



BUSINESS PAPER

GENERAL MEETING

**Wednesday 10 June 2020
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

Statement by the Chairperson:

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

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

DECLARATIONS OF INTEREST

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

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

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

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

CONFIRMATION OF MINUTES

THAT the Minutes of the General Meeting held on 13 May, 2020 be confirmed; a copy having been distributed to all Councillors.

PETITIONS

PRESENTATIONS

RESCISSION MOTIONS

MAYORAL MINUTES

ITEMS PASSED BY EXCEPTION / CALL FOR SPEAKERS ON AGENDA ITEMS

Note:

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

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

GENERAL BUSINESS

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

OFFICE OF THE GENERAL MANAGER

Page Number 1

Item 1 GM12/20 ADOPTION OF COUNCIL'S 2020-2022 DELIVERY PROGRAM INCLUDING THE OPERATIONAL PLAN 2020/21 (INCORPORATING THE BUDGET, RATING STRUCTURE AND FEES AND CHARGES)

RECOMMENDATION

THAT:

1. Council note the responses provided in Table 1A to the public submissions received during the exhibition of the draft 2020-2022 Delivery Program and Operational Plan 2020/21.
2. Subject to incorporation of the recommendations detailed in the Budget section and Table 1B of General Manager's Report No. GM12/20, Council adopt the 2020-2022 Delivery Program and Operational Plan 2020/21 (which incorporates the Budget, Fees and Charges and Rating Structure for 2020/21).

3. Council make and levy the 2020/21 Ordinary Rates on all rateable land in the Shire in accordance with Table 2 of General Manager's Report No. GM12/20.
4. Council make and levy the 2020/21 Catchments Remediation Rate on all rateable land in the Shire in accordance with Table 3 of General Manager's Report No. GM12/20.
5. Council write to those who have made submissions in respect of the 2020-2022 Delivery Program and Operational Plan 2020/21 thanking them for their comments.

CORPORATE SUPPORT DIVISION

Page Number 12

Item 2 CS12/20 DEBTS TO BE WRITTEN OFF - 2019/20 FINANCIAL YEAR

RECOMMENDATION

THAT for 2019/20, and in accordance with Clause 213 of the Local Government (General) Regulation, Council:

1. Write off debts considered bad totalling \$5,365 (as detailed in Schedule A attached to Director's Report No. CS12/20).
2. Note debts considered bad totalling \$5,991 written off under the General Manager's delegated authority (as detailed in Schedule B attached to Director's Report No. CS12/20).

Page Number 15

Item 3 CS13/20 INVESTMENTS AND BORROWINGS FOR APRIL 2020 - STATUS FOR PERIOD ENDING 30 APRIL 2020

RECOMMENDATION

THAT the contents of Director's Report No. CS13/20 be received and noted.

COMMUNITY AND ENVIRONMENT DIVISION

Nil

PLANNING AND COMPLIANCE DIVISION

Page Number 18

Item 4 PL8/20 REPORT ON SUBMISSIONS - HOUSEKEEPING AMENDMENT PLANNING PROPOSAL

RECOMMENDATION

THAT:

1. Council endorse the Housekeeping Amendment Planning Proposal (as amended) attached to Director's Report No. PL8/20.
2. The Planning Proposal be submitted to the Department of Planning, Industry and Environment to meet the last funding milestone under the Accelerated LEP Review Program.
3. Submitters be advised of Council's decision.

Page Number 29**Item 5 PL10/20 REPORTING VARIATIONS TO DEVELOPMENT STANDARDS****RECOMMENDATION**

THAT the contents of Director's Report No. PL10/20 be received and noted.

Page Number 32**Item 6 PL13/20 PROPOSED CHANGES TO DEVELOPMENT CONTRIBUTIONS SYSTEM****RECOMMENDATION**

THAT the submission attached to Director's Report No. PL13/20 on the proposed changes to the infrastructure contributions system, including the comments in relation to the COVID-19 legislative amendment, be endorsed for submission to the Department of Planning, Industry and Environment.

INFRASTRUCTURE AND MAJOR PROJECTS DIVISION

Nil

PUBLIC FORUM – NON AGENDA ITEMS**QUESTIONS ON NOTICE****MAYOR'S NOTES****NOTICES OF MOTION****Page Number 46****Item 7 NOM11/20 CONCERNS ABOUT THE INCLUSION OF THE PLANNING PROPOSAL FOR 55 COONARA AVENUE, WEST PENNANT HILLS IN THE NSW GOVERNMENT'S FAST-TRACKED ASSESSMENTS****COUNCILLOR MCINTOSH TO MOVE**

That Council write to the Minister for Planning and Public Spaces:

1. Objecting to the inclusion of the Mirvac Planning Proposal for 600 dwellings at 55 Coonara Avenue, West Pennant Hills under Tranche Two of the NSW Government's Planning System

Acceleration Program Fast-tracked Assessments and request that the Minister determine not to proceed with the rezoning.

2. Requesting that any consideration of the merits of a change to zoning for 55 Coonara Avenue only be considered in the context of a vision and implementation plan for the wider Cherrybrook precinct. In this way, appropriate consideration will be given to a coordinated approach to infrastructure planning including roads, open space, community facilities and pedestrian connections as well as necessary funding mechanisms.

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Item 8 NOM12/20 WAR ON WEEDS WORKSHOP

COUNCILLOR MARR TO MOVE

That a Councillor workshop be held to discuss Councils approach to the management of weeds on both Council and adjacent land, including land owned privately or managed by state agencies.

It will include options on:

- Education and awareness to inform people about important environmental elements
- Managing environmental degradation
- Youth and community engagement
- Working with other land owners
- Methods of addressing weeds including seeds, spreading from one area to another, and efficient and effective methods of weed removal and environmental remediation

SUPPLEMENTARY AGENDA

MATTERS OF URGENCY

1 ADOPTION OF COUNCIL'S 2020-2022 DELIVERY PROGRAM INCLUDING THE OPERATIONAL PLAN 2020/21 (INCORPORATING THE BUDGET, RATING STRUCTURE AND FEES AND CHARGES)

EXECUTIVE SUMMARY

- Council's 2020-2022 Delivery Program and Operational Plan 2020/21 (which incorporates the Budget, Rating Structure and Fees and Charges for 2020/21) were adopted for public exhibition at the 8 April 2020 General Meeting.
- 41 submissions were received during the formal exhibition period, with one other late submission also being received. All 42 submissions are summarised in the attached Table 1A. Each of the submissions have been reviewed by appropriate Council staff and no material changes to the publicly exhibited documents are recommended.
- It is noted that Table 1B contains a summary of administrative changes requested by internal Divisions of Council.
- Amendments to the exhibited draft 2020-2022 Delivery Program and Operational Plan 2020/21 include revision of some Key Initiatives and timeframes due to the impacts of the COVID-19 pandemic and the unknown ongoing financial and staff resourcing implications. There are also some minor revisions to the draft Fees and Charges 2020/21 document.
- Commentary on known budgetary impacts and their application to the final 2020-2022 Delivery Program and Operational Plan 2020/21 are contained in the Budget section of this Report.

RECOMMENDATION

THAT:

1. Council note the responses provided in Table 1A to the public submissions received during the exhibition of the draft 2020-2022 Delivery Program and Operational Plan 2020/21.
2. Subject to incorporation of the recommendations detailed in the Budget section and Table 1B of General Manager's Report No. GM12/20, Council adopt the 2020-2022 Delivery Program and Operational Plan 2020/21 (which incorporates the Budget, Fees and Charges and Rating Structure for 2020/21).
3. Council make and levy the 2020/21 Ordinary Rates on all rateable land in the Shire in accordance with Table 2 of General Manager's Report No. GM12/20.
4. Council make and levy the 2020/21 Catchments Remediation Rate on all rateable land in the Shire in accordance with Table 3 of General Manager's Report No. GM12/20.
5. Council write to those who have made submissions in respect of the 2020-2022 Delivery Program and Operational Plan 2020/21 thanking them for their comments.

PURPOSE

The purpose of this Report is to provide Council with information and recommendations regarding the submissions received in respect of the public exhibition of the 2020-2022 Delivery Program and Operational Plan 2020/21 (which incorporates the Budget, Fees and Charges and Rating Structure for 2020/21).

BACKGROUND

By 30 June in the year following local government elections, all councils are required to develop a 10-year community strategic plan, a four-year delivery program and a one-year operational plan aligned to an integrated planning framework. The purpose is to identify the main priorities and aspirations for the future of the area and the resources required to move to the preferred future. The delivery program and operational plan are required to be reviewed on an annual basis.

Your Vision | Your Future 2028, Hornsby Shire Council's current 10-year Community Strategic Plan, was adopted on 13 June 2018 together with a Delivery Program for 2018-21 and a 2018/19 Operational Plan. The Delivery Program 2019-21 and the Operational Plan 2019/20 were adopted on 12 June 2019, and this latest review process will result in the adoption of the 2020-2022 Delivery Program and Operational Plan 2020/21.

Due to the COVID-19 pandemic, the Minister for Local Government announced the postponement of the September 2020 Local Government Elections, thereby extending the Council term (*refer OLG Circular 20-10 / 25 March 2020*) and the existing Delivery Program for a further 12 months (*refer OLG Circular 20-15 / 1 May 2020*).

