamber of Commerce was the lead agency who would accept and administer the grant funding. Councils were not able to apply for funding but were encouraged by grant makers to play a support role for local businesses and District Teams.

The 2077 A.D. District Team will operate as a sub-committee of the Hornsby Chamber of Commerce to ensure appropriate project governance. To participate in the project, prospective District Team members will need to join the Chamber of Commerce for the duration of the project. As such, Council will join the Chamber of Commerce and become a member given that it has services that operate of an evening within the 2077 precinct – these include the Hornsby Aquatic and Leisure Centre, Hornsby Library and a number of community centres, including Wallarobba Arts and Cultural Centre. These Council services, along with any other events that Council holds, will become part of the afterhours activity offer promoted by the District Team.

The District Team's specific goal is to co-ordinate the marketing and promotion of the night-time economy offerings within the 2077 A.D. precinct. Through purchasing Chamber membership, any business operating in the precinct catchment can be part of the 2077A.D. marketing and promotional efforts. The \$175 annual membership cost should prove to be great value for money for those taking part. In the longer term, it is hoped that a membership-based fee structure would allow for the District Team to become financially sustainable beyond the funded period.

Night-time activities included in the scope of the project include pubs and clubs, restaurants and cafes, supermarkets, gyms and aquatic centres, retail, community facilities and services, cultural and sporting activities, movies and events. Any activity or service that is open after 5pm and operates

within the project precinct can be part of the 2077A.D. promotional effort. The goal of the project is to jointly market and present the various night-time activity options available within the precinct and to encourage the community to take advantage of what is on offer- thereby supporting local traders.

This report requests that Councillors nominate for representation on the 2077A.D District Team. In similar projects that focus on the night-time economy, other councils nominated a Councillor to act as a “Night Ambassador” or a “Night Mayor” to support the project efforts. The idea being that the needs of the night time economy are distinctly different to the day time economy and requires a unique focus.

At the time of writing, the District Team has not yet officially met, and the role of District Team members has not been negotiated. It is anticipated that the enthusiasm of the foundational members and any new members/early adopters would guide the development of roles and responsibilities of District Team members. Tasks could involve growing the membership numbers, co-ordinating marketing, facilitating cross business collaboration or working with Council or Transport for NSW to ensure that the public domain is safe and well managed.

CONSULTATION

Consultation was undertaken with the Hornsby Chamber of Commerce regarding the establishment of the 2077A.D District Team and Council’s possible involvement in the team. Following the consultation, the Hornsby Chamber of Commerce formally requested that a Councillor join the District Team as a sponsor to the campaign and as a resource for seeking advice as the project evolves.

BUDGET

Through the grant seeking process, Council committed to providing in kind support to the project. To this end, Council’s existing promotional channels will be utilised to support the project at no additional cost to the budget. Staff time will also be committed to supporting the District Team and the promotional efforts.

POLICY

There are no policy implications associated with this Report.

CONCLUSION

Council has worked with the Hornsby Chamber of Commerce and Hornsby RSL to seek grant funding to support and grow the night-time economy in Hornsby consistent with an adopted strategic direction in the Economic Development and Tourism Strategy 2021-2026.

An active and vibrant Hornsby Town Centre, Asquith Town Centre and Waitara Town Centre will support local businesses and encourage future investment in the region. Councillors are encouraged to nominate to join the 2077A.D. District Team and to work with business and the community to help to achieve the outcomes required of the grant funds – those being an active and vibrant night-time economy.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Strategic Place Manager – David Johnston - who can be contacted on 9847 6800.

JULIE RYLAND
Manager Strategy and Place
Office of the General Manager

STEVEN HEAD
General Manager
Office of the General Manager

ITEM 1

Attachments:

There are no attachments for this report.

File Reference: F2004/06559

Document Number: D08667247

2 INVESTMENTS AND BORROWINGS FOR 2022/23 - STATUS FOR THE PERIOD ENDING 31 MAY 2023

EXECUTIVE SUMMARY

- This Report provides details of Council's investment performance for the period ending 31 May 2023 as well as the extent of its borrowings at the end of the same period.
- Council invests funds that are not, for the time being, required for any other purpose. The investments must be made in accordance with relevant legislative requirements and Council's policies and the Chief Financial Officer must report monthly to Council on the details of funds invested.
- All of Council's investments have been made in accordance with the requirements of the Local Government Act, the Local Government (General) Regulation and Council's Investment of Surplus Funds Policy and Investment Strategy.
- In respect of Council's cash and term deposit investments, the portfolio achieved an annualised return for May 2023 of 3.60% which includes a negative yield of -3.18% from TCorp Managed Funds. On a financial year to date basis the portfolio achieved an annualised return of 3.36% which includes a yield of 6.47% from TCorp Managed Funds.

RECOMMENDATION

THAT the contents of Director's Report No. CS41/23 be received and noted.

PURPOSE

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

BACKGROUND

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

DISCUSSION

Council invests funds which are not, for the time being, required for any other purpose. Such 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 May 2023 is detailed in the attached document. In summary, the portfolio achieved an annualised return for May 2023 of 3.60%. On a financial year to date basis the portfolio achieved an annualised return of 3.36% which includes a yield of 6.47% from TCorp Managed Funds.

