



ENVIRONMENTAL SUSTAINABILITY POLICY COMMITTEE

AGENDA

7 MAY 2024

Notice is hereby given, in accordance with the provisions of the Local Government Act 1993 that an **ENVIRONMENTAL SUSTAINABILITY POLICY COMMITTEE MEETING of ORANGE CITY COUNCIL** will be held in the **COUNCIL CHAMBER, CIVIC CENTRE, BYNG STREET, ORANGE** on **Tuesday, 7 May 2024**.

David Waddell
CHIEF EXECUTIVE OFFICER

For apologies please contact Administration on 6393 8106.

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1 INTRODUCTION

1.1 DECLARATION OF PECUNIARY INTERESTS, SIGNIFICANT NON-PECUNIARY INTERESTS AND LESS THAN SIGNIFICANT NON-PECUNIARY INTERESTS

The provisions of Chapter 14 of the Local Government Act, 1993 (the Act) regulate the way in which Councillors and designated staff of Council conduct themselves to ensure that there is no conflict between their private interests and their public role.

The Act prescribes that where a member of Council (or a Committee of Council) has a direct or indirect financial (pecuniary) interest in a matter to be considered at a meeting of the Council (or Committee), that interest must be disclosed as soon as practicable after the start of the meeting and the reasons given for declaring such interest.

As members are aware, the provisions of the Local Government Act restrict any member who has declared a pecuniary interest in any matter from participating in the discussion or voting on that matter, and requires that member to vacate the Chamber.

Council's Code of Conduct provides that if members have a non-pecuniary conflict of interest, the nature of the conflict must be disclosed. The Code of Conduct also provides for a number of ways in which a member may manage non pecuniary conflicts of interest.

RECOMMENDATION

It is recommended that Committee Members now disclose any conflicts of interest in matters under consideration by the Environmental Sustainability Policy Committee at this meeting.

2 COMMITTEE MINUTES

2.1 MINUTES OF THE PARKS, TREES AND WATERWAYS COMMUNITY COMMITTEE 21 MARCH 2024

RECORD NUMBER: 2024/614

AUTHOR: Nigel Hobden, Manager City Presentation

EXECUTIVE SUMMARY

The Parks, Trees and Waterways Community Committee met on 21 March 2024 and the recommendation from that meeting are provided to the Environmental Sustainability Policy Committee for adoption.

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy “1.1. Develop and maintain parks and open spaces within the city, that meet the needs of the community”.

FINANCIAL IMPLICATIONS

Nil

POLICY AND GOVERNANCE IMPLICATIONS

Nil

RECOMMENDATION

- 1 That Council acknowledge the reports presented to the Parks, Trees and Waterways Community Committee at its meeting held on 21 March 2024.
- 2 That Council determine recommendations 3.3 from the minutes of the Parks, Trees and Waterways Community Committee meeting of 21 March 2024.
 - 3.3
 1. *That the Moulder Park Master plan be revisited.*
 2. *That the City Presentation budget be increased to allow for an additional street tree crew.*
 3. *That the Manager Water Treatment be invited to the next Parks, Trees and Waterways Community Committee meeting to give a presentation on Council's Catchment Management Plan.*
 4. *That the Cook Park Master Plan remains as is.*
- 3 That the remainder of the minutes of the Parks, Trees and Waterways Community Committee from its meeting held on 21 March 2024 be adopted.

FURTHER CONSIDERATIONS

Consideration has been given to the recommendation's impact on Council's service delivery; image and reputation; political; environmental; health and safety; employees; stakeholders and project management; and no further implications or risks have been identified.