At the General Meeting held on 8 April 2020, Council considered General Manager's Report No. GM8/20 and resolved that:

1. *Council adopt for public exhibition the draft 2020-2022 Delivery Program and Operational Plan 2020/21 which includes the draft Budget, Fees and Charges and Rating Structure for 2020/21 and make the documents available for public comment from 9 April to 11 May 2020.*
2. *Council note the rating information contained in the draft 2020-2022 Delivery Program and Operational Plan 2020/21 is in line with the Independent Pricing and Regulatory Tribunal's rate increase approval for NSW councils (i.e. a 2.6% rate increase for 2020/21).*
3. *A Councillor Workshop be held prior to the 10 June 2020 General Meeting to provide an understanding of the impacts of COVID-19 on Council's 2020-2022 Delivery Program and Operational Plan 2020/21 and to review an equitable distribution of funds and projects across all Wards of the Hornsby Shire.*
4. *Following public exhibition, and before 30 June 2020, a report be prepared for Council's consideration which outlines any submissions received and recommends the adoption of the 2020-2022 Delivery Program and Operational Plan 2020/21, including Budget, Fees and Charges and Rating Structure.*
5. *The assessment on the financial impact from COVID-19 on Council's operations, the review of the equitable distribution of funds and projects across all Wards of Hornsby Shire and any necessary adjustments to the 2020-2022 Delivery Program and Operational Plan 2020/21 be submitted for Council's consideration at the 10 June 2020 General Meeting.*

DISCUSSION

Consultation on the Documents

During the exhibition period from 9 April 2020 to 11 May 2020, the draft 2020-2022 Delivery Program and draft Operational Plan 2020/21 were available electronically on Council's website.

Notice of the exhibition was included in an eNewsletter sent in April to the regular database of 34,000 subscribers and a further 90 community organisations, and in the May eNewsletter sent to 34,000 subscribers, as well as in a Facebook post.

It is noted that in response to the closure of some local newspapers due to the COVID-19 pandemic, and to assist councils to reduce their costs, the NSW Government amended the Local Government (General) Regulation 2005 to remove requirements for newspaper advertising (*refer OLG Circular 20-12 / 17 April 2020*). The Government has advised that this amendment will continue to apply after the COVID-19 pandemic passes.

Submissions

41 submissions were received during the formal exhibition period, with one other late submission also being received. The main themes (and related issues) outlined in the submissions were:

- Trees
 - Those under power lines are costly to remove and can cause power outages
 - The use of street sweepers can lead to the clogging drains
 - There are dangerous trees along a stretch of Old Northern Road, Dural to Glenorie
 - Tree removal applications should be assessed by an arborist
 - Indigenous trees removed should be replaced with a mature tree, or a monetary contribution provided to Council for indigenous trees to be planted on Council land
- COVID-19
 - Council should reduce staff and services during the pandemic
 - Need clarification on \$\$\$ that will be in the Operational Plan
 - Fees and charges should not be increased
 - Northern District Cricket Club will be seeking a reduction in ground hire charges
- Rural areas
 - Subdivisions into one acre lots
 - Need road repairs, including widening
 - Urgent investigation required of road widening to Cobah Road, Fiddletown / Arcadia
 - Require footpaths in Glenorie village streets
 - Stormwater drainage upgrade required – Arcadia Road feeding into Galston Village
 - Public toilet facility within Galston village streets
 - Street tree planting around Galston village
 - Fox eradication program in Galston rural area

- New facilities to be equipped with 2 x EV charging points
- Community facilities
 - Upgrade to be multi-functional/beneficial
 - Develop safe off grid community facilities to be crisis centres in emergencies
 - A library for Cherrybrook
- Parks and sporting facilities
 - Redevelopment of Beecroft Village Green park
 - Trail bike path between Westleigh and Hornsby – Council works are destroying path
 - Redevelopment of Kenley Park, Normanhurst
 - Hornsby Quarry should be restored to original pristine state
 - Provide walking access to Brickpit Park from corner Pennant Hills and Dartford Roads
 - Expansion of mountain bike trail networks
 - Modifications to car park at Foxglove Oval, Mount Colah
 - Dog off leash exercise be allowed at Mount Kuring-gai Oval
 - Progress of Dog Off-Leash Strategy
 - Review installation of floodlights planned for 2023/24 at James Henty Oval, Dural - previously determined inappropriate
- Roads and footpaths
 - New Line Road, Cherrybrook needs to be fixed
 - Requesting a footpath on Boundary Road (between Cherrybrook Road and Cedarwood Drive)
 - Requesting a footpath on David Road, Castle Hill (between New Line Road and Yoorana Place)
 - Gap analysis of missing links in footpath network around Pennant Hills
 - Expand footpaths to allow active street-side eating
 - Source and invest in green alternatives to concrete
- Natural resources
 - Identify green corridors and links to essential green corridors
 - Plan for weed biosecurity
 - Management of Aboriginal sites
- Environmental sustainability
 - Priorities relating to renewable energy hubs
 - Redirect investments into renewable and sustainable energy sources

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- Engage with large businesses to improve use of solar PV
 - Include initiatives to reduce urban heat
 - Virtual power plant, collaborating with neighbouring councils
 - Incentivise retrofitting and greening of existing housing stock
 - Increase ratio of green space to hard surfaces
 - Kerbside bin for household food waste
 - Attract a large-scale domestic waste incinerator for energy production
 - Sustainable transport
 - Convert car lanes into bike lanes
 - Acquire railway land for connecting bike routes
 - Introduce paid-metered parking
 - Introduce secure bicycle parking at public transport interchanges
 - Events
 - Consider a Garden and House competition
 - Events to showcase and celebrate local talent, food, businesses and zero waste
 - Rotate through different Wards at venues such as schools, large sporting fields, etc
 - Fees and Charges
 - Pennant Hills Community Centre access for maintenance and storage during COVID-19 closures
 - Review Pop-up Shop Space, Hornsby Mall, Construction, Commercial Filming, Tree Inspections, Development Applications, Advertising signs, Outdoor Dining, Supply of Photograph (Traffic matter)
 - Hornsby Mall, Thursday markets
 - Mount Colah Community Centre
 - Others
 - Rates should be lower as electricity charges not included
 - Lobby power companies to improve reliability of supply
 - Action plan to make Hornsby #1 in NSW
 - Invest in Asquith Shopping Centre precinct
 - Cheltenham Church proceeds still to be spent on 2119 (postcode) community
 - Include Pennant Hills in future planning for public domains
 - Develop apps for residents to report construction debris, weeds, etc on private lands

A summary of each of the submissions is included in the attached Table 1A, with staff recommendations shown in *italics*. A revision of some Key Initiatives and timeframes due to the

impacts of the COVID-19 pandemic and the unknown ongoing financial and staff resourcing implications, as well as some minor revisions to the Fees and Charges 2020/21 document, are summarised in the attached Table 1B.

It is noted that during the exhibition period, there were further minor changes suggested by Council staff to improve clarity of the information contained in the documents. Those changes have been incorporated in the final versions of the documents.

Rates Structure

The rates structure included in the draft 2020-2022 Delivery Program and Operational Plan 2020/21 was based on the general increase determined by IPART, i.e. a 2.6% increase to apply to the Ordinary and Catchments Remediation Rates.

The Ordinary and Catchments Remediation Rates tables (Tables 2 and 3 below) have been updated to take into account adjustments due to re-categorisation of properties and supplementary rates received since exhibition. This has affected the 'Rate in the \$ (based on land value)', '% of Total Rate', 'Yield \$' columns and the overall totals, increasing the total rates to be levied to \$72,419,940.

The Valuer General supplied Council with new land values for properties across the Shire as at 1 July 2019. These values have been used for the calculation of the 2020/21 financial year rates and will continue to be used for the 2021/22 and 2022/23 financial years.

Table 2 – Ordinary Rates

Category	Rate in the \$ (based on land value)	Minimum Rate \$	Base Amount (\$)	Base Amount (%)	% of Total Rate	Yield (\$)
Residential	0.100959		\$570	49%	87.14%	60,101,653
Farmland	0.084697		\$570	29%	0.89%	613,845
Business	0.346706	\$599			6.76%	4,662,465
Business (Hornsby CBD)	0.467758	\$599			3.44%	2,372,615
Business (Shopping Centre)	1.393456				1.77%	1,220,793
Total						68,971,371

Table 3 – Catchments Remediation Rate

(N.B. There are no minimum or base amounts in respect of this rate)

Category	Rate in the \$ (based on land value)	Yield (\$)
Residential	0.009884	3,005,083
Farmland	0.005986	30,692
Business	0.018437	233,123
Business (Hornsby CBD)	0.023586	118,631
Business (Shopping Centre)	0.069673	61,040
Total		3,448,569

Total Rates to be Levied \$72,419,940

Rate Reductions for Eligible Pensioners

Eligible pensioners across NSW are entitled to a \$250 reduction in the ordinary rates and domestic waste management services. Details regarding the pensioner rebate are available in the Rating Information section of the 2020-2022 Delivery Program and Operational Plan 2020/21.

CONSULTATION

Council engaged its community in discussing a preferred future for the Shire which resulted in Council's first Community Strategic Plan being adopted in 2010. The 2020-2022 Delivery Program and Operational Plan 2020/21 (which incorporates the Budget, Fees and Charges and Rating Structure for 2020/21) respond to the current Community Strategic Plan, *Your Vision | Your Future 2028*, and have been prepared after detailed discussions with relevant staff, consideration by Council and public exhibition of draft proposals. It is noted that Councillors received a briefing on the contents of the draft documents on 18 March and 27 May 2020 and draft documents were placed on public exhibition from 9 April to 11 May 2020.

BUDGET

The publicly displayed draft Budget for 2020/21 included an estimated surplus of \$1.637 million and was developed in line with Council's Long-Term Financial Plan (LTFP) parameters which had a focus on the continuance of current service levels and some additional priorities identified by Councillors above recurrent allocations.

As noted in General Manager's Report No. GM8/20 (considered at the 8 April 2020 General Meeting), the \$1.637 million cash surplus forecast is \$3.5 million below that forecasted in the LTFP (\$5.1 million) mainly because of four matters that occurred since the adoption of the LTFP in March 2019:

1. A decrease in Investment Income to reflect cuts to the interest base rate by The Reserve Bank of Australia - \$1.2 million (net).
2. An estimated increase to Emergency Services Levy - \$0.44 million (net of a rebate received in 2019/20 to fund the first-year increase from new workers compensation arrangements).
3. An Increase to the Legal Expenditure budget for the Planning and Compliance Division – \$0.5 million.
4. The remediation of the Galston Aquatic Centre Roof - \$1.35 million (i.e. the 2020/21 portion of the funding).

