



BUSINESS PAPER

GENERAL MEETING

**Wednesday 8 August 2018
at 6:30PM**



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AGENDA AND SUMMARY OF RECOMMENDATIONS

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."

ABORIGINAL RECOGNITION

Statement by the Chairperson:

"We acknowledge we are on the traditional lands of the Darug and Guringai Peoples. We pay our respects to elders past and present."

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

DECLARATIONS OF INTEREST

Clause 52 of Council's Code of Meeting Practice (Section 451 of the Local Government Act, 1993) 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").

The Councillor or member of a Council committee 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.*
- (b) at any time during which the Council or committee is voting on any question in relation to the matter.*

Clause 51A of Council's Code of Meeting Practice provides that a Councillor, Council officer, or a member of a Council committee who has a non 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. The disclosure is also to be submitted in writing (on the form titled "Declaration of Interest").

If the non-pecuniary interest is significant, the Councillor must:

- a) remove the source of conflict, by relinquishing or divesting the interest that creates the conflict, or reallocating the conflicting duties to another Council official.*

OR

- b) have no involvement in the matter by absenting themselves from and not taking part in any debate or voting on the issue as if the provisions of Section 451(2) of the Act apply.*

If the non-pecuniary interest is less than significant, the Councillor must provide an explanation of why they consider that the interest does not require further action in the circumstances.

CONFIRMATION OF MINUTES

THAT the Minutes of the General Meeting held on 11 July, 2018 be confirmed; a copy having been distributed to all Councillors.

PETITIONS

PRESENTATIONS

RESCISSION MOTIONS

MAYORAL MINUTES

Page Number 1

Item 1 MM16/18 PASSING OF MR JOHN BLACKSHAW

RECOMMENDATION

THAT Council note the passing of Mr John Blackshaw and acknowledge his service to the local community.

Page Number 2**Item 2 MM17/18 CLOSURE OF WINDYBANK'S BAIT AND TACKLE****RECOMMENDATION**

THAT the Mayor write to the Windybank family to:

1. Acknowledge their work with the business over such a long time.
2. Thank them for the contribution they have made to the community of Hornsby.
3. Wish the family all the best for the future.

ITEMS PASSED BY EXCEPTION / CALL FOR SPEAKERS ON AGENDA ITEMSNote:

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

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

GENERAL BUSINESS

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

OFFICE OF THE GENERAL MANAGER

Nil

CORPORATE SUPPORT DIVISION**Page Number 4****Item 3 CS31/18 LOCAL GOVERNMENT NSW - 2018 ANNUAL CONFERENCE -
SUBMISSION OF MOTIONS AND DETERMINATION OF VOTING DELEGATES****RECOMMENDATION**

THAT:

1. Motions dealing with Formal Inclusion of Local Government in the Consultation Process for Disposal of State Government Owned Property; Review of the 10/50 Vegetation Clearing Scheme; Increase in Grant Funding for Waste Levy Program; Review of the Method by Which Accredited Certifiers and the Principal Certifying Authority are Appointed; Building Sustainability Index (BASIX); and Progressive Improvement to Sydney Water Sewage System Licences, as detailed in Deputy General Manager's Report No. CS31/18, be submitted for consideration at the 2018 Local Government NSW (LGNSW) Annual Conference.
2. Council determine which seven Councillors will be voting delegates for voting on motions at the 2018 LGNSW Annual Conference.
3. Registrations for attendance at the 2018 LGNSW Annual Conference be confirmed for the voting delegates determined in 2 above together with any other Councillors who will be attending the Conference as observers.

Page Number 12**Item 4 CS32/18 INVESTMENTS AND BORROWINGS FOR 2017/18 - STATUS FOR PERIOD ENDING 30 JUNE 2018 (PRE-AUDIT)****RECOMMENDATION**

THAT the contents of Deputy General Manager's Report No. CS32/18 be received and noted.

Page Number 15**Item 5 CS33/18 REVIEW OF POLICIES AND CODES - GENERAL MANAGER'S AND CORPORATE SUPPORT DIVISIONS****RECOMMENDATION**

THAT Council adopt the recommendations contained in the table in Deputy General Manager's Report No. CS33/18 in respect of each of the current policies under the jurisdiction of the General Manager's and Corporate Support Divisions.

Page Number 23**Item 6 CS34/18 REVIEW OF COUNCILLORS' EXPENSES AND FACILITIES POLICY****RECOMMENDATION**

THAT:

1. The Councillors' Expenses and Facilities Policy, as amended and shown in the attachment to Deputy General Manager's Report No. CS34/18, be adopted for the purpose of public exhibition in line with the requirements of the Local Government Act.

2. If submissions are received during the public exhibition period, a further report be prepared for Council's consideration which addresses those submissions.
3. Should no submissions be received by the end of the public exhibition period, the draft Policy attached to Deputy General Manager's Report No. CS34/18 be adopted as final.

ENVIRONMENT AND HUMAN SERVICES DIVISION

Page Number 27

Item 7 EH13/18 TENANCY OPTIONS FOR HORNSBY CONNECT

RECOMMENDATION

THAT:

1. Council endorse an approach which provides Hornsby Connect with access to the Hornsby Youth and Family Centre to ensure their operational efficiency, noting that impacted hirers at the Youth and Family Centre in 2018 have been accommodated elsewhere in Council's community centre network.
2. Council formally thank the community groups that have altered their hire arrangements at the Hornsby Youth and Family Centre in 2018 in order to facilitate Hornsby Connect's service delivery to the community.
3. Hornsby Connect be offered the licensed use of Hornsby Youth and Family Centre on the terms outlined in Attachment 1 to Group Manager's Report No. EH13/18.

Page Number 32

Item 8 EH15/18 DRAFT STREET LIBRARIES ON PUBLIC LAND POLICY

RECOMMENDATION

THAT:

1. The draft Street Library on Public Land Policy and Notification Form as shown in attachments 1 and 2 to Group Manager's Report No. EH15/18, be adopted for the purpose of public exhibition.
2. If submissions are received during the public exhibition period, a further report be prepared for Council's consideration which addresses those submissions.
3. Should no submissions be received by the end of the public exhibition period, the draft Street Library on Public Land Policy and Notification Form attached to Group Manager's Report No. EH15/18 be adopted as final.

PLANNING DIVISION

Page Number 35

Item 9 PL21/18 CHERRYBROOK STATION PRECINCT

RECOMMENDATION

THAT Council forward the submission attached to Group Manager's Report No. PL21/18 concerning the proposed amendment to State Environmental Planning Policy (State and Regional Development) 2011 and objecting to the appointment of the Minister for Planning as the consent authority for future development on identified government-owned land, if the development meets the criteria of State Significant Development, prior to the finalisation of the Precinct Plan for the Cherrybrook Station Precinct.

Page Number 41**Item 10 PL22/18 REPORTING VARIATIONS TO DEVELOPMENT STANDARDS****RECOMMENDATION**

THAT the contents of Group Manager's Report No. PL22/18 be received and noted.

INFRASTRUCTURE AND RECREATION DIVISION

Nil

CONFIDENTIAL ITEMS**Item 11 EH12/18 RECYCLING CONTRACT EXTENSION AND VARIATION**

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 12 EH14/18 WASTE COLLECTION CONTRACT EXTENSION AND VARIATION

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.

PUBLIC FORUM – NON AGENDA ITEMS**QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN****MAYOR'S NOTES**

NOTICES OF MOTION**Page Number 44****Item 13 NOM19/18 COUNCIL'S HERITAGE COMMITTEE**

COUNCILLOR TILBURY TO MOVE

THAT:

1. Current best practice in local government heritage planning and conservation be examined to ensure that Council is appropriately protecting, interpreting and integrating items and areas of heritage significance within Hornsby Shire.
2. The review include (but not be limited to) the processes and resources used by other Councils, current programs and publications by the Heritage Council, the Government Architect NSW and the Department of Environment and Heritage and seeking the views of members of Council's existing Heritage Advisory Committee.
3. That a councillor workshop precede a report to Council outlining any recommendations arising from the review of best practice and innovation in heritage planning.

Page Number 45**Item 14 NOM20/18 BEROWRA CREEK WATER QUALITY**

COUNCILLOR MARR TO MOVE

THAT Council officers present via an informal workshop of Council information relating to the water quality and the health of Berowra Creek, opportunities to further inform and engage the community on water quality matters, and integrated approaches to managing our waterways.

Page Number 46**Item 15 NOM21/18 PUBLIC LIBRARY FUNDING**

COUNCILLOR HEYDE TO MOVE

That Council:

1. Endorse the NSW Public Libraries Association and Local Government NSW library funding advocacy initiative, Renew our Libraries, which has two aims:
 - a) To enable public libraries to meet the growing needs of local communities.
 - b) To raise public awareness of the multiple roles that public libraries play in supporting the educational, social, cultural and economic outcomes in NSW communities.
2. Take a leading role in activating the campaign locally.
3. Endorse the distribution of the NSW Public Libraries Association and Local Government NSW library funding advocacy initiative information in Council libraries.

4. Formally advise the NSW Public Libraries Association and Local Government NSW that Council has endorsed the library funding advocacy initiative.
5. Make representation to the State Members Matt Kean MP, Damien Tudehope MP, Alistair Henskens MP and Dominic Perrottet MP in relation to the need for significant additional funding from the NSW State Government for the provision of public library services.
6. Write to the Hon. Don Harwin, Minister for the Arts, the Hon. Walt Secord, Shadow Minister for the Arts and Mr David Shoebridge MLC, Greens spokesperson on Local Government, calling for tri-partisan support for the provision of a significant increase in state funding for NSW public libraries, supported by a sustainable future funding model.
7. Acknowledge the unique and vital role Hornsby Shire librarians have played in the social, cultural and educational life of our Shire since the public library service was established in 1972 and thank them for their ongoing service to our community.

SUPPLEMENTARY AGENDA**MATTERS OF URGENCY****QUESTIONS WITHOUT NOTICE**

1 PASSING OF MR JOHN BLACKSHAW

Hornsby Shire recently lost a significant member of the community with the passing of Mr John Blackshaw, who served on Hornsby Shire Council in the 1950s at the same time as my father Max Ruddock. John promised in his first speech to Council that he would do his utmost to advance the interests of the Shire, a promise he faithfully kept.