ATTACHMENTS

- 1 PTWCC 21 March 2024 Minutes
- 2 PTWCC 21 March 2024 Agenda, D24/24134 [↓](#)

ORANGE CITY COUNCIL

MINUTES OF THE

PARKS, TREES AND WATERWAYS COMMUNITY COMMITTEE

HELD IN COMMITTEE ROOM 3, CIVIC CENTRE, BYNG STREET, ORANGE

ON 21 MARCH 2024

COMMENCING AT 5.00PM

1 INTRODUCTION

ATTENDANCE

Cr M McDonell (Chairperson), Cr D Mallard (*Teams*), Mr Neil Jones, Mr Reg Kidd (*Teams*), Mr Malcolm Stacey (*5.05pm*), Ms Amanda Lockwood (*Teams*), Mr Andrew Kennedy, Mr Cyril Smith, Ms Vanessa Westcott, Director Community, Recreation and Cultural Services, City Presentation Support Officer, Manager Development Assessments, Senior Strategic Planner, Town Planner Strategic

Guest – Robyn Whiteley

1.1 Apologies and Leave of Absence

RESOLVED	Mr A Kennedy/Mr N Jones
That the apologies be accepted from Mr Brendan Stuart, Ms Sarah Keir, Mr Gavin Kidd, Ms Sharyn Pussell and the Manager City Presentation for the Parks, Trees and Waterways Community Committee meeting on 21 March 2024.	

1.2 Acknowledgement of Country

The Chairperson conducted an Acknowledgement of Country.

1.3 Declaration of pecuniary interests, significant non-pecuniary interests and less than significant non-pecuniary interests

Nil.

2 PREVIOUS MINUTES

RESOLVED	Ms V Westcott/Mr M Stacey
That the Minutes of the Meeting of the Parks, Trees and Waterways Community Committee held on 2 November 2023 (copies of which were circulated to all members) be and are hereby confirmed as a true and accurate record of the proceedings of the Parks, Trees and Waterways Community Committee meeting held on 2 November 2023.	

3 PRESENTATIONS

3.1 UPDATE - LANDCOM DEVELOPMENT

TRIM REFERENCE: 2024/311

RECOMMENDATION

Mr N Jones/Ms V Westcott

That the presentation on the Landcom Development be acknowledged.

3.2 ITEM FOR DISCUSSION - WILLOWS

TRIM REFERENCE: 2024/322

RECOMMENDATION

Cr M McDonell/Mr N Jones

That the Item for Discussion on Willows be transferred to the next Parks, Trees and Waterways Community Committee meeting.

3.3 ITEMS FOR DISCUSSION - MOULDER PARK, STREET TREE & COOK PARK MASTER PLANS AND BUDGETS

TRIM REFERENCE: 2024/338

- Discussion on Moulder Park Master Plan and whether recent works undertaken are actually in the Plan eg Multi-Use Gym Area.
- Concerns raised around Elephant Park and the level of service not matching up with its popularity.
- Discussion on the Street Tree Master Plan – Has not been re-done however there is a spreadsheet tracking plantings. Urban Forest Strategy will address the Street Tree Master Plan. Concerns raised around whether there is a maintenance plan within the Street Tree Master Plan and if so is it being adhered to.

RECOMMENDATION

Ms V Westcott/Mr M Stacey

1. That the Moulder Park Master plan be revisited.
2. That the City Presentation budget be increased to allow for an additional street tree crew.
3. That the Manager Water Treatment be invited to the next Parks, Trees and Waterways Community Committee meeting to give a presentation on Council's Catchment Management Plan.
4. That the Cook Park Master Plan remains as is.

Mr R Kidd left the meeting with the time being 6.08pm

4 GENERAL REPORTS

4.1 PARKS, TREES AND WATERWAYS COMMUNITY COMMITTEE ACTION PLAN

TRIM REFERENCE: 2024/178

RECOMMENDATION

Mr A Kennedy/Mr C Smith

That the Parks, Trees and Waterways Community Committee Action Plan be reviewed and updated.

THE MEETING CLOSED AT 7.01PM.