The draft Budget 2020/21 was also prepared in advance of the Prime Minister activating the Australian Health Sector Emergency Response Plan for Novel Coronavirus, which will have an impact on the delivery of initiatives included within the budget and the forecast result as the situation evolves.

Necessary adjustments to reduce income in the draft Budget 2020/21 have been quantified based on the best data available during the exhibition process – this amounts to a \$10.671 million adjustment for the year. Each quarter has been reviewed separately to factor in improvement over the course of the financial year as restrictions are expected to ease:

	Total (\$)	Comment
Quarter 1		
User Charges and Fees and	2,874,293	66% average reduction in revenue based on

	Total (\$)	Comment
Other Income Reduction		actuals since restrictions commenced on 23 March
Hornsby Helps Package	395,432	Details provided below
Additional cleaning	250,000	Additional cleaning of public facilities
Quarter 1 - Total Impact	3,519,725	
Quarter 2 - Total Impact	3,519,725	As for Quarter 1
Quarter 3 - Total Impact	2,288,943	As for Quarter 1, but with lost income reduced to 40%
Quarter 4 - Total Impact	1,342,188	As for Quarter 1, but with lost income reduced to 20%
Full Year Impact	10,670,581	

To offset the impact of COVID-19, and maintain tight budgetary control over the Budget, a range of expenditure reductions is required. The reductions recommended (see below) also amount to \$10.671 million. This offsets the forecast impact of COVID-19 and maintains the current forecast surplus of \$1.637 million for the 2020/21 financial year.

	Total (\$)	Comment
Expenditure Reductions		
Salaries and Employee Leave	4,500,000	Employee savings from reduced termination payments, reduced casual use and reduction of excess leave balances
Deferral of Projects	945,000	<u>100% Project Deferrals</u> \$30,000 - Epping Oval Playground (General Funds) \$40,000 – Hornsby Park – Road Centre Garden Improvements (General Funds) \$150,000 – Fagan Park Car Park Renewal (SRV) \$200,000 – Waitara Creek Track Extension (SRV) \$50,000 - James Henty Oval Surface Renewal (SRV) \$100,000 – Brooklyn Park Tennis Court Renewal (SRV) <u>50% Project Deferrals (works to be staged over 2020/21 and 2021/22)</u>

	Total (\$)	Comment
		\$125,000 – Lakes of Cherrybrook Furniture/Playground (SRV) \$125,000 – Foxglove Sportsfield Irrigation Renewal (SRV – Mount Ku-ring-gai irrigation will be undertaken in 20/21 instead) \$75,000 – Fence Renewals (SRV) \$50,000 – Park Furniture Renewals (SRV) SRV projects will be deferred until 2021/22
Utilisation of additional grant funds	1,160,038	Two grants are expected, which can be used to fund existing general fund projects i.e. \$288,500 for Bushland Maintenance and \$871,538 for Local Roads and Community Infrastructure.
Utilisation of Restricted Assets	1,067,543	Funds restricted for reactive building maintenance and the S7.11 development contributions gap that are not currently allocated to specific projects will be released.
Utilisation of 2019/20 forecast budget surplus	2,006,000	2019/20 forecast surplus, plus Divisional savings expected to be realised before 30 June 2020
Deferral of Council Election to 2021/22	850,000	Budget will be required for 2021/22
Emergency Services Levy	142,000	2019/20 to 2020/21 increase funded as part of the Economic Stimulus Package for Local Government
Total	10,670,581	

Whilst the forecast surplus of \$1.637 million is less than the surplus forecast in the LTFP of \$5.1 million, given the impact of COVID-19 that was unforeseen when the LTFP was prepared in March 2019, it is considered a reasonable position for Council to commence the year.

Hornsby Helps Support Package

Following a briefing with Councillors, it is recommended that the Hornsby Helps Support Package that is currently in place to 30 June 2020 (refer General Manager's Report No. GM9/20 - COVID 19 Pandemic – Update on Council's Response which was considered at the 8 April 2020 General Meeting) be extended to 30 September 2020 and then be reviewed on a quarterly basis.

The package includes relief for COVID-19 affected rate payers with interest waived until 31 December 2020 in line with legislative requirements and minimal debt recovery procedures. Relief for tenants will also be provided subject to a financial assessment in line with the Code of Conduct for Commercial Tenancies.

Emergency Services Levy

The draft Budget 2020/21 included an estimated increase of \$0.44 million for the Emergency Services Levy. This was in anticipation of a 5% increase following the bush fire crisis and to account for the

discontinuation of a one-off rebate received in 2019/20 to fund the first-year increase for new workers compensation arrangements.

Whilst the draft Budget has been on exhibition, Council has received notification from Revenue NSW that the 2020/21 gross amount payable for the Emergency Services Levy is \$3.34 million, which is \$0.5 million greater than the amount payable in 2019/20. Concurrently, the Minister for Local Government has committed to fund this increase in full as part of an Economic Stimulus Package in response to COVID-19.

Whilst the commitment from the Minister is sufficient to balance the 2020/21 Budget, the base levy has now increased by \$1.029 million (or 45%) over the last two years from \$2.311 million in 2018/19 to \$3.34 million in 2020/21. This increase must be factored into the next version of Council's LTFP which originally only included annual increases in line with CPI (i.e. 2.5%).

POLICY

The Delivery Program is Council's principal instruction to the organisation covering its term of office and the underlying annual Operational Plans allocate resources and contain the detail on what will be done to implement the Delivery Program.

CONCLUSION

The 2020-2022 Delivery Program and Operational Plan 2020/21, incorporating the Budget and Fees and Charges for 2020/21, encompass the Key Initiatives and the levels of service to be provided to the community in a prudent and financially viable manner. Once adopted, the 2020-2022 Delivery Program and Operational Plan 2020/21 will be distributed electronically and in hard copy to Councillors, staff and interested persons.



RESPONSIBLE OFFICER

The officers responsible for the preparation of this Report are the Chief Financial Officer – Duncan Chell and the Manager, Strategy and Place – Louise Gee, who can be contacted on 9847 6822 and 9847 6531 respectively.

GLEN MAGUS
Director - Corporate Support
Corporate Support Division

STEVEN HEAD
General Manager
Office of the General Manager

Attachments:

1.  Table 1A - Catalogue of public submissions and recommended responses
2.  Table 1B - Staff submissions

File Reference: F2020/00027

Document Number: D07919456

ITEM 1

2 DEBTS TO BE WRITTEN OFF - 2019/20 FINANCIAL YEAR

EXECUTIVE SUMMARY

- The Financial Services Branch is responsible for assessing Council's outstanding debtors on a regular basis to determine those debts which are bad, doubtful or recoverable.
- Some services provided to customers in exchange for a fee or charge may remain unpaid even after various attempts by staff have been taken to recover these amounts. If it is deemed uneconomical to pursue further, then these amounts will be recommended to be become bad debts and be written off.
- The latest assessment for 2019/20 has resulted in the General Manager writing off debts totalling \$5,991 using his delegated authority from Council (refer attached Schedule B); and proposing to Council that it write off further debts considered bad totalling \$5,365 (refer attached Schedule A).
- Council's consideration of this Report ensures that the relevant legislative requirements and Council protocols have been met in respect of those debts to be written off.
- The write-off of debts for 2019/20 will be met from a budget allocated for this purpose.

RECOMMENDATION

THAT for 2019/20, and in accordance with Clause 213 of the Local Government (General) Regulation, Council:

1. Write off debts considered bad totalling \$5,365 (as detailed in Schedule A attached to Director's Report No. CS12/20).
2. Note debts considered bad totalling \$5,991 written off under the General Manager's delegated authority (as detailed in Schedule B attached to Director's Report No. CS12/20).

PURPOSE

The purpose of this Report is to seek Council approval, in accordance with Clause 213 of the Local Government (General) Regulation, to write off debts considered bad for the 2019/20 financial year.

BACKGROUND

Each year, the Financial Services Branch assesses the status of outstanding debtors to determine those debts which are bad, doubtful or recoverable. Debts considered bad are either recommended for write off by the General Manager under delegated authority or submitted to Council for approval to write off. (N.B. Doubtful debts are provided for in the financial records in contrast to bad debts which are written off)

DISCUSSION

Some services provided to customers in exchange for a fee or charge may remain unpaid even after various attempts by staff have been taken to recover these amounts. If it is deemed uneconomical to pursue further then these amounts will be recommended to become bad debts and be written off. Services that remain unpaid generally comprise commercial waste, licensing, parks, community centres and recreation fees and charges.

The writing off of debts by Council is undertaken in accordance with Clause 213 of the Local Government (General) Regulation. At the Ordinary Meeting held on 10 July 1996, Council resolved that the General Manager be delegated authority to write off individual debts up to \$1,000 which are considered irrecoverable. Debts over \$1,000 may only be written off by resolution of Council. The amount of bad debts written off by Council in accordance with Clause 213 of the Regulation over the last five financial years has been:

2014/15	\$2,379
2015/16	\$49,714
2016/17	\$3,574
2017/18	\$10,209
2018/19	\$7,729

For 2019/20, it is recommended that Council write off a debt considered bad totalling \$5,365 (see details in Schedule A); and note debts considered bad totalling \$5,991 which have been written off under the General Manager's delegated authority (see details in Schedule B). It should be noted that even if a debt is written off, Council is not prevented from taking future legal proceedings to recover the debt.

CONSULTATION

This Report has been prepared in consultation with Council's debt collection agency – Recoveries and Reconstruction (Australia) Pty Ltd.