In respect of Council borrowings, the interest rate payable on the outstanding loan taken out in June 2013 (the last time that Council borrowed), based on the principal balances outstanding, is 5.89%. The Borrowings Schedule as at 31 May 2023 is also attached for Council's information.

BUDGET

Budgeted investment income for the year is \$4,788,420 with an average budgeted monthly income of \$399,035. Net investment income for the month ended 31 May was \$925,873, which includes an unrealised loss of -\$61,172 from TCorp Managed Funds.

Budgeted investment income year to date at 31 May 2023 was \$4,389,386. Total investment income year to date at 31 May 2023 was \$9,377,898 which includes a year-to-date unrealised net gain of \$1,246,345 from TCorp Managed Funds.

Approximately 51.19% of the investment income received by Council relates to externally restricted funds (e.g., Stronger Communities Grant funding and Section 7.11 and Section 7.12 development contribution funds) and is required to be allocated to those funds. All investments have been made in accordance with the Local Government Act, the Local Government (General) Regulation and Council's Investment of Surplus Funds Policy and Investment Strategy.

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

CONCLUSION

The investment of Council funds and the extent of its borrowings as of 31 May 2023 is detailed in the documents attached to this Report. Council's consideration of the Report and its attachments.



RESPONSIBLE OFFICER

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

DUNCAN CHELL
Chief Financial Officer
Corporate Support Division

GLEN MAGUS
Director - Corporate Support
Corporate Support Division

Attachments:

1.  HSC Investment Summary Report May 2023
2.  HSC Borrowings Summary Report May 2023

File Reference: F2004/06987-02
Document Number: D08666508

3 RE-ESTABLISHMENT OF ALCOHOL FREE ZONE - PENNANT HILLS TOWN CENTRE AND HORNSBY TOWN CENTRE, AND ESTABLISHMENT OF AREAS WITHIN WAITARA.

EXECUTIVE SUMMARY

- The Alcohol-Free Zone (AFZ) in the Pennant Hills Town Centre expired in May 2021 and the Hornsby Town Centre AFZ is due to expire 23 July 2023.
- Establishment of an AFZ zone within areas of Waitara was requested by the Hornsby Kuring-Gai Liquor Accord.
- This report recommends that Council re-establish the Pennant Hills Town Centre AFZ and Hornsby Town Centre AFZ for a period of four years in accordance with the Ministerial Guidelines.
- This report recommends that Council establish the Waitara AFZ for a period of four years in accordance with the Ministerial Guidelines.
- The proposal to establish and re-establish the Pennant Hills AFZ has been advertised in the local media. Council also invited representations from the Eastwood Local Area Command of the NSW Police Force and local hoteliers by 9 June 2023.
- One submission was received from the Ryde Local Area Command supporting the re-establishment of the Alcohol-Free Zone.

RECOMMENDATION

THAT Council:

1. Adopt the proposal for the re-establishment and establishment of an Alcohol-Free Zone for the Pennant Hills Town Centre, Hornsby Town Centre and areas within Waitara for a period of four years as shown in Attachment 1, 2 & 3 of Group Manager's Report No. CE7/23.
2. Publish notice in the local media declaring that an alcohol-free zone has been established and will commence operation seven days from the date of publication, and when the area is adequately signposted.
3. Install appropriate signage at the gateways of the zone, and at suitable intervals within the zone declaring that an alcohol-free zone has been established.

PURPOSE

The purpose of this report is to seek Council's endorsement for the re-establishment and establishment of Alcohol-Free Zone's (AFZ) in the Pennant Hills Town Centre, Hornsby Town Centre and areas within Waitara under the Local Government Act 1993 for a period of four years.

BACKGROUND

Hornsby Shire Council (HSC) have, previously, adopted and implemented (EH3/17 & EH5/19) the establishment of Alcohol-Free Zone (AFZ) within the Pennant Hills Town Centre and Hornsby Town Centre.

Request has been received from the Hornsby Ku-ring-gai Liquor Accord to establish an AFZ within particular areas of Waitara given there is currently no AFZ in place.

With the AFZ in Hornsby Town Centre due to expire on 9 June 2023 it has allowed Council to consolidate all of the lapsed AFZ and seek to establish the requested AFZ in Waitara. This will allow all Council AFZ to expire at the one given time.

The AFZ for Pennant Hills expired in May 2021 and Hornsby Town Centre AFZ is due to expire on 23 July 2023.

DISCUSSION

The Hornsby Ku-ring-gai Liquor Accord have advised during their meeting held on Thursday 16 March 2023 that it was agreed by all members in attendance that the adoption of the AFZ in Hornsby Town Centre and establishment of an AFZ in areas within Waitara were to be established.

Accordingly, it is considered appropriate for Council to re-establish the AFZ in the Pennant Hills Town Centre as shown in Attachment 1, establishment of AFZ within areas of Waitara and renew the AFZ for Hornsby Town Centre, due to expire on the 23 July 2023, of Director's Report No. CE7/23 for the maximum permitted period of four years and described below:

The Hornsby Town Centre alcohol-free zone includes (but is not limited to) the following streets:

- North Precinct: Burdett Street, George Street, Hunter Lane, Hunter Street and Linda Street.
- East Precinct: Burdett Street (south), George Street (south), Hunter Lane (south), Leonard Street and Pacific Highway (south of the rail line).
- West Precinct: Ashley Lane, Ashley Street, Coronation Street, Dural Lane, Dural Street, High Street, Jersey Lane, Jersey Street, Pacific Highway, Station Street and William Street.