PARKS, TREES AND WATERWAYS COMMUNITY COMMITTEE

AGENDA

21 MARCH 2024

Notice is hereby given, in accordance with the provisions of the Local Government Act 1993 that a **PARKS, TREES AND WATERWAYS COMMUNITY COMMITTEE MEETING of ORANGE CITY COUNCIL** will be held in **COMMITTEE ROOM 3, CIVIC CENTRE, BYNG STREET, ORANGE** on **Thursday, 21 March 2024** commencing at **5.00PM**.

David Waddell
CHIEF EXECUTIVE OFFICER

For apologies please contact Nigel Hobden on 6393 8241.

PARKS, TREES AND WATERWAYS COMMUNITY COMMITTEE

21 MARCH 2024

AGENDA**EVACUATION PROCEDURE**

In the event of an emergency, the building may be evacuated. You will be required to vacate the building. The Committee Clerk will now identify the emergency muster point.

Under no circumstances is anyone permitted to re-enter the building until the all clear has been given and the area deemed safe by authorised personnel.

In the event of an evacuation, a member of Council staff will assist any member of the public with a disability to vacate the building.

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PARKS, TREES AND WATERWAYS COMMUNITY COMMITTEE**21 MARCH 2024**

1 INTRODUCTION**MEMBERS**

Cr M McDonell (Chairperson), Cr D Mallard, Mr Brendan Stuart, Ms Sarah Keir, Mr Reg Kidd, Mr Malcolm Stacey, Mr Neil Jones, Mr Gavin Kidd, Ms Amanda Lockwood, Mr Rod MacQueen, Ms Sharyn Pussell, Mr Andrew Kennedy, Mr Cyril Smith, Ms Vanessa Westcott, Director Community, Recreation and Cultural Services, Manager City Presentation, Water Treatment Manager, Horticultural Services Supervisor, City Presentation Support Officer.

1.1 APOLOGIES AND LEAVE OF ABSENCE**1.2 ACKNOWLEDGEMENT OF COUNTRY**

I would like to acknowledge the Traditional Custodians of the land on which we meet today, the people of the Wiradjuri Nation. I pay my respects to Elders past and present, and extend those respects to Aboriginal Peoples of Orange and surrounds, and Aboriginal people here with us today.

1.3 DECLARATION OF PECUNIARY INTERESTS, SIGNIFICANT NON-PECUNIARY INTERESTS AND LESS THAN SIGNIFICANT NON-PECUNIARY INTERESTS

The provisions of Chapter 14 of the Local Government Act, 1993 (the Act) regulate the way in which Councillors and designated staff of Council conduct themselves to ensure that there is no conflict between their private interests and their public role.

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RECOMMENDATION

It is recommended that Committee Members now disclose any conflicts of interest in matters under consideration by the Parks, Trees and Waterways Community Committee at this meeting.

PARKS, TREES AND WATERWAYS COMMUNITY COMMITTEE

21 MARCH 2024

2 PREVIOUS MINUTES

RECOMMENDATION

That the Minutes of the Meeting of the Parks, Trees and Waterways Community Committee held on 2 November 2023 (copies of which were circulated to all members) be and are hereby confirmed as a true and accurate records of the proceedings of the Parks, Trees and Waterways Community Committee meeting held on 2 November 2023.

ATTACHMENTS

- 1 Minutes of the Meeting of the Parks, Trees and Waterways Community Committee held on 2 November 2023

**2.2 MINUTES OF THE ENVIRONMENTAL SUSTAINABILITY COMMUNITY COMMITTEE 5
APRIL 2024**

RECORD NUMBER: 2024/590

AUTHOR: Eli Todman, Sustainability Officer

EXECUTIVE SUMMARY

The minutes of the Environmental Sustainability Community Committee held on 5 April 2024 are provided to the Environmental Sustainability Policy Committee for adoption.