BUDGET

The 2019/20 budget for bad debts written off was increased from \$1,000 to \$167,000 at the 13 May 2020 General Meeting in Director's Report No. CS11/20, 2019/20 Budget – March 2020 Quarter Review to provide for a potential rise in bad debts from the COVID-19 pandemic. This budget is sufficient to cover the cost of writing off bad debts in the 2019/20 financial year and the unused portion of the budget will be retained for the 2020/21 financial year should debts be considered irrecoverable due to COVID 19.

POLICY

There are no policy implications associated with this Report.

CONCLUSION

The write-off of bad debts for the 2019/20 financial year is detailed in the documents attached to this Report. Council's consideration of the Report and its attachments ensures that the relevant legislative requirements and Council protocols have been met in respect of those debts to be written off.



RESPONSIBLE OFFICER

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

DUNCAN CHELL
Chief Financial Officer
Corporate Support Division

GLEN MAGUS
Director - Corporate Support
Corporate Support Division

Attachments:

1.  Schedule A - Bad Debts Over \$1,000
2.  Schedule B - Bad Debts Under \$1,000

File Reference: F2004/06978-02
Document Number: D07912143

3 INVESTMENTS AND BORROWINGS FOR APRIL 2020 - STATUS FOR PERIOD ENDING 30 APRIL 2020

EXECUTIVE SUMMARY

- This Report provides details of Council's investment performance for the period ending 30 April 2020 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 portfolio achieved an annualised return for April 2020 of 4.46% and year to date 1.85%.

RECOMMENDATION

THAT the contents of Director's Report No. CS13/20 be received and noted.

PURPOSE

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

BACKGROUND

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

DISCUSSION

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

Council's investment performance for the month ending 30 April 2020 is detailed in the attached document. In summary, the portfolio achieved an annualised return for April 2020 of 4.46% and year to date 1.85%.

In respect of Council borrowings, the weighted average interest rate payable on outstanding loans taken out from June 2010 to date, based on the principal balances outstanding is 6.32%. The Borrowings Schedule as at 30 April 2020 is also attached for Council's information.

BUDGET

Revised budgeted income for 2019/20 is \$6,397,008 with an average budgeted monthly income of \$553,084. Net investment income for the month ended 30 April 2020 was \$790,569 which includes interest income of \$433,611 and a gain of \$356,958 from TCorp Managed Funds.

Budgeted investment income year to date at April 2020 is \$5,330,839. Total investment income year to date at 30 April 2020 is \$4,717,779 which includes a year to date net loss of \$454,652 from TCorp Managed Funds and a one-off receipt of \$319,902 in relation to a class action against Standard and Poor's for compensation of losses incurred on structured investment products during the global financial crisis.

Approximately 30% of the investment income received by Council relates to externally restricted funds (e.g. Section 7.11 and Section 7.12 development contribution funds) and is required to be allocated to those funds. All investments have been made in accordance with the Local Government Act, the Local Government (General) Regulation and Council's Investment of Surplus Funds Policy and Investment Strategy.

Current market instability caused by uncertainty over current external factors have led to a cut in the cash rate in March 2020. The consequence of this rate cut will have an impact on the reinvestment of term deposit rates. While the returns from TCorp Managed Funds are presently experiencing significant market volatility due to Covid-19 Pandemic, this product has a 7-year investment horizon and will therefore reflect marked to market valuations on a monthly basis. Advice from Council's Independent Investment Advisor, Prudential Investment Services is to hold this investment for the 7-year timeframe as originally planned. This is due to the anticipated net positive performance returns that will be gained over the long term for this investment.

CONCLUSION

The investment of Council funds and the extent of its borrowings as at 30 April 2020 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 – Duncan Chell - who can be contacted on 9847 6822.

DUNCAN CHELL
Chief Financial Officer
Corporate Support Division

GLEN MAGUS
Director - Corporate Support
Corporate Support Division

Attachments:

1.  HSC Investment Summary Report April 2020
2.  HSC Borrowings Schedule 30 April 2020

File Reference: F2004/06987-02
Document Number: D07912305

4 REPORT ON SUBMISSIONS - HOUSEKEEPING AMENDMENT PLANNING PROPOSAL

EXECUTIVE SUMMARY

- At its meeting on 13 November 2019, Council considered the Housekeeping Amendment Planning Proposal (required under the funding agreement for the Accelerated Local Environmental Plan Review program) and resolved to submit the Proposal to the Department of Planning, Industry and Environment (DPIE) seeking a Gateway Determination.
- The Planning Proposal incorporates some of the key matters from the Local Strategic Planning Statement on which Council has a resolved policy position and other housekeeping issues identified through certain Accelerated LEP Review studies.
- In accordance with Council's resolution, non-statutory, preliminary notification was undertaken with affected property owners. A total of 19 submissions were received during this period and are considered as part of this report.
- A Gateway Determination was received from the DPIE on 18 February 2020 in support of the Proposal, subject to conditions, which authorised exhibition of the Planning Proposal.
- The Planning Proposal was formally exhibited from 11 March 2020 to 10 April 2020. During this period, 7 submissions were received which raised concerns regarding heritage, land rezoning and changes to the provisions for Design Excellence and the maximum allowable Height of Buildings.
- The submissions, and changes recommended as a result of submissions, are discussed in this report.
- It is recommended that Council endorse the Planning Proposal (as amended after exhibition) attached to Director's Report No. PL8/20 and submit the Proposal to the DPIE by 30 June 2020 to meet the final funding milestone under the Accelerated LEP Review Program.

RECOMMENDATION

THAT:

1. Council endorse the Housekeeping Amendment Planning Proposal (as amended) attached to Director's Report No. PL8/20.
2. The Planning Proposal be submitted to the Department of Planning, Industry and Environment to meet the last funding milestone under the Accelerated LEP Review Program.
3. Submitters be advised of Council's decision.

PURPOSE

The purpose of this Report is to address the matters raised in submissions received during the preliminary notification and formal exhibition periods of the Planning Proposal, outline recommended amendments to the exhibited Proposal and seek Council's endorsement to forward the Proposal to DPIE for finalisation.

BACKGROUND

On 3 July 2018, Council entered into a funding agreement with DPIE under the Accelerated LEP Review Program which provided \$2.5m towards the development of 17 projects and strategies used to inform the Local Strategic Planning Statement (LSPS). The Housekeeping Planning Proposal was prepared as one of the key deliverables under this program.

At its meeting on 13 November 2019, Council considered Director's Report No. PL26/19 which presented the Housekeeping Amendment Planning Proposal and resolved that:

1. *Council endorse the progression of the Planning Proposal attached to Director's Report No. PL26/19 for submission to the Department and Planning, Industry and Environment for a Gateway Determination to amend the Hornsby Local Environmental Plan 2013.*
2. *Preliminary, non-statutory consultation be conducted with affected land owners immediately, given the tight timeframes of the Accelerated LEP Review.*
3. *The Planning Proposal be publicly exhibited in accordance with the Gateway Determination and consultation strategy identified in this report.*
4. *Following exhibition, a report on submissions be presented to Council for its consideration.*

In accordance with Council's resolution, the Planning Proposal was forwarded to DPIE on 27 November 2019.

On 11 December 2019, Council commenced non-statutory, preliminary notification. Letters were sent to affected landowners notifying them that a planning proposal had been lodged with DPIE and outlining how the proposed amendments would affect their property, where they could view the planning proposal and submit feedback to Council. A total of 19 submissions were received.

On 18 February 2020, Council received a Gateway Determination from DPIE in support of exhibition of the planning proposal subject to conditions.

Between 11 March 2020 and 10 April 2020, the Planning Proposal was publicly exhibited in accordance with Council's resolution and the conditions of the Gateway Determination. A total of 7 submissions were received.

DISCUSSION

This report outlines the matters raised during the preliminary notification and statutory exhibition periods of the Housekeeping Amendment Planning Proposal, feedback from public authorities and advice from Council's Heritage Advisory Committee.

1. Submissions

A total of 26 submissions were received throughout the preliminary and statutory exhibition. The key issues raised are addressed below and, where relevant, the advice of the Heritage Advisory Committee (HAC) in response to the review of submissions is included.

Inclusion of Heritage Maps in Planning Proposal

A submission raises concerns that Council did not provide heritage mapping for the majority of the proposed corrections of heritage anomalies which is not sufficient to be able to make a properly considered assessment.

Comment:

The preparation of a Planning Proposal is the first step in preparing a LEP. Throughout the course of preparing the proposed LEP, the planning proposal itself often evolves. A planning proposal submitted for a Gateway Determination must demonstrate the strategic merit of the proposed LEP amendment. This Planning Proposal adopted and lodged for Gateway Determination indicated all proposed amendments to Schedule 5 of the *Hornsby Local Environmental Plan (HLEP) 2013* within Appendix D and a reference to where mapping would also be required to be updated.

To support the exhibition of the Planning Proposal, the Gateway Determination required that the additional mapping be prepared. Further detail and maps to illustrate proposed amendments to the *HLEP* Heritage Maps were added to the Planning Proposal prior public exhibition to provide the community with the opportunity to view and provide feedback on these amendments.

The proposed amendment to Schedule 5 of the *HLEP* to correct 40 anomalies or misdescriptions only involves 10 amendments to the Heritage Maps. The remaining 30 heritage anomalies proposed to be corrected have not, and will not, be mapped in the Planning Proposal as they do not require changes the Heritage Maps. Rather, these changes are to correct errors and update property descriptions within the written Schedule.

Recommendation:

No changes to the Planning Proposal as a result of the submission regarding mapping.

Preliminary Notification

A submission raises concern that Council did not undertake preliminary notification with affected land owners in accordance with Council's resolution from its meeting on 13 November 2019.

Comment:

In accordance with Council's resolution from its meeting on 13 November 2019, Council undertook non-statutory, preliminary notification. Letters were sent to all affected property owners on 11 December 2019 to notify them that a Planning Proposal had been lodged with DPIE and outlined information on how the proposed amendments would affect their property, where they could view the Planning Proposal or submit feedback to Council. A total of 19 submissions were received as a result of the preliminary notification that occurred prior to the statutory exhibition period, all of which are addressed in this Report.