The alcohol-free zone in Pennant Hills will be re-established to include:

- Fisher Avenue (Pennant Hills Road to the end of Fisher Avenue carpark).
- Hillcrest Road (Yarrara Road to the Police Station at No 12 Hillcrest Road).
- Ramsay Road (Yarrara Road to No 4 Ramsay Road).
- Warne Street (Yarrara Road to cul-de-sac including extension into Shields Lane).
- Pennicook Lane (Hillcrest Road to Ramsay Road).
- Geeves Lane (Fisher Avenue to Hillcrest Road).
- Fisher Avenue carpark.

- *Yarrara Road (Pennant Hills Road to Shields Lane including eastern side at Railway Station and west side area immediately in front of the Library and Community Centre in Yarrara Road).*
- *Shields Lane (Yarrara Road to Willis Avenue).*
- *Wollundry Park (between Ramsay Road and Warne Street).*

Proposal to establish alcohol-free zone covering the following areas in Waitara:

- *Surrounding streets of Waitara Station.*
- *The perimeters outside the Blue Gum Hotel, Magpies Club, Hornsby Waitara PCYC and Mark Taylor Oval.*

CONSULTATION

Notice of the proposed AFZ was published on HSC Your Say platform and engagement with the Eastwood Local Area Command. Members of the Hornsby Ku-ring-gai Liquor Accord encompass all surrounding/adjoining licenced businesses and registered clubs. A copy of the results can be seen on Attachment 4 with community feedback outlined in Attachment 5.

BUDGET

Updating/erection of the required signage can be accommodated within existing budget allocations.

POLICY

There are no policy implications associated with this report.

CONCLUSION

Over a period of years, Council has maintained an AFZ throughout the Pennant Hills Town Centre and Hornsby Town Centre to assist with the management of anti-social behaviour and provide a degree of comfort to the users of the space.

The previous AFZ expired in 2021 and is due to expire in July 2023, stakeholder consultation has been conducted in respect of re-establishing the AFZ. Eastwood Local Area Command has not provided any objections to the respective AFZ to be in place.

Accordingly, it is considered appropriate for Council to re-establish the AFZ in the Pennant Hills Town Centre, Hornsby Town Centre and establish an AFZ in areas within Waitara as shown in Attachment 1, 2 and 3 of Director's Report No. CE7/23 for the maximum permitted period of four years.






RESPONSIBLE OFFICER

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

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

STEPHEN FEDOROW
Director - Community and Environment
Community and Environment Division

Attachments:

1.  Pennant Hills AFZ Re- Establishment Map
2.  Waitara Proposed AFZ Map
3.  Hornsby Town Centre AFZ Re-Establishment Map
4.  Results AFZ Your Voice
5.  Responses Extract

File Reference: F2023/00160

Document Number: D08656452

4 RURAL LANDS PLANNING PROPOSAL

EXECUTIVE SUMMARY

- Council's Rural Lands Study sets the strategic direction for managing rural lands into the future, through a place-based approach for protecting and enhancing rural values.
- At its meeting on 8 June 2022, Council finalised the Rural Lands Study and endorsed the short-term recommendations in Implementation Action Plan A.
- This report presents a Planning Proposal and supporting amendments to the Hornsby Development Control Plan 2013 (Hornsby DCP) to implement the recommendations.
- The Planning Proposal seeks to amend the Hornsby Local Environmental Plan 2013 (Hornsby LEP) and the Standard Instrument Principal Local Environmental Plan to amend zone objectives, introduce new controls for land use conflict, clarify dual occupancy requirements, amend the definition of "roadside stall" and allow lot handles to be included when calculating lot size in rural areas.
- Amendments to the Hornsby DCP seek to increase protection of landscape character and environmental management for rehabilitation of extractive industry, provide design guidelines for development along Old Northern Road and ensure consistency between the Hornsby DCP and amendments proposed under the Planning Proposal.
- The Planning Proposal is consistent with all applicable objectives and priorities of NSW State Strategic plans, Section 9.1 Ministerial Directions and Council strategic land use plans.

RECOMMENDATION

THAT:

1. Council endorse progression of the Rural Lands Planning Proposal attached to Director's Report No. PC15/23 for submission to the Department of Planning and Environment for a Gateway Determination.
2. Upon receipt of a Gateway Determination, the Planning Proposal be placed on public exhibition in accordance with the Determination and consultation strategy outlined in this report.
3. Council endorse the amendments to the Hornsby Development Control Plan 2013 attached to Director's Report No. PC15/23 for exhibition concurrently with the Planning Proposal.
4. Following exhibition, a report on submissions be presented to Council for consideration.

PURPOSE

The purpose of this Report is to present a Council-initiated Planning Proposal and accompanying amendments to the Hornsby Development Control Plan 2013 to implement the short-term recommendations of the Hornsby Shire Rural Lands Study.