John's most significant contribution to our community was as the Chairman and President of the local Australia Remembers 1945-1995 Committee. The group organised the erection of plaques throughout the Shire to mark the 50th anniversary of the end of World War II, at sites that included Cherrybrook, Galston, Beecroft, Brooklyn, Hornsby, Berowra, Westleigh, and Pennant Hills. John and his team also organised nine days of various events to mark the important milestone, beginning with an exhibition at Westfield and concluding with a commemorative concert at the Hornsby RSL.

I was patron of the Committee and well remember John's dedicated service. I thanked him then for his outstanding leadership and my gratitude still stands.

RECOMMENDATION

THAT Council note the passing of Mr John Blackshaw and acknowledge his service to the local community.

The Honourable Cr PHILIP RUDDOCK

Mayor

Attachments:

There are no attachments for this report.

File Reference: F2004/05879-05

Document Number: D07492145

2 CLOSURE OF WINDYBANK'S BAIT AND TACKLE

An era came to an end recently in Mount Colah with the closing of Windybank's Bait and Tackle, following 130 years of continuous business activity for the family in Hornsby Shire. They sold the business due to an illness in the family and it is understood that the building has been bought by a group of doctors who will set up a local practice.

The business was founded by Gordon Windybank on the Pacific Highway in 1950. In 1971 John and Annette Windybank went into the business. Their son Paul Windybank has since joined in, along with his wife Teresa and sons Tristan and Brodie. Almost 70 years of family business is impressive enough, but it was by no means the beginning of the Windybank's local contribution.

Edward Clarke Windybank came from Bedfordshire, England in 1853. He worked as a boat builder in boatsheds in Double Bay and Elizabeth Bay. One day, on his way to Newcastle, he saw Cowan Creek from the ridge top and walked down through the bush to explore it. He was so enchanted by the bay that he decided he would live there, becoming the first settler at Cowan Creek. This tough pioneer lived in a cave while he built a house for his family.

Edward was granted a life tenancy in 1888 and started his boatbuilding business. He has been credited with introducing houseboats to New South Wales. Though officially named Waratah Bay, the spot is popularly known as Windybanks.

In the late 1890s Edward built a boatshed at Waratah Bay, which became the centre of activity for holiday makers, day visitors and fishermen. The enterprising Windybank built and hired houseboats, at one stage operating 11. He owned two steamboats, Wildflower (1895) and Lady Zara (1903) before he owned a motor boat, Lady Alicia, that could carry 110 people. Another purchase was a large paddle steamer, the "General Gordon", which had been used by the Railway Department to transport passengers across the Hawkesbury River before the first rail bridge was built. This boat was cut in half by Windybank and hired out as two houseboats.

I note that the Windybank wholesale business will continue at Spencer. We wish all of the Windybank family the very best for their future. You have certainly earned your rest.

RECOMMENDATION

THAT the Mayor write to the Windybank family to:

1. Acknowledge their work with the business over such a long time.
2. Thank them for the contribution they have made to the community of Hornsby.
3. Wish the family all the best for the future.

The Honourable Cr PHILIP RUDDOCK
Mayor

Attachments:

There are no attachments for this report.

File Reference: F2004/05879-05

Document Number: D07492169

ITEM 2

LOCAL GOVERNMENT NSW - 2018 ANNUAL CONFERENCE - SUBMISSION OF MOTIONS AND DETERMINATION OF VOTING DELEGATES

EXECUTIVE SUMMARY

- The 2018 Annual Conference of Local Government NSW (LGNSW) will be held at the Entertainment Centre, Albury from Sunday 21 to Tuesday 23 October 2018. The Conference provides the opportunity for Council delegates to network and be involved in discussions and consideration of motions about matters which affect local government across NSW.
- In considering the submission of motion/s by Council, regard has been given to resolutions made by Council over the past 12 months, discussions between Councillors and members of the Executive Committee (ExCo) and recommendations emanating from ExCo members in respect of matters for which their Divisions are responsible. Based on the feedback received, it is proposed that six motions be submitted by Council for consideration at the Conference.
- Council is entitled to seven voting delegates at the 2018 Conference for voting on motions. As a consequence, Council will need to determine by resolution which Councillors will be voting delegates, noting that other Councillors are entitled to attend as observers at the Conference and which will be observers.

RECOMMENDATION

THAT:

1. Motions dealing with Formal Inclusion of Local Government in the Consultation Process for Disposal of State Government Owned Property; Review of the 10/50 Vegetation Clearing Scheme; Increase in Grant Funding for Waste Levy Program; Review of the Method by Which Accredited Certifiers and the Principal Certifying Authority are Appointed; Building Sustainability Index (BASIX); and Progressive Improvement to Sydney Water Sewage System Licences, as detailed in Deputy General Manager's Report No. CS31/18, be submitted for consideration at the 2018 Local Government NSW (LGNSW) Annual Conference.
2. Council determine which seven Councillors will be voting delegates for voting on motions at the 2018 LGNSW Annual Conference.
3. Registrations for attendance at the 2018 LGNSW Annual Conference be confirmed for the voting delegates determined in 2 above together with any other Councillors who will be attending the Conference as observers.

PURPOSE

The purpose of this Report is to provide an opportunity for Council to submit matters for consideration and debate at the 2018 LGNSW Annual Conference and for Council to determine its voting delegates for the Conference.

BACKGROUND

The 2018 LGNSW Annual Conference is to be held at the Entertainment Centre, Albury from Sunday 21 to Tuesday 23 October 2018. The Conference provides the opportunity for Council delegates to network and be involved in discussions and consideration of motions about matters which affect local government across NSW.

Councils have recently been invited to submit motions for consideration at the Annual Conference. Motions proposed by councils will be grouped under one of the six categories:

1. Industrial relations and employment policy.
2. Economic policy.
3. Infrastructure and planning policy.
4. Social policy.
5. Environmental policy.
6. Governance/Civic Leadership policy. (e.g. legislative and regulatory setting, elections, participation, reform)

and will be included in the Conference Business Paper where the LGNSW Board determines that the motions:

- Are consistent with the objects of the Association. (see Rule 4 of the Association's rules)
- Relate to local government in NSW and/or across Australia.
- Concern or are likely to concern local government as a sector.
- Seek to advance the local government policy agenda of the Association and/or improve governance of the Association.
- Have a lawful purpose. (a motion does not have a lawful purpose if its implementation would require or encourage non-compliance with prevailing laws)
- Are clearly worded and unambiguous in nature.
- Do not express preference for one or several members over one or several other members.

and the relevant council has provided evidence of its support for the motion to be included e.g. in the form of an attachment or addendum such as an extract of the minutes of the meeting at which the council resolved to submit the motion for consideration by the Conference.

Motions which do not advance the local government policy agenda will not be included in the Business Paper. Therefore a motion will not be included if it is operational, rather than strategic; a matter which could be actioned by LGNSW without going to Conference; not local government business; focused on a local issue only, or if the motion is consistent with longstanding actions of LGNSW and the Local Government and Shire's Association.

Motions for the 2018 Conference are to be submitted online and must include the following details:

- Indicative category of the motion
- Title
- Motion wording
- Background note explaining the rationale of the motion (max 1 or 2 paragraphs).

DISCUSSION

Motions

In considering the development of draft motion/s, regard has been given to resolutions made by Council over the past 12 months, discussions between Councillors and members of the Executive Committee (ExCo) and recommendations emanating from ExCo members in respect of matters for which their Divisions are responsible. Based on the feedback received, it is proposed that the following six motions be submitted by Council for consideration at the 2018 Annual Conference:

Motion 1

Category: Social Policy

Title: Formal Inclusion of Local Government in the Consultation Process for Disposal of State Government Owned Property

Details of Issue:

Property NSW manages the State's significant property portfolio and its places for the people of NSW. The approach of Property NSW is to "*collaborate with stakeholders to deliver government objectives for the community*" to achieve its mission to "*deliver property solutions and great places for the people of NSW*". Their services include active portfolio and asset management and delivering transactions and major projects. In delivering disposal transactions on behalf of State Government, Hornsby Shire Council has been advised that prior to offering any State owned property for disposal, an initial process of consultation is conducted with the various State Government organisations as to their interest in such property. Local Government is not considered to be a stakeholder and is, therefore, not included in this initial process.

Hornsby Shire Council believes that local government is a significant stakeholder when the State considers the disposal of its property assets within the boundaries of local government. Whilst State Government organisations may consider potential disposals of State owned property at a "macro" level across NSW, local councils are best placed to consider such disposals at the local "micro" level within their local government boundaries. Hornsby Shire Council considers that councils are at least just as important a stakeholder in the disposal process of State owned properties, if not more important than State organisations, due to the connection of local government with the community.

It is, therefore, considered that councils should seek to mitigate the risk of losing any opportunities that might be presented from the potential disposal of State owned properties by recognition of their stakeholder status and their inclusion in the initial consultative process. This aligns with the objectives of Property NSW and accords with Hornsby Shire Council and the Government of NSW promoting the theory of "one government" working together for the benefit of the current and future generations of the community.

Motion or Proposed Solution:

THAT Local Government NSW write to relevant State Government Ministers requesting that Property NSW be required to formally recognise local councils as stakeholders in the process of the disposal of

State government owned property in NSW. This is to be achieved by Property NSW ensuring that the local council where the property for disposal is located being included in the initial consultative process prior to disposal of the property.

Motion 2**Category: Environmental Policy****Title: Review of the 10/50 Vegetation Clearing Scheme****Details of Issue:**

The 10/50 Vegetation Clearing Scheme commenced in August 2014 following the October 2013 bushfires which destroyed more than 200 homes in the Blue Mountains and initially applied to properties located within a 350 metre buffer of all bushfire prone land. The design of the 10/50 Scheme provided that a formal review of the Scheme was to be undertaken as soon as possible following two years of the Scheme's operation to determine whether the policy objectives remain valid and whether the terms remain appropriate for securing those objectives (Section 100S of the Rural Fires Act 1997).