Recommendation:

No further action required in response to the submission commenting on the preliminary notification process.

Subtitles for Heritage Maps in Planning Proposal

A submission suggests the wording of the subtitle in figure 68 of the exhibited Planning Proposal, which displays the current heritage map at Lisgar Gardens, should be amended from "Properties at Lisgar Road" to "Lots at Lisgar Road" as this information is misleading and incorrectly identifies the site as multiple properties when it is a single property owned by Hornsby Council.

Comment:

Although both properties are in Council ownership, they are identified in Council's Property Information System as two separate properties with different lots associated with each property as follows:

- No. 23 Lisgar Road, Hornsby - Lisgar Gardens (Lot 2 DP 421280).
- Nos. 27X and 35X Lisgar Road, Hornsby – Florence Cotton Park (Lot 1 DP710521, Lot 54 DP4242, Lot 6 DP 30165, Lot 21 DP 237625, Lot 14 DP 251627, Lot 32 DP 258232, Lot 7 DP 251626).

Notwithstanding, this proposed amendment has since been deleted from the Planning Proposal for further consideration under the Comprehensive Heritage Review (see below under the heading Lisgar Gardens).

Recommendation:

No further action required.

Ministerial Direction 2.3 Heritage Conservation

A submission raises concern that Council's response to Ministerial Direction 2.3 Heritage Conservation is incorrect as the proposed amendment to the Heritage Map for Item No. 492 Lisgar Gardens severs the relationship between the Lisgar Gardens and Florence Cotton Park.

Comment:

The objective of this Direction 2.3 is 'to conserve *items, areas, objects and places of environmental heritage significance and indigenous heritage significance.*' The Planning Proposal appropriately addresses this Direction as it facilitates accurate identification of heritage items to conserve the natural and cultural values they withhold by ensuring they are protected, and their heritage significance is identified.

Recommendation:

No changes to the Planning Proposal as a result of the submission regarding Ministerial Directions.

Heritage Item No. 492 – Lisgar Gardens (23 Lisgar Road, Hornsby)

Submissions raise concerns about the proposed amendment to remove Florence Cotton Park from the address and map for Heritage Item No. 492 - Lisgar Gardens, as it could allow a mountain bike trail and/or 10/50 clearing on Critically Endangered Ecological Communities and other significant trees.

Comment:

This anomaly was identified in 2018 for correction in Council's next heritage review when an internal enquiry to Council's Heritage Planner was received about a Hazard Reduction Burn in Florence Cotton Reserve. During research into the listing, it was discovered that the heritage listing for Lisgar Gardens was linked to the adjacent Florence Cotton Park. The mapping currently identifies Lisgar Gardens (Lot 2 DP 421280) plus Florence Cotton Park, which comprises Lot 1 DP 710521, Lot 54 DP 4242, Lot 6 DP 30165, Lot 21 DP 237625, Lot 14 DP 251627, Lot 32 DP 258232, Lot 7 DP 251626. However, the address listing identifies Lisgar Gardens (Lot 2 DP 421280) and one of the Florence Cotton Park lots (Lot 54 DP 4242). The inventory sheet refers to the formal gardens and not Florence Cotton Park.

In regard to 10/50 clearing concerns, Clause 7.2 of the NSW Rural Fire Service – 10/50 Vegetation Clearing Code of Practice, identifies Critically Endangered Ecological Communities as a vegetation type that cannot be cleared within areas mapped in the 10/50 online tool. Vegetation types not listed

under Clause 7.2 could be removed in accordance with the provisions of the 10/50 Code. However, the purpose of heritage listing an item under Schedule 5 of the *HLEP* is to recognise and protect its heritage significance, not for the purpose of environmental protection. In regard to the mountain bike trail, there are no current proposals for Florence Cotton Park.

HAC Advice:

The advice of the HAC is that the proposed Lisgar Gardens amendment be removed from the Planning Proposal and further considered under the Comprehensive Heritage Review.

Recommendation:

The Planning Proposal be amended to delete the proposed changes to the heritage map and property description for heritage item No. 492 - Lisgar Gardens. This matter be considered under Council's Comprehensive Heritage Review.

Heritage Item No. 495 – Mount Wilga (2A Manor Road, Hornsby)

Submissions raise concerns about the proposed amendment to correct the listing to reflect the current Lot and DP and to amend the mapping to reflect the same, as it does not address the reference in the inventory sheet to the grounds which surround the mansion, 10/50 clearing on Critically Endangered Ecological Communities and other significant trees that may be allowed to be removed if the *HLEP* Heritage Maps are amended.

Comment:

This property was subdivided in 2011 and 2014 (with support of the NSW Heritage Office) and has approval for a further subdivision. The *HLEP* listing currently identifies 2A Manor Road as Lot 101 DP 1166007, which is the Lot and DP description from the 2011 subdivision and is now historic, as a small portion at the south of the site has been further subdivided. The current and correct legal description of property No. 2A Manor Road is Lot 1 DP 1181742. The mapping for 2A Manor Road also requires amendment as it currently extends across Lot 100 (Property No. 66 Rosamond Street, Hornsby).

HAC Advice:

Although the opinion of Committee members was divided, the advice of the Heritage Advisory Committee is that the proposed Mt Wilga amendment be removed from the Planning Proposal and further considered under the Comprehensive Heritage Review.

Recommendation:

The Planning Proposal be amended to delete the proposed changes to the heritage map and property description for heritage item no. 495 – Mount Wilga and grounds. This matter be considered under Council's Comprehensive Heritage Review.

Heritage Item No. 258 – “Glenowen” and garden (Glenowen Way, Castle Hill)

A submission raises concern about the amendment to the name of “Glenowen” and garden to “Glenowen Farm” as the garden has its own inventory sheet which refers to significant trees. The submission suggests that the two remnant trees now located on the adjoining property have their own separate heritage listing.

Comment:

This anomaly has been included for correction based on a recommendation from the Hornsby Comprehensive LEP Review of Heritage Items prepared by Sue Haertsch Planning and John Oultram Heritage & Design, at the time of making of the *HLEP*. Below is a relevant excerpt from the heritage report:

"The Victorian farmhouse is retained but is no longer screened from David Road by the plantings described in the Heritage Study listing sheets. The farmhouse faces the internal street of the new subdivision (Glenowen Way).

The new road encircles the house, with a grassed area providing some separation and setting. A line of hedge plantings will formalize the reduced curtilage over time.

The garden is substantially changed from the description included in the Heritage Study listing. The windbreak has been removed and two of the major plantings are now located on adjoining properties that have been subdivided from the original estate. The remaining significant plantings, which include an Oak tree and flame tree, no longer retain a heritage context within the former farm garden."

HAC Advice:

The advice of the HAC is that the proposal is supported.

Recommendation:

No changes to the Planning Proposal as a result of submissions on Glenowen.

Heritage Item No. 619 – "Cheddington" and stables (27 Boundary Road, Pennant Hills)

A submission raises concern with the proposal to amend the lot description to Lot 17, DP 1210302 and Lot 4, DP 622198 (and delete reference to Lot 5 DP 16057) because the lot numbers are being changed entirely to new lot numbers that were not included in the original listing and there is no map.

Comment:

The current listing identifies "Cheddington" and stables on Lot 5 DP 16057 and Lot 4 DP 622198. Lot 5 DP 16057 is now historic as a result of the new M2 to M1 tunnel link (North Connex - a State Significant Development) construction passing under part of the property whereby a new 'underground' allotment was created in 2015 resulting in a legal change in property description from Lot 5, DP106057 to Lot 17, DP12130302.

The current and correct legal description of property No. 27 Boundary Road, Pennant Hills is Lot 17 DP 1210302 and Lot 4 DP 622198. No mapping changes are proposed or required for this property, therefore no map is included in the Planning Proposal.

HAC Advice:

The advice of the HAC is that the proposal is supported.

Recommendation:

No changes to the Planning Proposal as a result of the submission on Cheddington.

Heritage Item No. 770 – "Cherrygarth" and garden (42 Woonona Ave, Wahroonga)

A submission raises concern with the proposal to amend the lot description of the listing to Lot 23 DP 1213773 because the lot numbers are being changed entirely and there is no map to display whether the garden or tennis court are being removed from the listing.

Comment:

The current listing identifies "Cherrygarth" and garden on Lot 11 DP 706260. Lot 11 DP 706260 is now historic as a result of the new M2 to M1 tunnel link (North Connex - a State Significant Development) construction passing under part of the property (formerly Lot 11 DP 706260), whereby a new 'underground' allotment was created in 2015 resulting in a legal change in property description from to Lot 23, DP 1213773.

The current and correct legal description of property No. 42 Woonona Ave, Wahroonga is Lot 23, DP 1213773. No mapping changes are proposed or required for this property, therefore no map is included in the Planning Proposal.

HAC Advice:

The advice of the HAC is that the proposal is supported.

Recommendation:

No changes to the Planning Proposal as a result of the submission on Cherrygarth.

Heritage Item No. 140 – Bushland Reserve (Sutherland Road – Byles Creek Valley Beecroft Reserve)

Submissions were received during the preliminary notification period regarding the proposed amendment to the heritage map for heritage item no. 140, concerned that this heritage item would be removed from Schedule 5 of the *HLEP* due to its inclusion in the draft Planning Proposal. Submissions provided support for its heritage significance and recommended that the heritage listing be retained.

Comment:

Byles Creek Bushland Reserve is currently listed as a heritage item no. 140 under the *HLEP*. However, a small parcel of land in Council ownership, specifically, Lot 204 DP 806307, which should form part of the listing is not currently identified on the Heritage Map or within Schedule 5 of the *HLEP*. Prior to submission to the DPIE, the draft Planning Proposal only included the current *HLEP* heritage map. However, prior to formal public exhibition, the updated heritage map was inserted in the Planning Proposal to identify that the existing heritage item no. 140 should also include Lot 204 DP 806307. Submitters were provided with this clarification and the issue was not raised during the formal exhibition period.