BACKGROUND

In March 2019, Council commenced the preparation of the Rural Lands Study (RLS). The purpose of the Study is to set the strategic direction for managing rural lands through a place-based approach. Some of the key principles include:

- Retain and enhance opportunities for productive land use.
- Encourage value-adding land uses that support productive activities.
- Limit further fragmentation of rural land.
- Plan for rural villages as great places that support the rural area.
- Respond to changing demographics by exploring where some additional housing could be located close to, or within, existing villages.
- Manage the interface between urban and rural areas, especially in the southern parts of the rural area near New Line Road and Old Northern Road.
- Ensure development respects and enhances identified landscape and biodiversity values across the rural area.

The RLS includes detailed recommendations for each landscape area, recommendations for villages and general recommendations for the rural areas as a whole. A staged approach to implementation of the recommendations was adopted, split into short term planning control amendments and longer term strategic investigations. At its meeting on 8 June 2022, Council resolved that:

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

In December 2022, agritourism land uses were introduced to the planning system by the State Government. These changes are consistent with some of the recommendations in Implementation Plan A – Short Term Recommendations and are currently being progressed. At its meeting in December 2022, Council resolved to permit the new agritourism land uses in its rural areas and at its meeting in June 2023, endorsed agritourism amendments to the Hornsby DCP which are currently on public exhibition.

The Rural Lands Planning Proposal and accompanying Hornsby DCP amendments attached to this report relate to the non-agritourism recommendations identified in Implementation Action Plan A – Short Term Recommendations.

DISCUSSION

This report outlines the proposed changes to the Hornsby LEP identified in the Rural Lands Planning Proposal and proposed accompanying amendments to the Hornsby DCP.

Land to which the changes would apply

The Rural Lands Planning Proposal (Planning Proposal) would apply to land within the rural area of Hornsby Shire. The rural area comprises 15 suburbs in the west and north west of the Shire and is located within the Metropolitan Rural Area of the Greater Sydney Region. The rural area extends from Glenhaven in the south, Berowra Waters in the east, Wisemans Ferry in the north and Old Northern Road to the west.

The RLS identifies 13 distinct landscape areas within the rural area which share land use and environmental characteristics. These areas are locally serviced by the villages of Galston, Glenorie, Dural and Wisemans Ferry and are generally zoned RU1 Primary Production, RU2 Rural Landscape, RU4 Primary Production Small Lots and C3 Environmental Management.

The Planning Proposal

The Planning Proposal seeks to implement short term recommendations of the RLS. Specifically, the Proposal would progress five changes to the Hornsby LEP and the Standard Instrument as follows:

- Amend zone objectives of RU1 Primary Production, RU2 Rural Landscape, RU4 Primary Production Small Lots and C3 Environmental Management in Hornsby LEP to reflect the intent of the zones to support value adding activities for agriculture.
- Include optional Standard Instrument Principal Local Environmental Plan Clause 5.16 in the Hornsby LEP to require consideration of land use conflicts.
- Amend Hornsby LEP Clause 6.9 to clarify controls for attached dual occupancies.
- Amend the definition of Roadside Stalls to allow stalls to sell produce and hand crafted goods from the local region.
- Amend requirements for lot size calculation in Clause 4.1 of the Hornsby LEP so that access handles are included in lot size calculations in rural areas.

A detailed description of each of the amendments and associated changes sought to the Hornsby LEP and Standard Instrument is provided below.

Amendment 1 - Amend zone objectives for the RU1 Primary Production, RU2 Rural Landscape, RU4 Primary Production Small Lots and C3 Environmental Management zones to reflect the intent to support value adding activities for agriculture.

The RLS recommends amending zone objectives to directly support agricultural and tourism industries in these rural zones.

New and amended objectives have been developed based on the recommendations of the RLS and objectives implemented by other Sydney Metropolitan and rural councils, including councils within the Metropolitan Rural Area. The new and amended objectives are outlined in the table below.

RU1 Primary Production - Existing Objective	Proposed Amended Objective
To encourage land uses that support primary production, including low-scale and low-intensity tourist and visitor accommodation and the	To encourage land uses that support primary production, including low-scale and low-intensity tourist and visitor accommodation and the

provision of farm produce direct to the public.	provision of farm produce direct to the public.
RU2 Rural Landscape – Existing Objective	Proposed Amended Objective
To encourage land uses that support primary production, including low-scale and low-intensity tourist and visitor accommodation and the provision of farm produce direct to the public.	To encourage land uses that support primary production, including low-scale and low-intensity tourist and visitor accommodation and the provision of farm produce direct to the public.
RU4 Primary Production Small Lots – Existing Objective	Proposed Amended Objective
To encourage land uses that support primary production, including low-scale and low-intensity tourist and visitor accommodation and the provision of farm produce direct to the public.	To encourage agritourism and tourist and visitor accommodation land uses that support agricultural industries and align with the rural character of the area.
C3 Environmental Management – Existing Objective	Proposed Objective
N/A	To enable low impact agritourism and tourist and visitor accommodation development that is compatible with the environmental values of the zone.

Amendment 2: Include optional Standard Instrument Principal Local Environmental Plan Clause 5.16 into the Hornsby LEP to require consideration of land use conflicts.

The RLS identifies that land use conflict is a concern in rural areas. Smaller average allotment sizes and high land values more readily support the use of land for non-agricultural “rural residential” or “hobby farms” uses. This trend complicates the ongoing operation of commercial farms, as it places more sensitive residential receivers near existing farming operations.