In response to significant community concern that the Scheme was being abused by some landholders to indiscriminately clear vegetation, in October 2014 following only two months of its operation, the NSW RFS brought forward the planned review of the Scheme. Given the formal review was commenced following only two months of the Scheme's operation, rather than two years operation as was the original intent of the legislation, it is questionable whether the review assessed the full impact of the 10/50 Scheme over time.

Undertaking a review at this point after the Scheme has been in operation for a number of years would allow for a thorough examination of the impact of the Scheme over time, whether its policy objectives remain valid and whether the Scheme's terms remain appropriate for securing those objectives, and whether there have been unintended outcomes.

Motion or Proposed Solution:

THAT Local Government NSW call upon the NSW Government to undertake a formal review of the 10/50 vegetation clearing scheme, including:

- An assessment of the effectiveness of the entitlement areas in reducing bushfire hazard to people and property.
- An assessment of the impacts of the introduction of the 10/50 Vegetation Clearing Code on tree canopy cover in entitlement areas.
- An appraisal of reducing the entitlement area noting the implications of reduced canopy cover.
- Any unintended/unforeseen consequences on vegetation resulting from the introduction of the scheme.

Motion 3**Category: Environmental Policy****Title: Increase in Grant Funding for Waste Levy Program****Details of Issue:**

Under Section 88 of the NSW POEO Act, a Waste Levy applies to waste disposed to landfill, including residential waste collected by NSW councils. LGNSW has reported that the Waste Levy generated approximately \$659 million in 2016/17 for the NSW Government, with only 18% of levy funds paid by local government being returned for waste related programs delivered by councils.

In order for local councils in NSW to meet the State Government's domestic resource recovery target of 70%, Hornsby Shire Council is calling on LGNSW to lobby the State Government for a significant increase in Waste Levy funds to be directly returned to local councils to progress waste management and resource recovery initiatives.

Whilst individual councils will be best placed to determine priority uses for increased funds, a greater availability of funds could assist in driving better regional approaches, supporting innovation in reuse and recycling or in establishing infrastructure that would lead to improved viability (including reduced costs for communities).

Motion or Proposed Solution:

That Local Government NSW lobby the NSW Government to significantly increase the annual amount of grant funding available for local councils under the Waste Less Recycle More, Waste Levy Program to broadly support waste related initiatives of local government.

Motion 4

Category: Governance/Civic Leadership Policy

Title: Review of the Method by Which Accredited Certifiers and the Principal Certifying Authority are Appointed

Details of Issue:

Since the inception of the private building certification scheme in NSW, most councils are receiving hundreds of complaints every year identifying areas where private certifiers have failed to exercise their duties as a public official. One of the major concerns with the current certification scheme is that property owners and developers are permitted to choose who carries out the certification works, which does not instill public confidence that a rigorous assessment process has been undertaken throughout the certification process.

With the recent expansion of the State Government's new Medium Density Housing Code which will allow one and two-storey dual occupancies, manor houses (blocks of four flats) and terraces to be carried out under a fast track complying development approval by private certifiers without council input, it is even more critical that the NSW Government reinstates public confidence in the building certification process by removing the ability for developers to appoint their own certifiers.

Motion or Proposed Solution:

THAT Local Government NSW write to the NSW State Government requesting that it undertake an urgent review of the building certification system in NSW and consider the following:

- Ensure that certifiers who have been banned, be prohibited from being employees, consultants, directors or shareholders of entities providing such services.
- Apply more scrutiny when determining the competence of applicants seeking various categories of accreditation under the accreditation scheme adopted under the Building Professionals Act 2005.

- Deal more stringently with incompetent private accredited certifiers who assess, approve and certify development that does not comply with planning instruments and development regulations.
- Establish a process whereby the local council appoints the building certifier and the principal certifying authority (PCA) through an established local building certifier panel ensuring that there is no connection between the builder and the regulator.

Motion 5

Category: Environmental Policy

Title: Building Sustainability Index (BASIX)

Details of Issue:

The Building Sustainability Index (BASIX) is a sustainable planning measure designed to reduce water and energy consumption in homes across NSW, delivering long term financial savings for the homeowner and improved environmental outcomes for our communities.

As population grows and more dwellings are provided to meet this demand, it is important that increasingly efficient buildings are constructed. Improved building designs will reduce energy and water consumption and reduce waste generation.

The opportunity exists to encourage more efficient buildings by reviewing and raising the current targets used by BASIX. This would support the design and construction of innovative buildings that contribute positively to creating healthy, attractive places for people to live and work.

Motion or Proposed Solution:

THAT Local Government NSW call upon the NSW Government to review and raise the targets used by the Building Sustainability Index (BASIX).

Motion 6

Category: Environmental Policy

Title: Progressive Improvement to Sydney Water Sewage System Licences

Details of Issue:

A recent review by the NSW Environment Protection Agency (EPA) of Sydney Water sewage treatment system licenses revealed a status quo where for many years, levels of allowable discharged pollutants has not changed despite improvements in available technologies.

At the same time, pollution arising from leaks and designed bypasses in metropolitan sewage systems are increasing. Growing development pressures and population density only serve to exacerbate this problem as reticulation systems and sewage treatment plants are rarely upgraded to cater for the increased population.

Sydney's waterways, creeks, rivers and beaches are now unswimmable during almost any wet weather event due to leaking and poorly maintained sewage infrastructure. The EPA pollution licencing scheme provides a tool to progressively improve environmental outcomes from the Sydney Water sewerage system.

Motion or Proposed Solution:

THAT Local Government NSW call upon the NSW Environment Protection Authority to improve its Sewerage System licenses by applying a continuous improvement standard where periodically the levels of pollutants allowed to be discharged by Sewage Treatment Plants and their reticulation systems is reduced over time.

Voting Delegates

At this year's Conference there will only be one type of voting – voting on motions at Conference Business Sessions. In this regard, LGNSW have advised that Hornsby Council is entitled to seven voting delegates and Council is required to nominate the names of their voting delegates. It is noted that Councillors not nominated as voting delegates are still entitled to attend the Conference as observers.

BUDGET

Funds have been allocated in the 2018/19 budget for attendance by Councillors and relevant staff at the 2018 LGNSW Annual Conference.

POLICY

Councillor attendance at the 2018 LGNSW Annual Conference is in accordance with the Councillors' Expenses and Facilities Policy.

CONCLUSION

The 2018 LGNSW Annual Conference provides the opportunity for Council delegates to network and be involved in discussions and consideration of motions about matters which affect local government across NSW. In this regard, motions dealing with Formal Inclusion of Local Government in the Consultation Process for Disposal of State Government Owned Property; Review of the 10/50 Vegetation Clearing Scheme; Increase in Grant Funding for Waste Levy Program; Review of the Method by Which Accredited Certifiers and the Principal Certifying Authority are Appointed; Building Sustainability Index (BASIX); and Progressive Improvement to Sydney Water Sewage System Licences are proposed to be submitted by Council for consideration at the Conference. As LGNSW has advised that Council is entitled to seven voting delegates at the 2018 Conference for voting on motions, Council is required to determine which Councillors are to be formally nominated as Council's voting delegates at the Conference.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Manager Governance and Customer Service – Robyn Abicaire, who can be contacted on 9847 6608.

ROBYN ABICAIRE
Manager - Governance and Customer Service
Corporate Support Division

GARY BENSLEY
Deputy General Manager - Corporate Support
Corporate Support Division

Attachments:

There are no attachments for this report.

File Reference: F2018/00143

Document Number: D07472300

ITEM 3

4 INVESTMENTS AND BORROWINGS FOR 2017/18 - STATUS FOR PERIOD ENDING 30 JUNE 2018 (PRE-AUDIT)

EXECUTIVE SUMMARY

- This Report provides details of Council's investment performance for the period ending 30 June 2018 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 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 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 annualised return for the month of June 2018 was 2.59% compared to the benchmark of 1.50%. The annualised return for the 2017/18 year was 2.59% compared to the benchmark of 1.50%.

RECOMMENDATION

THAT the contents of Deputy General Manager's Report No. CS32/18 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

A report is required to 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 30 June 2018 is detailed in the attached document. In summary, the At-Call and Term Deposits achieved an annualised return of 2.59% for June 2018, compared to the benchmark of 1.5%. The annualised return for the 2017/18 year was 2.59% compared to the benchmark of 1.50%.

In respect of Council borrowings, the weighted average interest rate payable on outstanding loans taken out from June 2008 to date, based on the principal balances outstanding is 6.88%. The Borrowings Schedule as at 30 June 2018 is also attached for Council's information.

BUDGET

Budgeted investment income for 2017/18 is \$3,500,000 with an average budgeted monthly income of \$291,670. Total investment income for the year ended 30 June was \$4,730,000. Approximately 43% of the investment income received by Council relates to externally restricted funds (e.g. Section 94 monies) 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.

CONSULTATION

Appropriate consultation has occurred with Council's financial investment adviser in the preparation of this Report.

CONCLUSION

The investment of Council funds and the extent of its borrowings as at 30 June 2018 are 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 - Glen Magus - who can be contacted on 9847 6835.

GLEN MAGUS
Chief Financial Officer - Financial Services
Corporate Support Division

GARY BENSLEY
Deputy General Manager - Corporate Support
Corporate Support Division

ITEM 4

Attachments:

1. [⇒](#) HSC Monthly Investment Summary Jun 2018
2. [⇒](#) HSC Borrowings Schedule Jun 2018

File Reference: F2004/06987-02
Document Number: D07477486

5 REVIEW OF POLICIES AND CODES - GENERAL MANAGER'S AND CORPORATE SUPPORT DIVISIONS

EXECUTIVE SUMMARY

- Council's Policy – "Review, Adoption and Alteration of Council Policies" – states that each Division of Council has a two month period in the first and third year of each term of Council to review all policies under their control and recommend any changes to Council.
- The current policies pertaining to the General Manager's and the Corporate Support Divisions have now been reviewed and recommendations have been made for each policy based on current service needs and legislative changes.

RECOMMENDATION

THAT Council adopt the recommendations contained in the table in Deputy General Manager's Report No. CS33/18 in respect of each of the current policies under the jurisdiction of the General Manager's and Corporate Support Divisions.

PURPOSE

The purpose of this Report is to present to Council the outcomes of the review of policies under the jurisdiction of the General Manager's and Corporate Support Divisions, and to seek Council's endorsement of the recommended actions in response to the review of those policies.