Recommendation:

No further changes to the Planning Proposal as a result of submissions on Byles Creek Bushland Reserve.

Heritage Item No. 501 - Barker College – group of buildings, grounds and gate

A submission from Barker College supports the proposed amendment to heritage item no. 501 – Barker College – group of buildings, grounds and gate to delete Part Lot 1 DP 135493. However, the submission also requests a full review of the heritage listings which currently exist on the Barker College site.

Comment:

This Planning Proposal for housekeeping amendments to the *HLEP* does not include the addition or deletion of heritage items which would require a full review, as its purpose is to amend anomalies. A full review of heritage items in Hornsby Shire, including Barker College, will be considered under the Comprehensive Heritage Review.

Recommendation:

No changes to the Planning Proposal as a result of the submission on Barker College.

Incomplete Landscaping – No. 2 Manor Road, Hornsby

A submission raises concern about incomplete landscaping works at No. 2 Manor Road, Hornsby and its impact on the adjoining State heritage listed item, Mount Wilga.

Comment:

The submission refers to a landscape plan submitted in 2014 with DA/669/2014 which has not been implemented on the property. Though this is not a matter for consideration under this Planning Proposal, the submission will be considered in the current assessment of an application to modify the consent for a retaining wall at No. 2 Manor Road, Hornsby. A submission to the same effect had been lodged and is currently being considered.

Recommendation:

No changes to the Planning Proposal as a result of submissions on incomplete landscaping works.

Correction of zoning anomaly at No. 5 Arcadia Road, Galston

Submissions raises concerns about the proposed rezoning of No. 5 Arcadia Road, Galston from B1 Neighbourhood Centre to R2 Low Density Residential on the following grounds:

- The current B1 zone allows for medium density dwellings which currently exist on the site, therefore this zoning is appropriate and is not a zoning anomaly.
- The property is an integral part of the Galston Village Masterplan.
- Rezoning the site from B1 to R2 would create precedent for multi-dwellings in R2 zones within Hornsby Shire.

Comment:

The anomaly relates to the quantum of business zoned land available for commercial/retail floor space identified through the draft Employment Land Use Study and the rezoning been included in the Planning Proposal for correction to accurately reflect the current residential use of the site since development consent was granted for 25 townhouses pursuant to DA/314/1998. The proposed rezoning would prohibit commercial/business uses that are inconsistent with the current residential use of the lands. The rezoning would not permit multi-dwelling housing in other R2 zoned land.

Recommendation:

No changes to the Planning Proposal as a result of submissions on the rezoning of property No. 5 Arcadia Road, Galston.

Change maximum height of buildings from 17.7 metres to 16.5 metres

Submissions raise concern about the proposed change to the maximum height of buildings from 17.5m to 16.5m on the following grounds:

- The proposed amendment would create tension with the allowable floor space ratio and prevent obtaining the economic potential of the land.
- Would not allow for the construction of 5-storey buildings in accordance with the Apartment Design Guidelines.

Comment:

The reduction of the maximum height of buildings standard to 16.5m will still allow for the construction of 5-storey built form. The objective of the amendment is to remove the ability for mezzanine levels which produce a 'top heavy' appearance disproportionate with the overall scale of 5-storey development. The amendment to this height standard formalises the existing controls within the *Hornsby Development Control Plan (HDCP)* which do not accommodate mezzanine levels. There would be no impact on floor space ratio controls as these do not apply.

Recommendation:

No changes to the Planning Proposal as a result of submissions on the reduction in height of buildings.

Property Council of Australia Submission

A submission from the Property Council of Australia raises the following concerns:

- The amendment of Clause 6.8 Design Excellence means it would apply to a broader range of housing, increasing the cost of complexity of construction for small and medium sized developments.
- The planning proposal does not give effect to the housing supply provisions provided under the North District Plan or the Hornsby Local Strategic Planning Statement.

Comment:

The proposed amendment of Clause 6.8 to apply to a broader range of housing and development is deliberate, as currently there is less design scrutiny for small and medium sized developments which has led to some undesirable visual impacts of recent developments. Council considers that the pursuit of design excellence is a priority that should be reflected in both the *HDGP* and the *HLEP* provisions.

With regard to housing supply, Council is currently on track to meet its short-term targets and there is no requirement for this planning proposal to rezone additional land to meet short to medium term targets. It is anticipated that Council's draft housing strategy will be exhibited mid-2020.

Recommendation:

No changes to the Planning Proposal as a result of the submission from the Property Council.

2. Public Authority Feedback

In accordance with the Gateway Determination received from DPIE on 18 February 2020, Council was required to consult with the following public authorities regarding the proposed amendments to the *HLEP*.

NSW Rural Fire Service

In accordance with Section 3.34 of the Environmental Planning and Assessment Act 1979, on 21 December 2019, Council forwarded the Planning Proposal to the Commissioner of the NSW RFS for comment prior to undertaking statutory community consultation. Following receipt of Gateway Determination from DPIE, Council was also required to address the issue of consistency with Section 9.1, Ministerial Direction 4.4 Planning for Bushfire Protection through liaison with the NSW RFS.

On 10 March 2020, Council received a letter of support from the NSW Rural Fire Service raising no concerns or issues in relation to bushfire.

NSW Heritage

On 29 April 2020, Council received a letter of support from NSW Heritage, Department of Premier and Cabinet. Overall, Heritage NSW supports amendments to LEPs which provide greater accuracy and clarity for existing heritage items, provided that all necessary due diligence, assessments and notifications have been undertaken.

In accordance with the Gateway Determination, Certificate of Titles have been obtained to confirm all property descriptions for the Schedule 5 amendments and will be provided to DPIE prior to finalisation.

NSW Parks and Wildlife Services

Council received letters of support from both NSW National Parks and Wildlife Services and the Environment, Energy and Science Group under DPIE regarding the rezoning of Coba Point from E4 Environmental Living to E1 National Parks and Nature Reserves.

Government Architects Office

On 6 May 2020, Council received support from the Government Architects Office for the proposed amendments to Clause 6.8 Design Excellence. Council is commended for the initiative and the supporting study and recent changes to the *HDCP* which will drive better design outcomes for Hornsby Shire.

3. Heritage Advisory Committee Advice

On 5 May 2020, Council's Heritage Advisory Committee met to review the site-specific heritage submissions received. The advice from the Committee is included where relevant in the discussion above on submissions. In summary, the Committee raised no objections and unanimously supported the heritage anomaly amendments with the exception of Lisgar Gardens and Mt Wilga which have been deferred for further assessment under Council's Comprehensive Heritage Review.

At the meeting, it was requested that the commentary in Appendix D for the proposed amendment to No. 203X Pacific Highway, Hornsby, be amended to refer to the removal of the Lone Pine Tree on this site as a result of poor health and decline. The Planning Proposal has been amended accordingly.

CONSULTATION

In accordance with the advice received from the Local Planning Panel and Council's resolution from its meeting on 13 November 2019, preliminary consultation was undertaken with affected land owners prior to a Gateway Determination to allow sufficient time to provide feedback.

Formal consultation was undertaken in accordance with the conditions of the Gateway Determination. The Proposal was publicly exhibited for a minimum of 28 days and consultation was undertaken with the following public authorities:

- NSW Rural Fire Service
- NSW Heritage, Department of Premier and Cabinet
- NSW Parks and Wildlife Services
- Government Architects Office

On 6 May 2020, an informal Councillor workshop was held to discuss the submissions received, the feedback from Government agencies and the advice of the Heritage Committee.

BUDGET

Costs associated with this Planning Proposal are covered through the Accelerated LEP Review funds. A payment milestone of \$500,000 is linked to the finalisation of the Planning Proposal with the DPIE by 30 June 2020.

POLICY

This Planning Proposal seeks to implement Council's resolutions in relation to design excellence, correct anomalies and reflect the expansion of the Marramarra National Park. The Planning Proposal

is consistent with Council's Local Strategic Planning Statement and is a key milestone under the Accelerated LEP Review Program.

The Planning Proposal fall outside the types of draft LEPs routinely delegated by the DPIE for Council to finalise as it is part of the Accelerated LEP Review Program. Council must submit the proposal to the Department for finalisation.

CONCLUSION

The Housekeeping Amendment Planning Proposal was prepared to meet a key milestone under the Accelerated LEP Review Program and seeks to implement Council's resolutions in relation of design excellence, correction of anomalies and to reflect the expansion of Marramarra National Park.

It is recommended that the Planning Proposal attached to this report, which has been amended as a result of submissions and the requirements of the Gateway Determination, be forward to the DPIE for finalisation.

RESPONSIBLE OFFICER

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

KATHERINE VICKERY
Manager - Strategic Landuse Planning
Planning and Compliance Division

JAMES FARRINGTON
Director - Planning and Compliance
Planning and Compliance Division

Attachments:

1.  Planning Proposal Housekeeping Amendment - June 2020

File Reference: F2019/00392
Document Number: D07894928

5 REPORTING VARIATIONS TO DEVELOPMENT STANDARDS

EXECUTIVE SUMMARY

- In accordance with Department of Planning, Industry 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 Clause 4.6 (Exceptions to development standards) 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 Director's Report No. PL10/20 be received and noted.

PURPOSE

The purpose of this report is to advise Council of determined development applications under delegated authority involving a Clause 4.6 variation to a development standard for the period 1 January 2020 to 31 March 2020.