At the meeting, the committee resolved to recommend the following as Council will note is reflected in the attached minutes from that meeting:

- 1 That Council acknowledge the reports presented to the Environmental Sustainability Community Committee at its meeting held on 5 April 2024.
- 2 That Council determine recommendations 3.3 from the minutes of the Environmental Sustainability Community Committee meeting of 5 April 2024.
 - 3.3.1 *Formally adopt the biodiversity mapping study undertaken by The Environmental Factor in 2020 and incorporate the Biodiversity Values Map into the Orange LEP, as an amendment.*
 - 3.3.2 *Make provision for Council's biodiversity mapping to be reviewed and updated on a regular basis, such as every five years, to account for variation in fauna/flora communities.*
 - 3.3.3 *Recognise that gaps remain in biodiversity data/knowledge across the Orange LGA, and more detailed studies are required to identify biodiversity values/assets.*
 - 3.3.4 *Make budget and resource provision for the identification of key components of a biodiversity strategic plan, as a matter of urgency.*
 - 3.3.5 *Establish a Biodiversity Working Group to take responsibility for and progress the projects in parts 2, 3 and 4 of this recommendation.*
- 3 That the remainder of the minutes of the Environmental Sustainability Community Committee from its meeting held on 5 April 2024 be adopted.

It is recommended by staff that Council resolves:

- 1 *That Council acknowledge the reports presented to the Environmental Sustainability Community Committee at its meeting held on 5 April 2024; and*
- 2 *That a follow-up report be prepared by staff to ESCC and Council on the adequacy of Council's current approach to biodiversity conservation reflecting the concerns raised by ESCC along with the other items listed in the committee's recommendation (including the implications of the 2020 biodiversity mapping and its associated report's recommendations for our LEP and DCP controls).*

Outlined in the body of the cover report are the reasons for such deviation from the recommendation of the committee.

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy “9.2. Develop and promote initiatives to reduce water, energy and waste in consultation with the community”.

FINANCIAL IMPLICATIONS

The recommendations of the ESCC below are wide ranging. Given the complexity of Biodiversity legislation at State and Federal level and the conflicting data sets currently available locally, regionally and throughout the State, it is difficult to determine the financial implications of the recommendations.

The reality is that progress on biodiversity will take time and resources, details of which would be reported to Council once the specifics are known. Much of these controls will be planned out within the new comprehensive DCP that is expected to be finalised in early 2025, however temporary policy responses where required can be developed prior to this time.

POLICY AND GOVERNANCE IMPLICATIONS

Following the ESCC meeting, staff investigated the appropriateness of actioning the recommendations of the ESCC Meeting. This included seeding advice from Department of Planning staff during a regular meeting last week. Departmental staff agreed that policy and legislation around biodiversity is complex and often conflicting and a number of policy approaches will be required by Council in order to address these issues, which are not captured by the ESCC recommendation.

Further research by staff since the ESCC meeting has confirmed that the 2020 Terrestrial Biodiversity Mapping has a number of technical issues that restrict Council from simply adopting the updated map in the next LEP update, as has been recommended by the ESCC.

To this end, a follow-up report will be prepared to ESCC and Council on the adequacy of Council’s current approach to biodiversity conservation reflecting the concerns raised by ESCC along with the other items listed in the committee’s recommendation (including the implications of the 2020 biodiversity mapping and its associated report’s recommendations for our LEP and DCP controls).

RECOMMENDATION

- 1 That Council acknowledge the reports presented to the Environmental Sustainability Community Committee at its meeting held on 5 April 2024.**
- 2 That a follow-up report be prepared by staff to ESCC and Council on the adequacy of Council’s current approach to biodiversity conservation reflecting the concerns raised by ESCC along with the other items listed in the committee’s recommendation (including the implications of the 2020 biodiversity mapping and its associated report’s recommendations for our LEP and DCP controls).**

FURTHER CONSIDERATIONS

Consideration has been given to the recommendation's impact on Council's service delivery; image and reputation; political; environmental; health and safety; employees; stakeholders and project management; and no further implications or risks have been identified.