BACKGROUND

Council's Policy – "Review, Adoption and Alteration of Council Policies" – states that each Division of Council has a two month period in the first and third year of each term of Council to review all policies under their control and recommend any changes to Council.

The policies under the jurisdiction of the General Manager's Division and Corporate Support Division were last reviewed at the Ordinary Meeting of Council on 8 April 2015 via Deputy General Manager's Report No. CS6/15.

DISCUSSION

General Manager's Division Policies and Codes

A review of the current policies under the jurisdiction of the General Manager's Division has been undertaken and a listing, together with a summary of proposed amendments, is contained below. The policies, incorporating amendments where they are proposed, are attached. Deletions are shown in the attachments by ~~striking through~~ and additions by underlining.

Current Policy Title	Comment and Recommendation
Code of Conduct POL00140	No changes are proposed for this Policy. The Office of Local Government (OLG) is currently undertaking a review of the Model Code and a further report will be submitted to Council when the OLG finalises its review. Recommendation – That this Policy be retained as is.
Procedures for the Administration of the Code of Conduct POL00374	No changes are proposed for this Policy. The OLG is currently undertaking a review of the Model Procedures and a further report will be submitted to Council when the OLG finalises its review. Recommendation – That this Policy be retained as is.
Elections – Caretaker Period POL00285	No changes are proposed for this Policy. Recommendation – That this Policy be retained as is.

Complaints Handling POL00097	No changes are proposed for this Policy. Recommendation – That this Policy be retained as is.
Reporting of Corruption, Maladministration, Substantial Waste, Government Information Contravention and Other Wrongdoing POL00090	No changes are proposed for this Policy. Recommendation – That this Policy be retained as is.
Review, Adoption and Alteration of Council Policies POL00089	No changes are proposed for this Policy. Recommendation – That this Policy be retained as is.
Councillors Employees and Volunteers – Legal Assistance and Insurance Protection POL00039	No changes are proposed for this Policy. Recommendation – That this Policy be retained as is.

Corporate Support Division's Policies and Codes

A review of the current policies under the jurisdiction of the Corporate Support Division has been undertaken and a listing, together with a summary of proposed amendments, is contained below. The policies, incorporating amendments where they are proposed, are attached. Deletions are shown in the attachments by ~~strike through~~ and additions by underlining.

Policy	Comment and Recommendation
Financial Services Branch	

<p>Restricted Asset Accounts – Internal POL00062</p>	<p>Minor amendments to reflect current practice and new terminology are proposed for this Policy.</p> <p>Recommendation – That this Policy be amended with the minor amendments shown in the copy attached to this Report.</p>
<p>Restricted Asset Account – Capital Projects – Debt Retirement POL00059</p>	<p>Minor amendments to reflect current practice and new terminology are proposed for this Policy.</p> <p>Recommendation – That this Policy be amended with the minor amendments shown in the copy attached to this Report.</p>
<p>Rates Relief – Hardship POL00058</p>	<p>The Policy has been updated to reflect current practice and to make it clear that the main option for new hardship is by offering extended timeframes to repay rates and charges that are due. A new clause has also been added to reflect that Domestic Waste Charges levied annually are to be considered as a minimum requirement to be repaid within the same financial year.</p> <p>Recommendation – That this Policy be amended as outlined above and as shown in the copy attached to this Report.</p>
<p>Loan Borrowings POL00054</p>	<p>This Policy has been amended to reflect current practice and to include increased requirements around improving financial governance.</p> <p>Recommendation – That this Policy be amended as outlined above and as shown in the copy attached to this Report.</p>
<p>Lease Financing POL00052</p>	<p>No changes are proposed for this Policy.</p> <p>Recommendation – That this Policy be retained as is.</p>

<p>Investment of Surplus Funds POL00049</p>	<p>A minor amendment in the listing of a previous Department of Local Government Circular is proposed for this Policy. Also, the Investment Strategy referred to in point 3 of the Policy has been updated to reflect discussions at a recent workshop, and is attached to the Policy.</p> <p>Recommendation – That this Policy be amended with the minor amendments shown in the copy attached to this Report.</p>
<p>Governance and Customer Service Branch</p>	
<p>Statutory – Councillors – Expenses and Facilities POL00135</p>	<p>In accordance with the Local Government Act Review Phase 1 Reforms, effective as from 30 August 2016, expenses and facilities policies are to be adopted by a council within 12 months of the term of a new council, instead of annually (section 252 of the Local Government Act). Amendments to this policy are no longer required to be specifically notified to the OLG (section 253 of the Act).</p> <p>An extensive review of this Policy has been undertaken having regard to the Councillor Expenses and Facilities Policy Better Practice Template issued by the OLG (Circular No. 17-17). Significant changes have been made in line with that template, and these changes have been distributed to, and discussed with Councillors at a workshop. The amended Policy is the subject of a separate report to be considered at tonight's meeting – Deputy General Manager's Report No. CS34/18.</p> <p>Recommendation – That a review of this Policy be considered as detailed in Deputy General Manager's Report No. CS34/18 - 8 August 2018 General Meeting.</p>
<p>Statutory – Privacy Management Plan POL00134</p>	<p>Council's current Privacy Management Plan is based on a model published by the OLG. Following comments received from the Information and Privacy Commission (IPC), references to Council's Closed Circuit Television (CCTV) Determination have been included at relevant sections within the Plan. No other changes are considered necessary at this stage, noting that if and when the OLG updates its model, a further report on the matter will be prepared for Council's consideration.</p>

	Recommendation – That this Policy be amended as outlined above and as shown in the copy attached to this Report.
Statutory – Code of Meeting Practice POL00133	In December 2017, the OLG issued a Model Code of Meeting Practice (Circular No. 17-40) and invited comments from local councils. Council extensively reviewed the Draft Model Code in comparison with its existing Code of Meeting Practice and made a submission to the OLG providing comments for consideration in the development of the final Model Code. The OLG has yet to notify councils of the next steps in the development and finalisation of a Model Code of Meeting Practice. Recommendation – That this Policy be retained as is and a review of the Policy be undertaken once the Model Code of Meeting Practice has been finalised by the OLG.
Customer Service POL00100	No changes are proposed for this Policy. Recommendation – That this Policy be retained as is.
Information Communications and Technology Branch	
Information, Communication and Technology POL00047	No changes are proposed for this Policy. Recommendation – That this Policy be retained as is.
Land and Property Services Branch	
Disposal of Land POL00128	Minor amendments are proposed to ensure consistency with legislation. Recommendation – That this Policy be amended as outlined above and as shown in the copy attached to this Report.
Land – Lease/Licence	Minor amendments are proposed to ensure consistency with

by Council POL00050	legislation. Recommendation – That this Policy be amended as outlined above and as shown in the copy attached to this Report.
Strategy and Communications Branch	
Community Representation POL00081	No changes are proposed for this Policy. Recommendation – That this Policy be retained as is.
Public and Community Input POL00091	Minor amendments only are proposed for this Policy. Recommendation – That this Policy be amended with the minor amendments shown in the copy attached to this Report.

BUDGET

There are no budgetary implications associated with this Report.

POLICY

Details of the review of each current Policy that has been undertaken across the two Divisions is summarised within this Report.

CONCLUSION

The review of policies by the General Manager's and Corporate Support Divisions is the first of a series of reports that Council will be asked to consider this year. Each of the other Divisions will submit their reports in the coming months. The major aims of the review is to only retain documents as policies if they add value to Council's operations and to ensure that policies are not simply a restatement of legislation, standards, etc that Council is otherwise expected to follow.

RESPONSIBLE OFFICER

The officers responsible for the preparation of this Report are the Risk and Audit Manager – Scott Allen, who can be contacted on 9847 6609; and the Branch Managers and Deputy General Manager of the Corporate Support Division, who can be contacted through Gary Bensley on 9847 6605.

GARY BENSLEY
Deputy General Manager - Corporate Support
Corporate Support Division

STEVEN HEAD
General Manager
General Manager Division

Attachments:

1. [⇒](#) General Manager's Division Policies
2. [⇒](#) Corporate Support Division Policies

File Reference: F2017/00011

Document Number: D07478326

ITEM 5

6 REVIEW OF COUNCILLORS' EXPENSES AND FACILITIES POLICY

EXECUTIVE SUMMARY

- Section 252 of the Local Government Act requires that within the first 12 months of each term of a new council, the council must adopt a policy concerning the payment of expenses and provision of facilities to the councillors and the mayor.
- A review of Council's current Councillors' Expenses and Facilities Policy has been completed and the updated draft Policy is included as an attachment to this Report, with proposed amendments shown in track changes.
- The amendments are based on the Better Practice Councillor Expenses and Facilities Policy Template issued by the Office of Local Government (OLG) and discussions about that document with Councillors at a workshop.
- It is proposed that Council adopt the updated draft document for the purpose of public exhibition. If submissions are received in respect of the draft, a further report will be prepared for Council's consideration to allow adoption of a final Policy.

RECOMMENDATION

THAT:

1. The Councillors' Expenses and Facilities Policy, as amended and shown in the attachment to Deputy General Manager's Report No. CS34/18, be adopted for the purpose of public exhibition in line with the requirements of the Local Government Act.
2. If submissions are received during the public exhibition period, a further report be prepared for Council's consideration which addresses those submissions.
3. Should no submissions be received by the end of the public exhibition period, the draft Policy attached to Deputy General Manager's Report No. CS34/18 be adopted as final.

PURPOSE

The purpose of this Report is to comply with the requirements of Section 252 of the Local Government Act; provide Council with the opportunity to consider proposed amendments to its Councillors' Expenses and Facilities Policy; and seek Council's endorsement of the amended Policy for the purpose of public exhibition.

BACKGROUND

Council's current Policy was last fully reviewed in October 2015 when annual reviews of the Policy were required by legislation. The legislation has since been amended to only require a review of the Policy in the first 12 months of a new Council's term of office. Amendments to the Policy are no longer required to be specifically notified to the OLG.

In July 2017, the OLG published a Better Practice Template for Councillors' Expenses and Facilities Policies (Circular No. 17-17) and all councils have been encouraged to follow these guidelines when renewing their own policies. Staff have prepared a draft Policy based on the Template. The draft Policy has been reviewed and discussed at a workshop and Councillors have since had the opportunity to provide comments in respect of an initial draft.