The RLS recommends that development and rural settlement in rural areas should be sited and designed so it does not interfere with legitimate and routine land uses on adjoining lands.

The Standard Instrument contains the Optional Clause 5.16 “Subdivision of, or dwellings on, land in certain rural, residential or conservation zones”. The adoption of Standard Instrument Clause 5.16 into the Hornsby LEP would require development assessments for the subdivision of land or the erection of a dwelling to consider the avoidance of land use conflict. The new considerations include whether the development:

- Would impact any existing approved uses in the vicinity of the site.
- Would be incompatible with any adjoining land uses.
- Would require mitigation measures to ensure land use compatibility is maintained.

The above considerations would assist minimise potential land use conflict in rural areas and ensuring new development is compatible with surrounding land uses including neighbouring commercial farms.

Amendment 3: Amend Hornsby LEP Clause 6.9 to clarify controls for attached dual occupancies.

Clause 6.9 of the Hornsby LEP seeks to limit the gross floor area of attached dual occupancies to ensure rural residential development maintains rural character. The RLS suggests that the existing controls for attached dual occupancies could be improved as the current wording is unclear.

The existing wording of the clause has the potential to be misinterpreted as prohibiting a development where both dwellings in an attached dual occupancy arrangement are greater than 200m². An amendment to Clause 6.9 is proposed to provide greater clarity on the controls relating to the maximum permissible gross floor area for dual occupancies (attached) on land zoned RU1 Primary Production, RU2 Rural Landscape and RU4 Primary Production Small Lots.

Proposed wording for the amendment is provided below. The proposed amendment does not seek to change the way the existing control operates and only seeks to provide greater clarity of wording.

Hornsby LEP Clause 6.9 (Existing)	Hornsby LEP Clause 6.9 (Proposed)
<p>(3) Development consent must not be granted to development for the purposes of a dual occupancy (attached) on land to which this clause applies if—</p> <p>(a) The land is a lot that is less than the minimum lot size shown on the Lot Size Map in relation to that land, or</p> <p>(b) The gross floor area of each of the dwellings is more than 200 square metres.</p>	<p>(3) Development consent must not be granted to development for the purposes of a dual occupancy (attached) on land to which this clause applies if the land is a lot that is less than the minimum lot size shown on the Lot Size Map in relation to that land.</p> <p>(4) Development consent must not be granted to development for the purposes of a dual occupancy (attached) on land to which this clause applies unless the gross floor area of at least one of the dwellings is less than 200 square metres.</p>

Amendment 4: Amend the definition of Roadside Stalls to allow the selling of produce and hand crafted goods from the region.

The RLS identifies that the definition for roadside stalls under the Standard Instrument is restrictive as it only permits the selling of produce from the property, or from an adjacent property. The restrictive definition may restrict income generation of farms, as it does not allow for multiple smaller operators to consolidate sales at a roadside stall in the region or sell from a location which may have greater exposure for passing sales.

The RLS identifies that allowing roadside stalls to sell produce and hand crafted goods from the local region, rather than the property or adjoining property may assist support the ongoing viability of the agricultural industry. The change would support the agricultural use of land and add value to existing roadside stalls by allowing them to be operated by multiple properties, not necessarily adjacent to one another.

A change to the roadside stall definition would be consistent with the intent of the ongoing State wide agritourism planning reforms which seek to assist landowners to add value to their existing agricultural

operations and improve resilience to the economic impacts of natural disasters and unexpected events.

Further, amending the definition would be consistent with the intent of the agritourism reform farm gate premises land use definition. The land use definition for farm gate premises states that the land is “used to provide visitors to the farm, on a commercial basis, with agricultural products predominantly from the farm, supplemented by products from other farms in the region”. Adopting a similar “local region” restriction for the roadside stalls land use definition would allow for a similar retail outcome, but within a smaller built form than a farm gate premises.

As this change relates to the amendment of the Standard Instrument which applies to Local Environmental Plans across the State, further discussion with the Department of Planning and Environment (DPE) would be required to inform the implementation process. An example of an amended definition is provided below.

Existing Definition	Amended Definition
Roadside stalls means a place or temporary structure used for the retail sale of agricultural produce or hand crafted goods (or both) produced from the property on which the stall is situated or from an adjacent property.	Roadside stalls means a place or temporary structure used for the retail sale of agricultural produce or hand crafted goods (or both) primarily produced from the property on which the stall is situated or from a rural property in the local region.

Amendment 5: Amend requirements for lot size calculation in Clause 4.1 of the Hornsby LEP so that access handles are included in lot size calculations in rural areas.

Hornsby LEP Clause 4.1 requires that the area of an ‘access handle’ for battle-axe or similar lots be excluded for the purpose of calculating lot size in a proposal for subdivision. Although the exclusion is appropriate in urban areas, subdivision proposals in rural areas involve large lots with the area of an access handle being substantial. The RLS recommends that access handles be included in lot size calculation as it would not compromise rural character and landscape.

Access handles in rural areas would occupy a relatively small percentage of sites compared to urban zones with minor streetscape impacts. Further, they would have negligible impact on lot pattern or character of rural areas, as the space that they occupy is generally linear and driveways are often designed within a landscape setting. Vegetative screening, required as per Part 2.1.5 of Hornsby DCP, would also mitigate impacts.