SUPPORTING INFORMATION

Following a further review of Recommendation 3.3.1 and discussion with the Department of Planning, it has been confirmed by staff that acting upon this recommendation is not as straightforward as implied in ESCC recommendation.

The TEF report ("Expansion of the Terrestrial Biodiversity Mapping Dataset", July 2020) and its accompanying "Revised Terrestrial Biodiversity Map" are more problematic than first thought.

Key issues are:

- Inclusion of a dataset that is not appropriate for Council to incorporate into its development controls ("Key Fish Habitat"). This is an online dataset that is maintained by NSW Fisheries. It has a specific role under the *Fisheries Management Act 1994* that we do not need to duplicate within our local controls.
- The lumping together of "terrestrial biodiversity" and "sensitive waterways" data (these are subject to separate clauses and maps under the OLEP 2011). It won't be difficult to unpick these, but there are decisions that need to be made about what we should aim to achieve, particularly in regard to the sensitive waterways controls and mapping.
- The current OLEP 2011 Terrestrial Biodiversity Map makes a distinction between "High Biodiversity Sensitivity" and "Moderate Biodiversity Sensitivity" that is not reflected in TEF's Revised Terrestrial Biodiversity Map.
- The methodology and mapping standards used to generate the LEP's current Terrestrial Biodiversity Map and Watercourses Map have not been documented anywhere in Council's records. From reviewing the available datasets (including the State Vegetation Type Map and NSW Hydrology Dataset), it is unclear how they were originally generated as there are clear mismatches between the LEP maps and the current State datasets. The TEF map simply adds more areas to those shown on the LEP's existing maps, meaning that it hasn't actually addressed this initial methodological gap.

All of this means that the TEF map cannot simply be "adopted" in its current form.

As previously mentioned, given the complexity of data and the varying and certainly conflicting controls, it would be more appropriate for staff to prepare a report to the next ESCC meeting on the adequacy of Council's current approach to biodiversity conservation (including the implications of the TEF report's recommendations for our LEP and DCP controls), reflecting the concerns raised by ESCC and the other items listed in the committee's recommendation (subject to the comments below).

In terms of ESCC Recommendations 3.3.2 and 3.3.3, these two recommendations are important points and can be reframed once a follow-up report from staff is reported to ESCC to clarify the process. It is expected that this would be along the lines of establishing a centralised data platform (linked to Council's corporate GIS system - Enlighten) to collate information from BDARs and other ecological assessments that are submitted to Council in

support of any development applications and planning proposals that are received. It is high quality data that should be captured for future reference.

In regards to Recommendation 3.3.4, staff will advise on the most appropriate policy approach to achieve a “City-wide Biodiversity Strategy”.

A Biodiversity Strategy would address, such as:

- Council’s overall vision and objectives for local biodiversity conservation
- Identify and prioritise biodiversity/habitat corridors to inform future conservation investment and land use planning.
- Best-practice pathways to manage and govern Council’s existing biodiversity assets
- Updating Council’s overall biodiversity asset database.

ATTACHMENTS

- 1 ESCC 5 April 2024 Minutes
- 2 ESCC 5 April 2024 Agenda, D24/38244 [↓](#)

ORANGE CITY COUNCIL

MINUTES OF THE

ENVIRONMENTAL SUSTAINABILITY COMMUNITY COMMITTEE

HELD IN COUNCILLORS WORKROOM, CIVIC CENTRE, BYNG STREET, ORANGE

ON 5 APRIL 2024

COMMENCING AT 8:02 AM

1 INTRODUCTION

ATTENDANCE

Cr D Mallard (Chairperson), Mr Peter West, Mr Andrew Kennedy, Mr Stephen Nugent, Ms Bev Williams, Mr Reg Kidd (*Audiovisual Link*), Mr Malcolm Stacey, Ms Shahreen Alford, Ms Amanda Lockwood (*Audiovisual Link*), Ms Jennifer Lacey, Director Development Services, Water Treatment Manager, Sustainability Project Officer, Sustainability Officer

1.1 Apologies and Leave of Absence

RESOLVED

Mr P West/Mr A Kennedy

That the apologies be accepted from Mr Granton Smith, Mr Nick King, Mr Robert Alford & Mr Ronald Finch for the Environmental Sustainability Community Committee meeting on 5 April 2024.