DISCUSSION

The OLG Template and legislation requires Council to nominate an expenditure limit for various expenses and facilities. As Council's existing Policy nominates expenditure limits in certain sections only, it has been necessary to both review existing nominated expenditure limits and determine new ones for headings not included in the existing Policy. To assist in discussion and review of the updated draft, details of expenditure limits set by other councils who have already adopted policies (mostly those that had elections in September 2016) were taken into consideration.

The amended draft Policy adopts the formatting and layout of the OLG Template. This is partly to ensure administrative ease if/when future amendments to the Template or relevant legislation are proposed. The new format also provides a summary of expenses provisions at the front of the Policy which promotes openness and accountability in respect of the payment of expenses and provision of facilities to Councillors.

Though largely accepted in its entirety, the OLG Template has also been supplemented by details from Council's existing Policy where considered necessary or appropriate. Those supplements are included at the end of each relevant section under a heading "*Additional Clause Adopted by Council*". Any clauses included in the OLG Template Policy but not being transferred to Council's Policy have been shown in the draft amended Policy in ~~striketrough~~ and will remain showing in the adopted Policy. Once again this is for the purposes of reference in respect of legislative updates and to promote Council's transparency.

The additional clauses adopted by Council serve to provide clarification, detail of administrative processes, and some additional allowances. The most significant of the additional clauses by Council are summarised below:

- Clause 6.4A - provides clarification in terms of the type of instances where general travel expenses may be claimed by a Councillor.
- Clauses 6.27A and 6.31A - a provision has been included whereby any unused allocation of expenses allowed for under "Conferences and Seminars", and "Professional Development", can be interchanged i.e. a Councillor who elects not to use their Conferences and Seminars

allocation may use these unallocated funds for Professional Development over and above the annual limit prescribed for that expense category, and vice versa.

- Clauses 6.42 to 6.49 - includes a modest allowance for Councillor attendance at some non-Council functions, and for the accompaniment of Councillor spouses at certain events.
- Clause 6.50 - incorporates an existing ability, in accordance with an Australian Taxation Office ruling, for all or part of a Councillors' annual fee to be paid into a complying superannuation fund on their behalf.

An additional requirement since the Policy was last adopted relates to reporting. Detailed reports on the provision of expenses and facilities to councillors are required to be publicly tabled at a Council meeting every six months and published in full on Council's website. These reports will include expenditure summarised by individual Councillor and as a total for all Councillors. This is in addition the existing reporting requirements as part of Council's Annual Report under Section 217 of the Local Government (General) Regulation. Administrative arrangements have been put in place to ensure the relevant information is captured in a manner that will satisfy the reporting requirements.

Following the adoption of a new draft Policy, the legislation requires that the draft document be placed on public exhibition for at least 28 days. Before finalising the Policy, Council must consider any submissions made within the time allowed for submissions and make any appropriate changes to the draft policy.

CONSULTATION

The preparation of this Report has had regard to and is based on the Better Practice Template for Councillors' Expenses and Facilities issued by the OLG in July 2017 as well as other relevant legislation.

BUDGET

An allocation exists within Council's budget for the payment of Councillor expenses and facilities that fall within the provisions of this Policy. It is noted that the total budget allocation would not be sufficient to completely cover all expenditure should the provisions within the Policy be utilised to their full extent. It is noted, however, that past and present Councillors of Hornsby Shire Council have typically demonstrated a responsible attitude towards the utilisation of provisions within this Policy and that experience has shown that not all Councillors fully expend all the funds allocated in each expense category. It is, therefore, expected that the existing budget allocation will be sufficient to cover expenses outlined within the new Policy. (N.B An increase in the budget allocation will be required in the years when the Local Government NSW Annual Conference is held outside of the Sydney Metropolitan area. In those years, budget adjustments will be made in accordance with usual procedures.)

POLICY

Should Council resolve to adopt the amended Policy for the purpose of public exhibition, the public exhibition process will be undertaken having regard to relevant legislation and Council's Public and Community Input Policy.

CONCLUSION

It is proposed that Council adopt the attached draft Policy for the purpose of public exhibition. If submissions are received during the public exhibition period, a further report will be prepared for Council's consideration which addresses those submissions. Should no submissions be received by

the end of the 28 day exhibition period, it is recommended that the Policy as attached to Deputy General Manager's Report No. CS34/18 be adopted.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Manager Governance and Customer Service – Robyn Abicair, who can be contacted on 9847 6608.

ROBYN ABICAIR
Manager - Governance and Customer Service
Corporate Support Division

GARY BENSLEY
Deputy General Manager - Corporate Support
Corporate Support Division

Attachments:

1. [↔](#) Draft Councillors' Expenses and Facilities Policy

File Reference: F2004/09552-02

Document Number: D07482755

7 TENANCY OPTIONS FOR HORNSBY CONNECT

EXECUTIVE SUMMARY

- At the February 2018 General Meeting of Council, Council noted the work undertaken by Hornsby Connect for the local community and asked staff to investigate tenancy arrangements for the group at the Hornsby Youth and Family Centre where the group operates a well patronised service for the community.
- Investigations have been completed and this report provides Council with details of the proposed arrangements for Hornsby Connect's ongoing operations from the Hornsby Youth and Family Centre facility.
- Negotiations have been undertaken with existing regular hirers in 2018 in order to accommodate the operational requirements of Hornsby Connect at the Hornsby Youth and Family Centre in the short term.
- It is recommended that Hornsby Connect maintain regular hirer status at the Hornsby Youth and Family Centre via a licence agreement to enable the group to have access to the space for the hours that they require in order to ensure a smoothly operated service with minimal impost on volunteers.

RECOMMENDATION

THAT:

1. Council endorse an approach which provides Hornsby Connect with access to the Hornsby Youth and Family Centre to ensure their operational efficiency, noting that impacted hirers at the Youth and Family Centre in 2018 have been accommodated elsewhere in Council's community centre network.
2. Council formally thank the community groups that have altered their hire arrangements at the Hornsby Youth and Family Centre in 2018 in order to facilitate Hornsby Connect's service delivery to the community.
3. Hornsby Connect be offered the licensed use of Hornsby Youth and Family Centre on the terms outlined in Attachment 1 to Group Manager's Report No. EH13/18.

PURPOSE

The purpose of this Report is to provide Council with an update on the proposed tenancy arrangements for Hornsby Connect at the Hornsby Youth and Family Centre.

BACKGROUND

At the February 2018 General Meeting Council resolved through MM 1/18,

'THAT:

- 1. Council note the work being undertaken by Hornsby Connect in providing support to vulnerable members of our community.*
- 2. Council explore options to vary the tenancy arrangements of Hornsby Connect in the Hornsby Youth and Family Centre, or another suitable facility, to allow greater operational control and access to the facility whilst still maintaining general community access to the facility when not in use by Hornsby Connect.*
- 3. A further report be prepared for Council's consideration outlining the results of investigations into future tenancy options for Hornsby Connect.'*

DISCUSSION

Hornsby Connect is an independent Not for Profit organisation focussed on helping others in the local community who are 'doing it tough' through a Community Hub where people can access affordable groceries, a counselling and referral service, support for the long-term unemployed, and an environment where people who are socially isolated can reconnect with society.

To date Council has provided assistance to Hornsby Connect through hiring a community centre to the group to conduct its operations – initially the Hornsby Leisure and Learning Centre and more recently the Hornsby Youth and Family Centre located at the corner of Burdett and Muriel Streets, Hornsby.

The Hornsby Youth and Family Centre is owned by SCENTRE Group and is leased to Council for a 10 year period expiring on 30 October 2023 - a reciprocal lease is in place for Council land on Hunter Street within the Hornsby Mall area. Council has made the Hornsby Youth and Family Centre available to the community for hire for general community activities on an hourly basis.

Since Hornsby Connect commenced hiring the centre approximately two years ago, the group has grown in its service delivery, ambitions and community support, and now operates its food distribution service two days per week. Patronage of Hornsby Connect services is in the order of 55 families per week.

Community consultation undertaken on social cultural issues in 2014 identified social isolation and community connectedness as key issues to be addressed in the community. To date Council has supported Hornsby Connect to help address these issues in the Hornsby Central Business District and surrounds through providing a venue for the group to operate out of.

Council officers have also worked closely with Hornsby Connect to assist them in developing key partnerships with local businesses and community groups. One of these partnerships is with SCENTRE Group (Perpetual Trustees) who are the lessors of the property occupied by Hornsby Connect.

Operational Access

Hornsby Connect has made representations that a key issue to the further growth of Hornsby Connect is their need for greater operational control of the service delivery space – the Hornsby Youth and Family Centre. The logistics of operating a service such as the one that Hornsby Connect operates is challenging with restricted access to the facility and with Council operating as the intermediary.

In order to continue to support the growth of Hornsby Connect, it was deemed appropriate that Council explore options to vary the tenancy arrangements of Hornsby Connect in the Hornsby Youth and Family Centre or another suitable facility to allow greater operational control and access to the facility whilst still maintaining general community access to the facility when not in use by Hornsby Connect.

Central to ensuring the operational efficiency of Hornsby Connect and the associated impact on their volunteers, is unencumbered access to the multipurpose facility where they provide services over consecutive trading days. This unencumbered access allows them to set up and pack down their operations once over two trading days, rather than twice over two days. At the time of writing, access to the facility on Tuesdays and Wednesdays is critical to their operations as these days align with deliveries from the various food banks.

Since early 2018, Hornsby Connect has booked the Hornsby Youth and Family Centre on Tuesdays and Wednesdays but were required to pack down their operation on Tuesday nights and re-establish their operation at midday Wednesday due to use of the facility by other groups. This arrangement provided an additional impost and imposed significant time pressure on volunteers and was not a productive use of volunteer time.

Officers have negotiated with the groups that hired the facility between the Hornsby Connect hire period, Aknoon Cultural Centre and the Australia Children Learning Association Playgroup (ACLA) to seek to reach a mutually acceptable result to resolve Hornsby Connect's requirement for access to the facility as well as ensuring that the community groups are able to continue their activities without unreasonable disruption/dislocation.