An amendment is proposed to Hornsby LEP Clause 4.1 to exclude the application of Clause 3A, to the rural zones and land zoned C3 Environmental Management. This would be achieved by the inclusion of a new clause stating that Clause 3A does not apply to any land zoned RU1 Primary Production, RU2 Rural Landscape, RU4 Primary Production Small Lots or C3 Environmental Management.

Hornsby Development Control Plan 2013

Supporting amendments to the Hornsby DCP are recommended to implement recommendations of Implementation Plan A and ensure consistency between the Planning Proposal and Hornsby DCP.

A summary of the Hornsby DCP amendments is outlined in the table below, which includes an identification of whether the Hornsby DCP change is a result of the RLS Implementation Action Plan or changes proposed under the Planning Proposal.

RLS Recommendation - Implementation Plan Item	Proposed Hornsby DCP Amendment and Description
<p>Item 12: Amend DCP to expand desired outcomes of Clause 2.5.9 to include principles related to protection of landscape character and environmental management.</p>	<p>New desired outcome (c) – Part 2.5.9 Rehabilitation- <i>Extractive industries that rehabilitate sites to a standard that is compatible with the surrounding landscape character and best practice principles of environmental management.</i></p>
<p>Item 14: Amend DCP to include design guideline controls for retail and commercial uses along Old Northern Road that:</p> <ol style="list-style-type: none"> 1) Encourage selection of materials that are sympathetic to the surrounding landscape. 2) Include design and siting controls that situate buildings in the landscape. 3) Encourage vegetation to screen buildings and soften interface with main roads. 	<p>New Prescriptive Measure - Part 2.1.3(e) - Development along main roads should be provided with screening vegetation in front and side setback areas that maintains existing rural character.</p> <p>New Prescriptive Measure - Part 2.1.6(h) - Development along main roads should be designed and sited to contribute positively to the surrounding rural landscape.</p> <p>New Prescriptive Measure - Part 2.1.6(j) - Building materials colours and finishes of development along main roads should be sympathetic to the surrounding landscape.</p>
Planning Proposal Amendment	Proposed Hornsby DCP Amendment and Description
<p>Amend the definition of Roadside Stalls to allow stalls to sell produce and hand crafted goods from the local region.</p>	<p>Update definition of Roadside Stalls within “Notes” under Part 2.1.1(L):</p> <p><i>roadside stalls means a place or temporary structure used for the retail sale of agricultural produce or hand crafted goods (or both) primarily produced from the property on which the stall is situated or from a rural property in the local region.</i></p>
<p>Amend requirements for lot size calculation in Clause 4.1 of the Hornsby LEP so that access handles are included in lot size calculations in rural areas</p>	<p>Amend prescriptive measure 6.3.1(d) to read as follows:</p> <p><i>In calculating the area of a lot resulting from a subdivision of land, the area of any accessway, right of carriageway or the like is to be:</i></p> <ul style="list-style-type: none"> • <i>Excluded for subdivisions involving C2 Environmental Conservation zoned land.</i> • <i>Included for subdivisions involving RU1 Primary Production, RU2 Rural Landscape, RU4 Primary Production Small Lots and C3 Environmental</i>

	<i>Management zoned land.</i>
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ITEM 4

Strategic and Statutory Context

Policies and legislation relevant to the Planning Proposal and Hornsby DCP amendments are discussed below.

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

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

The plans set strategies and actions for accommodating Sydney’s future population growth and identifies key targets such as dwelling numbers, infrastructure planning, liability, sustainability and productivity. Of direct relevance to this Planning Proposal, the plans set strategies and actions for supporting the growth of targeted industry sectors, better management of rural areas and the protection and enhancement of scenic and cultural landscapes.

Under the plans, Council is required to consider the following Greater Sydney Regional Plan Objectives and North District Planning Priorities:

Greater Sydney Regional Plan

- Objective 28: Scenic and cultural landscapes are protected.
- Objective 29: Environmental, social and economic values in rural areas are protected and enhanced.

North District Plan

- Planning Priority N13: Supporting growth of targeted industry sectors.
- Planning Priority N17: Protecting and enhancing scenic and cultural landscapes.
- Planning Priority N18: Better Managing Rural Areas.

A full consideration of the above listed Objectives and Planning Priorities is provided in Section 3.2 of the Planning Proposal. In summary, the Proposal responds to the finalisation of the RLS project. The Study was completed in accordance with the strategic context of the Greater Sydney Regional and North District Plans and was undertaken using a place-based methodology.

The place-based approach is supported by Greater Sydney Region Plan Objective 29 which states that place-based planning for landscape units within the Metropolitan Rural Area will assist manage its environmental, social and economic values and maximise the productive use of land. The RLS further addresses the applicable actions of the District Plan to limit urban development in rural areas and undertake place-based planning to deliver targeted environmental, social and economic outcomes.

Consequently, the amendments proposed under the Planning Proposal and the Hornsby DCP are consistent with the relevant sections of the Greater Sydney Regional Plan and the North Plan.

Section 9.1 Local Planning Directions

Section 9.1 of the EP&A Act allows the Minister for Planning (the Minister) to provide direction to Council concerning the preparation of draft local environmental plans. The directions considered for the Planning Proposal commenced on 1 March 2022. Ministerial Directions only apply to Planning Proposals and are not relevant to the proposed Hornsby DCP changes.