DISCUSSION

Department of Planning, Industry and Environment's *Circular B1*, issued in March 1989, requested that councils monitor the use of the Secretary's assumed concurrence under the then State Environmental Planning Policy No. 1 – Development Standards (*SEPP 1*) on a quarterly basis. *SEPP 1* was replaced by Clause 4.6 as the mechanism to enable variation to a development standard when the HLEP 2013 came into effect. However, the reporting requirements for variations to standards remain 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 and keep accurate records where variations to standards are supported.

The *Circular* also provides that councils are required to report on a quarterly basis and adopt the following four measures:

1. Establish a register of development applications determined with variations in standards under Clause 4.6.
2. Require all development applications where there has been a variation greater than 10% in standards to be determined by the Hornsby Local Planning Panel.
3. Provide a report to Council on the development applications determined where there had been a variation in standards under Clause 4.6.
4. Make the register of the development applications determined with variations in standards under Clause 4.6 available to the public on Council's website.

In accordance with Point 3 of the Department Circular, attached is a list of development applications determined between 1 January 2020 to 31 March 2020.

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 Clause 4.6.

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 Clause 4.6 of the HLEP during the reporting period from 1 January 2020 to 31 March 2020.

RESPONSIBLE OFFICER


The officer responsible for the preparation of this report is the Director of Planning and Compliance Division – James Farrington, who can be contacted on 9847 6750.

JAMES FARRINGTON

Director - Planning and Compliance

Planning and Compliance Division

Attachments:

1.  Clause 4.6 Returns - 1 January 2020 to 31 March 2020

File Reference: F2004/07599-02

Document Number: D07911016

6 PROPOSED CHANGES TO DEVELOPMENT CONTRIBUTIONS SYSTEM

EXECUTIVE SUMMARY

- The Minister for Planning and Public Spaces has appointed the Productivity Commissioner to undertake a comprehensive review of the infrastructure contributions system.
- The State Government's plan involves two complementary processes as follows:
 - A Productivity Commission Review to assess how infrastructure is funded in NSW and look at matters in, and beyond, the planning system.
 - A short-term process to identify and make improvements to the current infrastructure contributions system that will make it more transparent and easier to use.
- The Department of Planning, Industry and Environment (DPIE) is undertaking public consultation on proposed changes to the planning system that can be delivered in the short term.
- This report provides an overview of the Productivity Commission Review and DPIE's proposed changes.
- A draft submission on the proposed changes to the infrastructure contributions system is attached for Council endorsement.
- The submission supports a review of the development contributions system, raises the issues outlined in this report and, notwithstanding that the NSW Productivity Terms of Reference do not explicitly require it, requests that the Commission engage in direct consultation with Hornsby Shire Council in undertaking its review.
- The submission also includes comments and concerns about the Minister's powers under *COVID-19 Legislation Amendment (Emergency Measures—Miscellaneous) Act 2020 No. 5*.

RECOMMENDATION

THAT the submission attached to Director's Report No. PL13/20 on the proposed changes to the infrastructure contributions system, including the comments in relation to the COVID-19 legislative amendment, be endorsed for submission to the Department of Planning, Industry and Environment.

PURPOSE

The purpose of this report is to seek Council endorsement for a submission on the NSW Government's proposed changes to the infrastructure contributions system, including comments regarding the recent COVID-19 legislative amendment in relation to local development contributions.

BACKGROUND

The Minister for Planning and Public Spaces has requested that the NSW Productivity Commissioner conduct a comprehensive review of the infrastructure contributions system under Part 7 of the *Environmental Planning and Assessment Act 1979* (the EP&A Act) to examine the performance of existing arrangements and make recommendations for reform.

The Terms of Reference to the NSW Productivity Commission include a requirement for consultation with "NSW Government agencies, external stakeholders and the community, as appropriate."

The NSW Productivity Commissioner is required to deliver a Final Report by the end of 2020.

DISCUSSION

The DPIE has identified improvements to the contributions system that can be delivered in the short term and is undertaking public consultation on the proposed changes. The information on exhibition includes:

1. Draft Planning Agreements Policy.
2. Review of Local Infrastructure Contributions Plans.
3. Section 7.12 Development Contributions Percentage Rates.
4. Special Infrastructure Contributions Guidelines.
5. Amendments to the *Environmental Planning and Assessment Regulation 2000* (the EP&A Regulation).

In addition, the NSW Parliament passed the *COVID-19 Legislation Amendment (Emergency Measures—Miscellaneous) Act 2020 No. 5* to amend, amongst other legislation, the EP&A Act in response to the COVID-19 pandemic.

This report discusses the key changes proposed to the infrastructure contributions system.

1. Draft Planning Agreements Policy Framework

In July 2005, following the making of the *Environmental Planning and Assessment Amendment (Development Contributions) Act 2005*, the Director General of the then Department of Infrastructure, Planning, and Natural Resources issued a document titled '*Practice Note – Planning Agreements*' to provide guidance to councils about the processes and procedures to be followed when preparing, consulting on, and entering into planning agreements.

The use of planning agreements is now widespread across NSW and they provide a useful tool to deliver infrastructure in an efficient, co-operative and coordinated way. Notwithstanding, there can often be a perception that planning agreements are used to circumvent strategic planning process, to justify poor planning outcomes from development and/or that there is a lack of transparency surrounding their preparation.

The DPIE has issued a draft *Planning Agreements Practice Note* (the Practice Note) which is intended to replace the previous practice note and to set out the statutory framework for, and fundamental principles governing, the use of planning agreements. In addition, the Practice Note

provides guidance on matters relating to the content, process for preparation, consultation and administration of planning agreements.

Some key aspects of the Practice Note are as follows:

- A planning agreement cannot and should not purport to fetter a planning authority's exercise of statutory functions (such as functions relating to a planning proposal or a development application) and public benefits offered by developers do not make unacceptable development acceptable.
- Benefits provided under a planning agreement must not be exchanged for a variation from a development standard.
- Planning agreements should not be used as a means of general revenue raising or to overcome revenue shortfalls.
- Although planning agreements are not required to demonstrate the same nexus with development as is the case for Section 7.11 contributions, they must not include public benefits that are wholly unrelated to the development.
- Value capture (e.g. capture of land value uplift resulting from rezoning or variations to planning controls) should not be the sole or primary purpose of a planning agreement as it leads to the perception that planning decisions can be bought and sold and that planning authorities may leverage their bargaining position based on their statutory powers.
- The preferred pathway for securing Affordable Housing Contributions is through preparing an affordable housing contribution scheme and amending the relevant local environmental plan, rather than through a planning agreement (although there is no statutory provision precluding a planning agreement from including affordable housing contributions).
- Planning agreements should be used for public benefits that are in accordance with the council's infrastructure planning and funding policies and strategies. Planning agreements should not be used as a substitute for proper strategic infrastructure planning.

A Draft Ministerial Direction pursuant to s7.9 of the EP&A Act has also been exhibited and this will require local councils to have regard to the Practice Note when negotiating or preparing a planning agreement. No such Ministerial Direction accompanied the 2005 practice note.

Comment

Value capture through a planning agreement is an important tool to enable councils to deliver infrastructure that is required to meet the demands of future populations over and above a s7.11 or s7.12 plan, where the current Ministerial "thresholds" limit the levying for such infrastructure. Accordingly, the Practice Note should not infer that value capture is not to be used until the DPIE has undertaken detailed consultation with local councils and provided justification to demonstrate why it is not an appropriate mechanism to use.

The Practice Note should provide flexibility for planning agreements to include affordable housing contributions as the ever-changing nature of housing supply and tenure means that planning agreements are ideally placed to deliver positive and potentially better outcomes than rigid legislation or statutory instruments.

Recommendation

It is recommended that Council's submission note the importance of value capture through a planning agreement and request that the Practice Note not infer that value capture should not be used unless DPIE has undertaken detailed consultation and explained why it is not an appropriate mechanism. Further, the Practice Note should provide for flexibility for planning agreements to include affordable housing contributions.

2. Improving the Review of Local Infrastructure Contributions Plans

Currently, a Ministerial Direction prevents a council or planning panel from imposing a condition of development consent on a development application where that contribution would result in a contribution exceeding \$20,000 per dwelling/lot or, in an identified urban release/greenfield area, \$30,000 per dwelling/lot.

The only exception to this is if the relevant contributions plan has been reviewed by Independent Pricing and Regulatory Tribunal (IPART) and if that contributions plan has been endorsed by the relevant council in accordance with any amendments as directed by the Minister.

The DPIE has issued a Discussion Paper which proposes a number of changes to the thresholds and IPART review process as outlined below.

2.1 Proposal 1 – Increase the value thresholds that trigger the review process

The current \$20,000 and \$30,000 cap thresholds have not changed since their introduction in 2008 and 2010 which means that their value has continuously fallen in real terms while capital and land infrastructure costs have continued to increase.

Therefore, unless a contributions plan has been IPART reviewed, indexation of contributions cannot be applied if it would cause the contribution to exceed the caps. There is a risk that eventually, most s7.11 contribution plans will be required to go through the IPART review process just to keep pace with inflation.

Accordingly, the following three options to increase the cap threshold have been suggested:

1. Index the existing \$20,000 and \$30,000 per lot/dwelling cap thresholds by the ABS Consumer Price Index - All Groups Sydney (CPI) from June 2010 to the latest available quarter. This would result in thresholds of \$24,247 and \$36,370 per lot/dwelling as at March 2020.
2. Increase the thresholds to \$35,000 per lot/dwelling and in greenfield (urban release areas), \$45,000 per lot/dwelling.
3. Implement one single threshold of \$45,000 for all IPART reviewed contributions plans.

Comment

An increase to the current caps is supported, irrespective of which option the DPIE pursue. A “do nothing” approach is not sustainable and will lead to a continuing degradation of community infrastructure service standards as the population increases.

If not limited by the \$20,000 cap, the current *Hornsby Shire Council Section 94 Development Contributions Plan 2014–2024* would seek to levy up to \$27,614 per dwelling/lot.