This has resulted in the following outcomes being agreed:

- The Australia Children Learning Association Playgroup (ACLA) has been relocated to the meeting room at the Hornsby Aquatic Centre on Wednesdays. This arrangement commenced at the beginning of third term 2018 (late July). This group also continue to use the Hornsby Youth and Family Centre on Thursdays.
- Aknoon Cultural Centre will maintain their use of the Hornsby Youth Centre space on a Tuesday evening, however will swap storage areas with Hornsby Connect to enable them to receive food deliveries and stock their shelves on Tuesday afternoon. In the short term temporary partitions will be used to section off a space to the northern end of the Youth Centre so as not to impact Aknoon's evening activities, however a new operable wall would be required to be installed by Council to facilitate this arrangement on an ongoing basis. It is estimated that a new operable wall would cost up to \$20,000. By negotiation Hornsby Connect has also agreed to share their WiFi facilities with Aknoon which will add value to Aknoon's use of the space.

Council is very appreciative of the good will extended by the Australia Children Learning Association Playgroup and Aknoon Cultural Centre in reaching these arrangements mid-year in order to accommodate the operational needs of Hornsby Connect.

The outcome of the aforementioned arrangements is that Hornsby Connect are facilitated access to the Hornsby Youth and Family Centre on two consecutive trading days – thus reducing the impost on volunteers and improving the efficiency of the service.

Longer Term Storage Arrangements

In order to deliver on the services they provide to the community, significant storage space is crucial for Hornsby Connect. It is expected that the majority of allocated storage areas utilised by regular playgroup hirers in the centre will need to be relocated and accommodated in a new shed, located on site. The additional storage area and the reallocation of storage areas within the venue will free up critical internal space and allow Hornsby Connect to operate in the most efficient manner.

It is estimated that providing the additional external storage area would cost up to \$10,000.

Hours of Use – Hornsby Connect

The Hornsby Youth and Family Centre's hours of operation are 8am – 10pm, seven days per week. As a not for profit organisation, Hornsby Connect currently pays the advertised fee for regular hirers (not for profit rate) for the venue, for the hours hired - to date this has been seven hours per week.

Hornsby Connect has advised they functionally require access to the venue from 12pm Tuesday to 5pm Wednesday. This period of occupation of the site equates to 18 hours of hireable time per week, with their hours of operation slightly less.

Hornsby Connect has indicated their capacity to pay for the additional hours required to deliver on their service to the community is restricted due to the small margins they are able to place on their goods. Hornsby Connect has indicated they are able to budget up to eight hours of hire fees per week – currently \$13.00 per hour.

Given the negotiated arrangements, it is considered appropriate that Hornsby Connect only pay for the hours that they operate the service, rather than the hours that they occupy the site.

CONSULTATION

In the preparation of this Report there was consultation with user groups at the Hornsby Youth and Family Centre. In particular, it is noted that the ACLA Playgroup have agreed to relocate their Wednesday morning activities from the Youth and Family Centre to the Hornsby Aquatic Centre in order to accommodate Hornsby Connect.

The Aknoon Cultural Centre has agreed to swap storage areas and allow Hornsby Connect to receive food deliveries and restock shelves in the northern part of the facility on Tuesday evenings which significantly reduces the time pressures imposed on the Hornsby Connect volunteers and it also allows them to extend their trading hours.

BUDGET

To facilitate Hornsby Connect's operational needs and other groups' continued use of the space some minor capital improvements are required at the centre. This includes the installation of an operable wall and external storage area estimated to cost \$30,000. It is recommended that the funding requirement be addressed as part of consideration of the September quarterly budget review.

POLICY

Council offers 12 month hire agreements to regular hirers of community centres. The arrangements negotiated on behalf of Hornsby Connect have been agreed to outside of regular hire agreements and Council thanks the affected groups for their cooperation in this regard.

The licence agreement proposed for Hornsby Connect for their use of Hornsby Youth and Family Centre is outlined in Attachment 1. Essentially, Hornsby Connect will be subject to the same terms and conditions of hire other regular hirers of community venues are subject to, with the exception of tenure and applicable fees. Therefore, POL00174 - Lease Licence of Council Land and Buildings to Community Groups is not applicable.

CONCLUSION

Hornsby Connect provides a valuable service to the local community. Whilst this service is not the core business of local government, it is appropriate that Council take steps to facilitate access to facilities that allows such a service to be delivered using volunteer labour for the benefit of the local community.

Through working collaboratively, an outcome has been achieved which will maximise the service outputs of volunteers.

RESPONSIBLE OFFICER

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

DAVID JOHNSTON
Manager - Community Services
Environment and Human Services Division

STEPHEN FEDOROW
Group Manager
Environment and Human Services Division

Attachments:

1.⇒ Hornsby Connect Licence Conditions

File Reference: F2004/09189-03
Document Number: D07477755

8 DRAFT STREET LIBRARIES ON PUBLIC LAND POLICY

EXECUTIVE SUMMARY

- Street Libraries are usually a small built structure located within private property with a public interchange that allows for free book exchange within the local neighbourhood.
- A draft Policy that provides simple guidance to residents and community groups that are unable to place street libraries within private property and wish to instead place the street library on public land has been prepared for Council's consideration.
- In developing the draft Policy council has worked with its insurers to ensure Council's insurance policy extends coverage to residents who install street libraries in accordance with Council's policy.
- It is recommended that Council adopt the draft Street Libraries on Public Land Policy for the purposes of public exhibition.

RECOMMENDATION

THAT:

1. The draft Street Library on Public Land Policy and Notification Form as shown in attachments 1 and 2 to Group Manager's Report No. EH15/18, be adopted for the purpose of public exhibition.
2. If submissions are received during the public exhibition period, a further report be prepared for Council's consideration which addresses those submissions.
3. Should no submissions be received by the end of the public exhibition period, the draft Street Library on Public Land Policy and Notification Form attached to Group Manager's Report No. EH15/18 be adopted as final.

PURPOSE

The purpose of this Report is to update Council on the development of guidelines for the placement of street libraries on public land and to seek Council approval to place the draft Street Library on Public Land Policy on public exhibition.

BACKGROUND

At the 14 June 2017 Ordinary Meeting, Council considered Notice of Motion NOM4/17 and resolved that Council:

1. Indicate its support for local communities that wish to develop a street library.
2. Develop simple guidelines for the placement of street libraries on public land.

DISCUSSION

Street libraries are a home for books, planted in a front yard and are usually a small wooden box of books that allow neighbours to share books, on a “take a book, return a book” basis. They are accessible from the street, and are an invitation to share the joys of reading within the community.

Street libraries are an important and growing way to create a sense of community - the Street Library Australia website www.streetlibrary.org.au reports that there are over 750 registered street libraries in Australia.

Where possible, Council continues to encourage the development of street libraries on areas of private land with an interface to the public footpath. This is also the position of Street Library Australia as it allows the property owner to have more control over the management of their street library and reduces the risks and compliance associated with installations on public land.

Council has however, supported the development of Street libraries and has sought to develop simple guidelines for the placement of street libraries on public land such that they are of a suitable scale and do not present a public safety risk.

The purpose of the attached draft Policy (Attachment 1) and draft notification form (Attachment 2) is to provide a formalised but simple process for residents and community groups to refer to when they wish to install a street library on public land.

One of the key concerns in developing the draft policy was associated with risk for both the resident and Council. In response, whilst developing the draft Policy council worked with its insurers to ensure Council's insurance extends appropriate public liability coverage to residents that install street libraries on public land in accordance with Council's policy.

CONSULTATION

In the preparation of this Report there was consultation with Council's insurers.

Public consultation will be undertaken as part of the public exhibition of the draft policy.

BUDGET

There are no budgetary implications associated with this Report.

POLICY

This report supports a new policy, the draft Street Library on Public Land Policy.

The draft policy is consistent with a strategic goal contained in the Community Strategic Plan to enable people to have good opportunities to participate in community life.

CONCLUSION

Street libraries offer a unique opportunity to create connections in local neighbourhoods; they encourage reading and community activity. The placement of this draft Policy on public exhibition will enable Council to support this community initiative.

RESPONSIBLE OFFICER

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

CHERYL ETHERIDGE
Manager - Library and Information Services
Environment and Human Services Division

STEPHEN FEDOROW
Group Manager
Environment and Human Services Division

Attachments:

- 1.⇒ Draft Street Library on Public Land Policy
- 2.⇒ Draft Application to install Street Library on Public Land

File Reference: F2010/00341
Document Number: D07487175

9 CHERRYBROOK STATION PRECINCT

EXECUTIVE SUMMARY

- Cherrybrook Station Precinct forms part of the State Government's Sydney Metro Northwest project (formerly known as the North West Rail Link). The project will deliver eight new metro stations between Epping and Rouse Hill.
- Planning for the area around Cherrybrook Station commenced in 2013 when the Department of Planning and Environment (DP&E) released the North West Rail Link Corridor Strategy and Precinct Plans for all the station precincts.
- Despite protracted dialogue and negotiation with the State Government in the five years since, uncertainty about the lands surrounding Cherrybrook Station remains.
- Last year Cherrybrook Station was nominated as one of 16 Priority Precincts (now known as Planned Precincts) to be coordinated by DP&E with Transport for NSW, state agencies and local councils.
- In March 2018, the North District Plan was finalised, which requires housing density and infrastructure schedules for Planned Precincts (including Cherrybrook).
- On 8 June 2018, the DP&E released a proposed amendment to State Environmental Planning Policy (State and Regional Development) 2011 (SEPP) that will make the Minister of Planning and Environment the consent authority for future development on identified government-owned land, if the development meets the criteria of State Significant Development.
- It is recommended that Council forward the attached submission on the proposed SEPP amendment highlighting that it is premature to nominate a consent authority for Government-owned land prior to the finalisation of an integrated land use and transport strategy for the entire Cherrybrook Station Precinct.

RECOMMENDATION

THAT Council forward the submission attached to Group Manager's Report No. PL21/18 concerning the proposed amendment to State Environmental Planning Policy (State and Regional Development) 2011 and objecting to the appointment of the Minister for Planning as the consent authority for future development on identified government-owned land, if the development meets the criteria of State Significant Development, prior to the finalisation of the Precinct Plan for the Cherrybrook Station Precinct.