The Planning Proposal is generally consistent with the requirements of the relevant Ministerial Directions as outlined in Appendix A of the Planning Proposal.

Of most relevance to this Planning Proposal are Ministerial Directions 1.1 Implementation of Regional Plans and 9.1 Rural Zones. The respective objectives of these Directions are to ensure Planning Proposals are consistent with the regional plans and the agricultural production value of rural land is protected.

As outlined in this report, the Planning Proposal seeks to implement the recommendations of the RLS which was prepared in accordance with the North District Plan. The progression of this Planning Proposal would therefore be consistent with the North District Plan and the objective of Ministerial Direction 1.1.

Further, the Planning Proposal would assist in protecting the agricultural production value of rural land by providing support for existing commercial agriculture, which is consistent with the Objective of Ministerial Direction 9.1.

Hornsby Local Strategic Planning Statement

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

Priority SP8 of the LSPS seeks to maintain and enhance the environmental, economic and scenic values of the Metropolitan Rural Areas of Hornsby. Priority SP8 contains action SA11, which is to finalise the Hornsby Rural Lands Study.

The Planning Proposal and Hornsby DCP amendments are consistent with priority SP8 of the LSPS as the changes seek to enhance the economic value of the Metropolitan Rural Area in a way that does not degrade the environmental, economic or scenic values of the area.

Further, the Planning Proposal and Hornsby DCP amendments seeks to implement the RLS, which is consistent with the intent of action SA11.

Hornsby Rural Lands Study

The RLS takes a place-based approach to rural lands planning, dividing the rural lands of Hornsby Shire into 13 landscape areas with shared characteristics, such as landform, vegetation and land uses. The RLS was researched, exhibited and developed in consultation with the community, including those that live and work in the rural areas.

The Planning Proposal and Hornsby DCP amendments seek to give effect to RLS shorter term recommendations. Upon finalisation of the Planning Proposal and Hornsby DCP amendments, the endorsed Hornsby LEP and DCP recommendations set out in Implementation Action Plan A – Short Term Recommendations would have been fully implemented. A review of the implementation progress of the Hornsby RLS Short Term Recommendations is attached to this report.

Hornsby Local Environmental Plan 2013

The Planning Proposal would amend provisions of the Hornsby LEP. The proposed amendments would not cause incompatibility with Hornsby LEP provisions and have been designed with regard to the requirements of the *Standard Instrument Principal Local Environmental Plan*.

CONSULTATION

Local Planning Panel

The Planning Proposal was referred to the Local Planning Panel for advice, as prescribed by the Local Planning Panels Direction – Planning Proposals. The Direction requires the Local Planning Panel to provide advice on a Planning Proposal before Council considers whether to forward it to the DPE for a Gateway determination.

The Panel was supportive of the progression of the Planning Proposal and provided advice on the following aspects of the proposal:

- Zone objectives should be clearly drafted to provide certainty for Council and the community.
- The proposed amended roadside stall definition should ensure that roadside stalls do not become “shops” that sell items from unrelated regions or areas.

The advice of the Panel has been incorporated into the draft Planning Proposal with clear objectives provided for zones and roadside stalls having a requirement to sell goods from the “local region”.

Department of Planning and Environment

Council and DPE held a pre-lodgement meeting to discuss the Planning Proposal prior to submission for gateway determination.

DPE staff indicated in principle support for the proposed changes to zone objectives, adoption of Standard Instrument Clause 5.16 and changes to Clause 6.9 of the HLEP, noting that in-depth reviews of these amendments would occur at gateway stage.

DPE identified that the proposed change to Clause 4.1 of the HLEP to include lot handles in site area should be supported with inclusion of alternatives being discussed in the planning proposal (which has now been included).

Regarding the proposed change to the roadside stall definition, DPE noted that any change to the Standard Instrument would need to be considered within a broader policy framework rather than a Council initiated Planning Proposal. Council staff identified that the proposed amendment to the roadside stall definition is supported by the Hornsby RLS and is consistent with the recent agritourism reforms. Therefore, the proposed amendment has sufficient merit for inclusion in the planning proposal to initiate discussions on potential future changes to the Standard Instrument or other pathways for implementation through local provisions that could be discussed with the Department at gateway stage.

Exhibition

The Hornsby Community Engagement Plan prescribes that amendments to the Hornsby LEP and Hornsby DCP should be exhibited to the community for a minimum period of 28 days.

It is recommended that the Planning Proposal and draft Hornsby DCP amendments attached to this report be placed on public exhibition for 28 days through the following channels:

- Council’s Your Say Hornsby website.
- E News.

- Rural publications including Living Heritage, Galston Glenorie News and Dooral Roundup.
- Letters to those who provided submissions on the RLS (approximately 330 letters).

Following the exhibition period, a report would be presented to Council addressing the issues raised in submissions.

BUDGET

There are no budgetary implications associated with the preparation of the Planning Proposal and Hornsby DCP amendments.