1.2 Acknowledgement of Country

The Chairperson conducted an Acknowledgement of Country.

1.3 Declaration of pecuniary interests, significant non-pecuniary interests and less than significant non-pecuniary interests

Nil.

2 PREVIOUS MINUTES

RESOLVED

Mr S Nugent/Mr P West

That the Minutes of the Meeting of the Environmental Sustainability Community Committee held on 16 February 2024 (copies of which were circulated to all members) be and are hereby confirmed as a true and accurate record of the proceedings of the Environmental Sustainability Community Committee meeting held on 16 February 2024.

3 GENERAL REPORTS

3.1 CHAIR REPORT

TRIM REFERENCE: 2024/419

RECOMMENDATION

Mr A Kennedy/Mr P West

That the Environmental Sustainability Community Committee acknowledge the verbal report provided by the Chair.

Mr R Kidd entered the meeting with the time being 8.25am

3.2 PRIORITY PROJECT GROUPS - UPDATE

TRIM REFERENCE: 2024/435

The four Priority Project Groups provided a verbal update on key objectives:

Biodiversity

- Item 3.3 (Biodiversity Mapping) on agenda is primary focus.
- Determine involvement in Biodiversity Month, September 2024.
- Further encourage use of the iNaturalist platform to educate and engage the community on biodiversity in the region.

Water Management

- Briefing on the Orange Raw Water Supply OEMP report 2022-23 will be an item for ESCC at a future meeting.

Sustainable Urban Design

- Provide input into the Urban Forest Strategy.
- Draft Affordable Housing Policy to go to Council with a focus on Councils diverse housing development in the Redmond Place Precinct.

Climate Action Policy

- Community group Electrify2800 continue to meet.
- Organise a subgroup meeting to discuss action items for remaining term.

RECOMMENDATION

Mr P West/Mr A Kennedy

That the Environmental Sustainability Community Committee acknowledge the verbal reports provided by the Priority Project groups.

3.3 BIODIVERSITY DATA & PRIORITIES REVIEW

TRIM REFERENCE: 2024/437

RECOMMENDATION**Mr P West/Mr S Nugent**

Recognising that current biodiversity (flora/fauna) mapping data available to Council is an important, if incomplete, component of Council's integrated planning processes, and recognising that biodiversity considerations impact Council's work across the organisation, the Committee recommends that Council:

1. Formally adopt the biodiversity mapping study undertaken by The Environmental Factor in 2020 and incorporate the Biodiversity Values Map into the Orange LEP, as an amendment.
2. Make provision for Council's biodiversity mapping to be reviewed and updated on a regular basis, such as every five years, to account for variation in fauna/flora communities.
3. Recognise that gaps remain in biodiversity data/knowledge across the Orange LGA, and more detailed studies are required to identify biodiversity values/assets.
4. Make budget and resource provision for the identification of key components of a biodiversity strategic plan, as a matter of urgency.
5. Establish a Biodiversity Working Group to take responsibility for and progress the projects in parts 2, 3 and 4 of this recommendation.

3.4 GREAT SOUTHERN BIOBLITZ 2024

TRIM REFERENCE: 2024/415

RECOMMENDATION**Ms S Alford/Mr P West**

1. That the Environmental Sustainability Community Committee acknowledge the report on the Great Southern Bioblitz 2024.
2. That the Biodiversity Priority Project Group meet to confirm how Council can support this year's event.

MATTER ARISING**Mr A Kennedy**

Mr A Kennedy requested the inclusion of a legacy report for this term as a discussion item for the ESCC meeting on 7 June 2024.

THE MEETING CLOSED AT 9:15AM.