PURPOSE

The purpose of this Report is to provide an update on the Cherrybrook Station Precinct project and to seek Council's endorsement of a submission on the proposed amendment of SEPP (State and Regional Development) 2011.

BACKGROUND

The following background is a summary of the key project milestones to date.

In October 2013, the DP&E published the North West Rail Link Corridor Strategy promoting urban renewal around eight new metro stations along the Sydney Metro Northwest corridor, including Cherrybrook Station Precinct.

In early 2014, Urban Growth NSW (now Landcom) requested Council's participation on a Precinct Working Group under the North West Urban Transformation Program for land surrounding Cherrybrook Station. The request was accepted by Council at its meeting on 12 March 2014 and formalised under a Memorandum of Understanding on 15 June 2015.

On 10 July 2015, Council officers wrote to Landcom seeking clarification that the necessary studies and master plan would be prepared for the whole Precinct.

On 26 August 2015, Landcom responded by confirming its approach was focused on the Government-owned lands but that a master plan would be prepared for the whole Precinct.

On 3 May 2017, Landcom representatives outlined plans to submit a Planning Proposal for the Developable Government Lands (DGLs) prior to the completion of a masterplan for the entire study area.

On 29 May 2017, Council wrote to Landcom expressing concerns that the Planning Proposal for DGLs was inconsistent with the endorsed MOU and Project Plan which provide for a 'whole of Precinct' approach in relation to technical studies, master plan and infrastructure requirements.

On 1 June 2017, the DP&E announced Cherrybrook as one of sixteen new Planned Precincts with the aim of delivering "new homes and jobs located close to public transport, shops and services, while retaining and enhancing a community's character." The scope of work included completing studies, planning and design to update the Cherrybrook Station Precinct Plan as well as preparation of a rezoning proposal for government-owned land within the Cherrybrook Station Precinct. The Precinct Plan will build on existing plans for the area and will incorporate planning for the infrastructure needs of the growing community.

On 19 June 2017, Council wrote to Landcom seeking clarification of the status of the MOU signed in 2015, funding agreement and governance framework, commitment to the 'whole of Precinct' approach and proposed future timeline.

On 4 August 2017, Landcom responded to Council's correspondence of 29 May 2017 and 19 June 2017 confirming their intention to progress the technical studies for the entire Cherrybrook precinct in accordance with its obligations under the MOU.

Between June and August 2017, the DP&E sought community feedback on what they value about the area through a survey and community session held at the Gumnut Community Centre, Cherrybrook. On 30 August 2017, A Community Insights Report was prepared by PlaceScore summarising the feedback received in relation to the community values, positive place attributes and ideas for change for Cherrybrook.

DISCUSSION

This section identifies the Cherrybrook Station Precinct area and the latest progress updates regarding the Precinct Planning and the proposed amendment to SEPP (State and Regional Development) 2011.

Precinct Boundaries

The Cherrybrook Station Precinct includes land in both Hornsby and The Hills Shire Local Government Areas (LGAs) and is generally based on an 800m radius / 20 minute walk from the future Cherrybrook Station. Within Hornsby Shire, the Precinct is bounded by John Road and Neale Avenue to the North, Edward Bennett Drive to the East, Castle Hill Road to the South and Country Drive to the West.

Planned Precinct

On 1 June 2017, the DP&E announced Cherrybrook as one of sixteen new Planned Precincts with the aim of delivering “new homes and jobs located close to public transport, shops and services, while retaining and enhancing a community’s character.” The announcement shifted the lead planning responsibilities from Landcom to the DP&E. As a Planned Precinct, the DP&E will coordinate state and local partners including local councils, Transport for New South Wales and other agencies to plan the transformation of Cherrybrook.

Shortly following the announcement, the DP&E sought community feedback on what they value about the area through an online survey (open between June-August 2017) and a community session held on 28 June 2017 at the Gumnut Community Centre, Cherrybrook. A Community Insights Report was prepared by PlaceScore summarising the feedback received in relation to the community values, positive place attributes and ideas for change for Cherrybrook which can be viewed at the following website: https://www.planning.nsw.gov.au/Plans-for-your-area/Priority-Growth-Areas-and-Precincts/Cherrybrook-Station-Precinct/~/_media/8432189E6E5941D1B869A5109E6EBCC2.ashx

Some of the key community values are outlined below:

1. Elements of natural environment (natural features, views, vegetation, topography, water, wildlife etc.);
2. General condition of public open space (street trees, footpaths, parks etc.); and
3. Sense of neighbourhood safety (from crime, traffic, pollution etc.).

The following priorities were identified by the community:

1. Improve public transport;
2. Improve access to jobs and other destinations;
3. Increase housing choice; and
4. Provide community facilities.

The DP&E subsequently released a Consultation Update in November 2017 (attached) which summarised the Community Insights Report, identifying key opportunities and ideas for change and outlining the next steps for the project with an intended release date for the Precinct Plan, including a rezoning proposal for government-owned land, in early 2018.

North District Plan

In March 2018, the Greater Sydney Commission (GSC) finalised the North District Plan which has implications for the Cherrybrook Station Precinct. The North District Plan identifies the 'Cherrybrook Station Planned Precinct' as an area with capacity for additional housing supply due to the following locational criteria:

- alignment with investment in regional and district infrastructure which acknowledges the catalytic impacts of infrastructure such as Sydney Metro Northwest; and
- catchment areas within walking distance (up to 10 minutes) of centres with rail, light rail or regional bus transport.

Importantly, the North District Plan was updated to include additional protections for the Metropolitan Rural Area covering land subject to the recently refused South Dural Planning Proposal. Action 70 'Limit urban development to within the Urban Area' under Planning Priority N18 'Better Managing Rural Areas' places greater importance on the delivery of the Precinct Plan for Cherrybrook given its regional catchment and significance.

Proposed SEPP amendment

On 8 June 2018, the Department of Planning and Environment released a proposed amendment to State Environmental Planning Policy (State and Regional Development) 2011 for the development of government-owned land adjoining the Sydney Metro Northwest corridor (attached).

The proposed amendment nominates the Minister for Planning as the consent authority for future development on identified government-owned land, if the development meets the criteria of State Significant Development, as follows:

- a principal subdivision establishing major lots or public domain areas
- the creation of new roadways and associated works
- has a capital investment value of more than \$30 million.

The release of the proposed SEPP amendment prior to the finalisation of technical studies and Precinct Plan for the whole precinct is premature and signifies progression for only the government-owned land. As outlined in this report, Council has on numerous occasions expressed concerns with Landcom's proposal to proceed under a separate process in contrast to the terms of the MOU which identifies the finalisation of technical studies and the Structure Plan for the whole Precinct prior to proceeding with planning for the government-owned land.

Landcom's proposal to focus on the government-owned land diminishes the importance of, and potentially prejudices the outcomes of, an overall strategy for education, health, housing diversity, community facilities and open space and infrastructure (including road improvements) for the entire region. A disparate approach also undermines the community's expectation where all land owners are provided a clear direction regard the future redevelopment prospects of their land.

The focus on government-owned land does not adequately consider the total cost of works required to support rezoning of the Precinct which is likely to exceed the capacity of a Section 7.11 Contributions Plan to deliver required local and regional infrastructure.

Finally, should the SEPP amendment be made and Landcom proceed with planning for government-owned land Council may be exposed to the submission of un-solicited planning proposals for the remainder of the Precinct without an appropriate and co-ordinated, strategic planning framework.

Submission

Council officers have prepared a draft submission (attached) to the proposed SEPP amendment objecting to the appointment of the Minister for Planning as the consent authority for development on government-owned land prior to the finalisation of the Precinct Plan for the Cherrybrook Station Precinct. The submission notes that consideration of consent authorities for future development is premature and inappropriate especially in light of the protracted planning process and delays experienced with the finalisation of the Precinct Plan for Cherrybrook.

The submission reiterates the importance of the 'whole of Precinct' approach and seeks clarification regarding the project timeline moving forward in order to provide certainty for the community.

Council officers requested an extension of the submission deadline in order to lodge a Council endorsed submission. The deadline extension was granted until 10 August 2018.

BUDGET

There are no budgetary implications associated with this Report.

POLICY

In accordance with Clause 3.8 of the *Environmental Planning and Assessment Act 1979* Council will be required to give effect to the North District Plan through the preparation of a planning proposal for the non-government owned land within the Cherrybrook Station Precinct. Given this imperative it is critical that an integrated land use and transport strategy is prepared for the entire Precinct to ensure that the final Precinct Plan sets a holistic vision for the new Cherrybrook town centre.

CONCLUSION

The release of the proposed SEPP amendment for government-owned land is a premature consideration in light of the protracted nature of the Cherrybrook Station Precinct project. Council has continued to reiterate the importance of finalising the technical studies and Precinct Plan for the entire precinct to deliver an integrated land use and transport strategy and to provide certainty for the community after five years of planning.

RESPONSIBLE OFFICER

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

KATHERINE VICKERY
Manager - Strategic Planning
Planning Division

JAMES FARRINGTON
Group Manager Planning
Planning Division

Attachments:

- 1.⇒ Consultation Update - Cherrybrook Nov 2017
- 2.⇒ Proposed SEPP amendment
- 3.⇒ Draft Submission - SEPP Cherrybrook July 2018

File Reference: F2012/00597-03
Document Number: D07482567

ITEM 9

10 REPORTING VARIATIONS TO DEVELOPMENT STANDARDS

EXECUTIVE SUMMARY

- In accordance with Department of Planning and Environment's *Planning Circular PS 08-14*, Council is required to report variations to development standards for development applications approved under delegated authority, which relied upon *State Environmental Planning Policy No. 1 – Development Standards (SEPP 1)* or Clause 4.6 of the *Hornsby Local Environmental Plan - 2013 (HLEP)*.
- Council's consideration of this report ensures Council's obligation to monitor variations to development standards is complied with.

RECOMMENDATION

THAT the contents of Group Manager's Report No. PL22/18 be received and noted.

PURPOSE

The purpose of this report is to advise Council of determined development applications under delegated authority involving a *SEPP 1* or *Clause 4.6* variation to a development standard for the period 1 April 2018 to 30 June 2018.