POLICY

The *Local Planning Panels Direction – Planning Proposals* requires that the Local Planning Panel must give its advice on the Planning Proposal before Council considers whether or not to forward it to the Minister or Greater Sydney Commission in accordance with Section 9.1 clause (2)(b1) of the EP&A Act. As discussed in this report, this requirement has been fulfilled and the Local Planning Panel supports the progression of the Planning Proposal to gateway determination.

The draft Planning Proposal and draft Hornsby DCP amendments would finalise outstanding actions from Implementation Action Plan A, as detailed in the “Implementation Pathway for Short Term RLS” document attached to this report. Should the draft Planning Proposal and Hornsby DCP be progressed to finalisation, Council would have implemented all endorsed short term recommendations of the RLS that relate to Council’s planning controls.

CONCLUSION

The report presents a Council-initiated Planning Proposal to give effect to the short-term recommendations of the Hornsby Shire Rural Lands Study. The Planning Proposal seeks to:

- Amend zone objectives of RU1 Primary Production, RU2 Rural Landscape, RU4 Primary Production Small Lots and C3 Environmental Management in Hornsby LEP to reflect the intent of the zones to support value adding activities for agriculture.
- Include optional Standard Instrument Principal Local Environmental Plan Clause 5.16 into the Hornsby LEP to require consideration of land use conflicts.
- Amend Hornsby LEP Clause 6.9 to clarify controls for attached dual occupancies.
- Amend the definition of Roadside Stalls to allow stalls to sell produce and hand crafted goods from the local region.
- Amend requirements for lot size calculation in Clause 4.1 of the Hornsby LEP so that access handles are included in lot size calculations in rural areas.

Hornsby DCP amendments accompany the Planning Proposal and would implement Short Term recommendations of the RLS and ensure consistency between the Hornsby LEP and DCP.

The Local Planning Panel has reviewed the Planning Proposal and advised that progression of the Planning Proposal is supported.




It is recommended that Council support the progression of the Planning Proposal for submission to DPE for Gateway determination to enable public exhibition of the Planning Proposal and Hornsby DCP amendments.

RESPONSIBLE OFFICER

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

JAMES FARRINGTON
Director - Planning and Compliance
Planning and Compliance Division

Attachments:

1.  Hornsby DCP Amendments
2.  Implementation Pathway for Short Term RLS
3.  Planning Proposal: Rural Lands Study

File Reference: F2018/00162#04-002

Document Number: D08671223

9 MAYOR'S NOTES 01 JUNE 2023 TO 30 JUNE 2023

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

Friday 2nd June 2023 – The Mayor attended the Gawura Cultural Immersions, Hornsby Mall.

Tuesday 6th June 2023 – The Mayor attended the Zero Barriers Business Excellence Awards for 2023 at Bankstown Sports Club, Bankstown.

Wednesday 7th June 2023 - The Mayor hosted four Citizenship Ceremonies held in the Council Chambers at Hornsby Shire Council in Hornsby.

Thursday 8th June 2023 – On behalf of the Mayor Councillor McClelland attended Hornsby Emerging Artists Exhibition Opening Night at Wallarobba Arts and Cultural Centre, Hornsby.

Thursday 15th June 2023 – The Mayor, attended Pyes Creek Bridge opening, Cherrybrook.

Thursday 15th June 2023 – On behalf of the Mayor, Councillor Waddell attended Lifeline Harbour to Hawkesbury Sydney 55th Anniversary Event at The Greengate Hotel, Killara.

Saturday 17th June 2023 – The Mayor attended the 50th Anniversary of Hornsby Gang Show at Hornsby RSL Club, Hornsby.

Sunday 18th June 2023 – The Mayor attended a Community Event “A Breaking the Ground Ceremony” at Cheltenham Recreation Club, Cheltenham.

Monday 19th June 2023 – The Mayor attended a photo opportunity at Beecroft EV Charging Station at Beecroft Village Car Park.

Tuesday 20th June 2023 – The Mayor, attended the Hornsby Ku-Ring-Gai Multicultural Network (HKMN) Refugee Week at Gordon Baptist Church, Gordon.

Wednesday 21st June 2023 - The Mayor hosted four Citizenship Ceremonies in the Council Chambers at Hornsby Shire Council in Hornsby.

Friday 23rd June 2023 – The Mayor attended a Photo Opportunity with Chamber of Commerce and The Hon. Matt Kean for 2077 A.D. grant.

Saturday 24th June 2023 – The Mayor attended the Pennant Hills High School (PHHS) Winter Carnival at Pennant Hills High School, Pennant Hills.

Monday 26th June 2023 – The Mayor attended Asquith Girls High School Dance Night 2023 at the Concourse, Chatswood.

Wednesday 28th June 2023 – The Mayor attended Hornsby Woodworking Men’s Shed, Thornleigh.

Thursday 29th June 2023 – The Mayor attended and presented Certificates and Donations - Environmental Community Campaign at Pennant Hills Market Place, Pennant Hills

Thursday 29th June 2023 – The Mayor attended the Opening of Ruddock Park, Westleigh.

Friday 30th June 2023 – The Mayor attended the Hello Hornsby Coffee and Chat at Beecroft, Railway Gardens.

Friday 30th June 2023 – The Mayor attended the Rotary Club of West Pennant Hills and Cherrybrook Changeover at Springfield House Function Centre, Dural.

File Reference: F2004/07053

Document Number: D08672782

ITEM 9