DISCUSSION

Department of Planning and Environment's *Circular B1*, issued in March 1989, requested that councils monitor the use of the Secretary's assumed concurrence under *SEPP 1* on a quarterly basis. This reporting requirement remains effective.

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

The Department issued *Circular PS 08-014* on 14 November 2008. The purpose of the Circular was to remind councils of their responsibilities to monitor the use of the Secretary's assumed concurrence under *SEPP 1*. Councils were reminded of the need to keep accurate records of the use of *SEPP 1* and to report on a quarterly basis.

The *Circular* also provides that councils are required to adopt the following four measures:

1. Establish a register of development applications determined with variations in standards under *SEPP 1*.
2. Require all development applications where there has been a variation greater than 10% in standards under *SEPP 1* to be determined by full council (rather than General Manager or nominated staff member).
3. Provide a report to Council on the development applications determined where there had been a variation in standards under *SEPP 1*.
4. Make the register of development applications determined with variations in standards under *SEPP 1* available to the public on the council's website.

In accordance with Point 3 of Department Circular, attached is a list of development applications determined between 1 April 2018 to 30 June 2018.

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

BUDGET

There are no budget implications.

POLICY

This report addresses Council's reporting obligations for development applications determined where there has been a variation in standards under *SEPP 1*. Under the HLEP 2013, the application of the provisions of *SEPP 1* has been replaced by *Clause 4.6* (exceptions to development standards). The Department of Planning and Environment has advised that the current reporting practice for variation to development standards continues to apply for applications involving a submission pursuant to *Clause 4.6* of the HLEP 2013.

CONCLUSION

Council is required to monitor the manner in which development standards are being varied. This assists in determining whether changes are required to relevant standards. This report provides advice to Council on standards varied under delegated authority which relied upon SEPP 1 or Clause 4.6 of the HLEP during the reporting period from 1 April 2018 to 30 June 2018.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this report is the Manager - Compliance & Certification Planning Division – Simon Evans, who can be contacted on 9847 6780.

SIMON EVENS
Manager - Compliance & Certification
Planning Division

JAMES FARRINGTON
Group Manager - Planning
Planning Division

Attachments:

1. [⇒](#) SEPP 1 Returns Quarter - 1 April 2018 to 30 June 2018

File Reference: F2004/07599-02

Document Number: D07484040

13 COUNCIL'S HERITAGE COMMITTEE**COUNCILLOR TILBURY TO MOVE****THAT:**

1. Current best practice in local government heritage planning and conservation be examined to ensure that Council is appropriately protecting, interpreting and integrating items and areas of heritage significance within Hornsby Shire.
2. The review include (but not be limited to) the processes and resources used by other Councils, current programs and publications by the Heritage Council, the Government Architect NSW and the Department of Environment and Heritage and seeking the views of members of Council's existing Heritage Advisory Committee.
3. That a councillor workshop precede a report to Council outlining any recommendations arising from the review of best practice and innovation in heritage planning.

Note from Councillor:

Hornsby Shire is lucky to have unique areas of historical and environmental heritage. These buildings, places and landscapes are protected through the identification and listing of heritage items and heritage conservation areas, overlaid with planning controls. More than 800 heritage items have been listed and nine Heritage Conservation Areas (HCA) established since Council's first Heritage Study was undertaken in 1991.

Council staff support, the protection of heritage items and conservation areas currently in partnership with a Heritage Advisory Committee (HAC). The HAC consists of a minimum nine members, including nominated Councillors, technical specialists and community representatives, whose role is to assist Council in the conservation and promotion of the heritage of Hornsby Shire.

I am aware that Council undertakes periodical reviews of listed items to reassess identified heritage values and respond to nominations received for potential new listings. I am also aware that the role and functions of the HAC are reviewed periodically. Given Council is just embarking on a review of its Local Environmental Plan it is timely to examine current best practice in local government heritage planning and conservation to ensure that Council is appropriately protecting, interpreting and integrating buildings, places and landscapes of heritage significance.

Attachments:

There are no attachments for this report.

File Reference: F2018/00047

Document Number: D07491490

14 BEROWRA CREEK WATER QUALITY

COUNCILLOR MARR TO MOVE

THAT Council officers present via an informal workshop of Council information relating to the water quality and the health of Berowra Creek, opportunities to further inform and engage the community on water quality matters, and integrated approaches to managing our waterways.

Note from Councillor:

Council's Catchments Remediation program is focused on improving the quality of our waterways through a range of actions including the installation of Storm water Quality Improvement Devices, emergency spill response, industrial auditing, street sweeping, environmental education and environmental compliance. The Catchments Remediation program is informed and supported by a state of the art water quality monitoring program.

In recent years members of the public have approached me noting increasing concern for the health of the Berowra Creek and the challenges it faces with pollutants and effluent entering the waterways from industry, suburbia, sewage treatment plants and agriculture that will be exacerbated by large population increases.

I appreciate the current initiatives that have been in place to assist in managing and advising the community on the health of the Berowra Creek and would like to consider options to further inform and engage the community, for example by raising awareness of how to report pollution incidents.

The Berowra Creek Catchment is highly valued and enjoyed by the community and I know that other agencies such as Sydney Water also play a role in ensuring its health. Therefore an integrated approach is required to prioritise and coordinate action and involve the key state and local government bodies, industry and community representatives in doing so.

I therefore seek Councillors support in calling for an informal workshop focused on the water quality and health of Berowra Creek, opportunities to further inform and engage the community, and integrated approaches to managing our waterways.

Attachments:

There are no attachments for this report.

File Reference: F2004/06921

Document Number: D07492071

15 PUBLIC LIBRARY FUNDING

COUNCILLOR HEYDE TO MOVE

That Council:

1. Endorse the NSW Public Libraries Association and Local Government NSW library funding advocacy initiative, Renew our Libraries, which has two aims:
 - a) To enable public libraries to meet the growing needs of local communities.
 - b) To raise public awareness of the multiple roles that public libraries play in supporting the educational, social, cultural and economic outcomes in NSW communities.
2. Take a leading role in activating the campaign locally.
3. Endorse the distribution of the NSW Public Libraries Association and Local Government NSW library funding advocacy initiative information in Council libraries.
4. Formally advise the NSW Public Libraries Association and Local Government NSW that Council has endorsed the library funding advocacy initiative.
5. Make representation to the State Members Matt Kean MP, Damien Tudehope MP, Alistair Henskens MP and Dominic Perrottet MP in relation to the need for significant additional funding from the NSW State Government for the provision of public library services.
6. Write to the Hon. Don Harwin, Minister for the Arts, the Hon. Walt Secord, Shadow Minister for the Arts and Mr David Shoebridge MLC, Greens spokesperson on Local Government, calling for tri-partisan support for the provision of a significant increase in state funding for NSW public libraries, supported by a sustainable future funding model.
7. Acknowledge the unique and vital role Hornsby Shire librarians have played in the social, cultural and educational life of our Shire since the public library service was established in 1972 and thank them for their ongoing service to our community.

Note from Councillor:

Hornsby Shire Council spends over \$5.8M annually to operate and maintain a well patronised network of four libraries at Hornsby, Pennant Hills, Berowra and Galston.

Across the 2017/18 financial year 694,324 people visited Council's libraries and 986,099 items were loaned. In addition, library staff undertook 2495 home library visits and ran 498 children's programs and activities with 15,807 children attending.

Whilst Council receives funds from the NSW Government, these have gradually declined. In 2015/16 State funding for Public Libraries covered only 7.5% of the total costs of operating the 368 public libraries across NSW. Council's annual subsidy payment for 2017/18 was \$279 788 and \$90 443 for

the Local Priority Grant. The annual subsidy per capita amount of \$1.85 has not changed since 1997/98.

The level of State Government funding for NSW public libraries has reached crisis point. This is an historic issue that has been ignored by successive NSW governments.

Local Government NSW (LGNSW) and the NSW Public Libraries Association (NSWPLA) have requested support from councils across NSW for their advocacy to the State Government for additional funds for public libraries.

The key issues are that:

- Libraries provide collections, programs and spaces for marginalised groups including older people, refugee and multicultural communities, and people who are digitally disadvantaged.
- The 2018-19 State Budget delivered a 5% cut to current funding and cut access to all infrastructure funding for metropolitan areas.
- Across NSW physical and virtual visitation, library borrowing and participation in library programs continue to increase year on year.
- Libraries play a major part in supporting the achievement of government literacy targets.
- NSW councils are currently paying 92.5% of the costs to operate public libraries, up from 77% in 1980.
- In 2015-16, NSW Government funding for public libraries was only \$26.5M compared to a contribution of \$341.41M from Local Government. NSW councils are paying 12 times more than the State Government to provide library services to their communities.
- The total funding available through the NSW Public Library Funding Strategy is not indexed to population growth or the consumer price index (CPI), thereby contributing to the ongoing attrition of State Government funding.
- NSW public libraries receive the lowest per-capita funding from the State Government compared with all other states in Australia.

NSW public libraries are governed by the Library Act 1939, which was initially introduced to ensure the provision and ongoing sustainability of libraries through State Government and Local Government collaboration, and providing up to 50% of the funding required to establish and operate libraries. Since then Local Government has increasingly carried the funding burden, with the situation deteriorating significantly since the 1980s.

The NSW Government's expert advisory panel, the Library Council of NSW, in consultation with the State Library of NSW and the NSW Public Libraries Consultative Committee, recommended an increase in public library funding to \$30M in 2018-19. However, the 2018-19 NSW state budget delivered a 5% cut to current library funding and cut access to all infrastructure funding for metropolitan areas.

Further, the public library grant component that has been a budget inclusion for many years, has been scrapped entirely. This component financed a competitive grant project which has part-funded countless library infrastructure and service projects over many years.

In light of the above I recommend that Hornsby Shire Council support urgent action from the NSW

local government sector and NSW Public Libraries Association along with Local Government NSW, to reverse the ongoing deterioration of state funding for public libraries to ensure that local councils like Hornsby will not be forced to continue meeting massive funding shortfalls.

Attachments:

There are no attachments for this report.

File Reference: F2004/05999-03

Document Number: D07492220