Council's draft Hornsby Section 7.11 Development Contributions Plan 2020-2030 (which has recently been exhibited) would seek to levy up to \$33,823 per dwelling/lot.

Option 1 (indexing the cap by CPI) would not enable Council to levy the full (uncapped) amount of its current or draft contributions plans without an IPART review. This is due, in part to CPI not fully accounting for the true increase in costs associated with infrastructure and land and in part to the

original thresholds constraining the extent and quality of community infrastructure that can be provided.

Option 2 (increasing the cap to \$35,000) would enable Council to levy the full amount of its current or draft contributions plan without IPART review. However, at an annual indexation rate of 2%, it would take less than 2 years before the levy proposed under Council's new draft contributions plan reached the \$35,000 threshold. Thereafter, Council would be required to seek an IPART review just to keep pace with inflationary costs. Alternatively, Council would have to forego the contributions above the threshold (as currently occurs), thereby delaying delivery of infrastructure, placing a financial burden on Council to meet those costs or resulting in an ongoing degradation of community infrastructure standards.

Option 3 (increasing the cap to \$45,000) would provide Council with additional flexibility and would provide for a simple, State-wide approach to assist meet the significant costs of upgrading infrastructure in town centres where most future development is forecast to occur.

Recommendation

It is recommended that Council's submission outline support for Option 3, to increase the threshold from the current \$20,000 cap to \$45,000 per dwelling/lot for all contributions plans, beyond which IPART review is required.

2.2 Proposal 2 – Implement an annual indexation mechanism for the thresholds that trigger the review process, based on the CPI

Irrespective of the option adopted to increase the cap threshold under Proposal 1, it is necessary to implement an indexing mechanism that adjusts the thresholds to keep pace with inflationary costs on an ongoing basis.

The DPIE proposes to implement an annual adjustment of the thresholds, using the CPI published figures for the March quarter. The Discussion Paper indicates that CPI has been selected as it is a well-understood and widely used index and is already used to reflect annual variations to Special Infrastructure Contributions (SICs).

Comment

Any thresholds should be adjusted on a regular basis to ensure that they keep pace with inflationary costs as a “do nothing” approach is not sustainable. However, as acknowledged in the DPIE's own Discussion Paper, CPI does not fully account for the true increase in costs associated with infrastructure and land and is therefore, not an appropriate index to use.

To keep the method of indexation simple and given that the DPIE's own audit of contributions plans indicates that capital infrastructure costs (i.e. non-land costs) account for 70% of total contributions, it is recommended that an index more closely aligned with capital infrastructure costs be used.

The DPIE Discussion Paper uses the Road and Bridge Construction Index (NSW) from the *ABS series 6427.0 - Producer Price Indexes, Australia*, to demonstrate the difference in infrastructure cost increases compared to CPI.

Recommendation

It is recommended that Council's submission request either the Road and Bridge Construction Index (NSW), or a similar index based on capital infrastructure costs be used to index the cap threshold on an ongoing basis, as it would more accurately reflect the inflationary costs of capital infrastructure than CPI.

2.3 Proposal 3 – Review the IPART terms of reference

The terms of reference for an IPART review of a contributions plan were initially established at the same time as the limitations on contribution rates. Given the move away from maximum rates to thresholds and potential for increasing the threshold/s as part of this current review, it is also proposed to review the IPART terms of reference to:

- Clarify the purpose of the terms of reference and remove duplications within the practice note to ensure the practice note remains the source of detailed guidance on the review process.
- Consider introducing a targeted review of additional information to facilitate quicker review in situations where a plan has already been reviewed, allowing a targeted review rather than requiring IPART to review the whole plan when additional information is supplied.
- Simplify consultation requirements so that IPART is only required to consult with the relevant council. While IPART may still consult with other parties as appropriate on a case by case basis and as detailed in the practice note, the updated terms of reference would not make this a requirement.
- Modernise and clarify wording, references and definitions.

Comment

The review of the IPART terms of reference to address the matters identified in the Discussion Paper is supported. The Terms of Reference and/or the Practice Note should also be updated to enable IPART to review a contributions plan solely on the basis that the indexation mechanism within the plan has increased the contribution rates beyond the threshold without requiring a detailed analysis of every aspect of the plan.

In this way, an IPART review of indexation only can be undertaken quickly to ensure that contributions keep pace with inflationary costs if the thresholds are breached, and the annual indexation does not keep pace. An example of this would be if CPI were used for the annual index but there were significant increases in land and/or capital costs in a given period, that were not accounted for in CPI.

This would enable consent authorities to levy reasonably indexed contributions without the need to continually raise the threshold/s.

Recommendation

It is recommended that Council's submission support the review of the IPART Terms of Reference, and that the Terms of Reference or Practice Note be updated to enable IPART to review a contributions plan solely on the basis that indexation has increased the rates beyond the cap threshold, without requiring a detailed analysis of every aspect of the plan.

2.4 Proposal 4 – Remove existing exemptions to the review process, known as grandfathered contributions plans

Currently the IPART review process and the essential works list do not apply to certain land identified in Schedule 1 of the Ministerial Direction. The Discussion Paper proposes to cease this grandfathering of contribution plans to ensure that the IPART review process applies in a consistent manner and to ensure that outdated plans are reviewed by councils.

Comment

Hornsby Council does not have any grandfathered contributions plans and therefore, would not be impacted by the proposed changes. However, a consistent approach is supported.

Recommendation

It is recommended that Council's submission support a more consistent approach to the review of contributions plans irrespective of the location or age of the plan.

2.5 Proposal 5 – Remove existing requirement for councils to re-exhibit an IPART reviewed contributions plan following the receipt of advice from the Minister's nominee

In accordance with the *Environmental Planning and Assessment Regulation*, a draft contributions plan is required to be publicly exhibited for a minimum of 28 days and the council must consider any submissions received during that notification process before adopting the plan.

Where a contribution plan is reviewed by IPART and the Minister has issued advice to a council to amend the plan, the council is then required to re-exhibit the contributions plan for a further 28 days and to consider any further submissions received.

DPIE proposes to amend the EP&A Regulation to remove the requirement for a council to re-exhibit an IPART reviewed contributions plan

Comment

Re-exhibition of a contributions plan after IPART review, where the amendments are made at the direction of the Minister, is purely technical and administrative.

Recommendation

It is recommended that Council's submission support the proposed amendment to the EP&A Regulation to remove the requirement for a council to re-exhibit a contributions plan after IPART review where amendments to the plan have been made at the direction of the Minister.

3. Section 7.12 Development Contributions Percentage Rates

Section 7.12 of the EP&A Act enables a council to prepare a contributions plan that requires a monetary contribution based on a percentage of the proposed development cost. There is no statutory requirement for a consent authority to identify a connection between development from which a s7.12 contribution is sought and the object of the expenditure of the levy (i.e. nexus). In addition, there is no right of appeal against the imposition of a condition for such a levy on the basis of a lack of nexus.

Typically, s7.12 levies are used where infrastructure demand and nexus is difficult to determine or where potential development growth is unpredictable and/or sporadic.

The EP&A Regulation currently sets 1% as the standard highest maximum percentage which can be levied under a s7.12 contributions plan other than in several specific areas which are subject to higher maximum percentage levies. These specific areas are all city centre or CBD areas (e.g. Parramatta CBD) and the current maximum percentage is 4% (Burwood Town Centre).

If a council wishes to prepare a plan which seeks to levy in excess of the limits mandated by the EP&A Regulation, a special request must be made to the Minister.

At present, Council has a s7.12 plan that generally applies to all development that does not include additional private dwellings and/or additional non-residential floorspace. Under Council's s7.12 plan, the maximum levy is 1% for development with a cost in excess of \$200,000.

The DPIE proposes to adopt a series of criteria and request evidence to assist with the assessment and determination of submissions to increase maximum percentage levies in specific areas. The proposed criteria are based on three key principles as follows:

1. The area being proposed for a higher maximum percentage levy must be identified in a strategic plan as a strategic centre, local centre or economic corridor.
2. It must have an existing or identified potential for significant employment growth.
3. Planning controls will need to reflect and support the planned increase in population and employment capacity of the identified area.

Comment

The review of s7.12 contribution rates is supported. Although it does not result in any impact on Council's existing S7.12 plan, the North District Plan identifies a Strategic Centre (Hornsby Town Centre) and Local Centres – Asquith, Beecroft, Berowra Heights, Cherrybrook, Mount Kuring-Gai, Pennant Hills, Thornleigh, Westleigh and West Pennant Hills.

Many of these centres have been identified in Council's Housing Strategy as capable of accommodating significant additional residential population and accordingly, the cost of the infrastructure required to cater for such populations would likely far exceed a percentage levy in the order of 1-4%. Accordingly, contributions under a s7.11 plan would better meet the costs of these demands and it is unlikely that Council would pursue a s7.12 levy in excess of 1% for these centres or for that matter for the rest of the LGA. Notwithstanding, it would be possible under the DPIE's proposed scheme, as these centres also comprise the majority of land within the Hornsby LGA zoned for employment generating land uses.

The review of s7.12 percentage rates should go further, to also consider whether the current threshold of 1% is still appropriate.

Recommendation

It is recommended that Council's submission support the proposed criteria for reviewing submissions seeking a higher maximum percentage levy. The submission should also request a review of the current percent levy sliding scale to determine whether the current thresholds up to 1% are still appropriate.

4. Special Infrastructure Contributions Guidelines

Under Part 7 of the EP&A Act, the Minister may make a Determination which requires development to pay a Special Infrastructure Contribution (SICs) toward State and regional infrastructure in growing areas of Greater Sydney and regional NSW.

Initially, SIC levies were applied to the large greenfield urban release areas in the North West and South West Growth Sectors in Sydney, but they also now apply to urban renewal areas such as the Wyong Employment Zone and Gosford Town Centre.

Currently, the EP&A Act and EP&A Regulation require very little consultation with stakeholders prior to the Minister determining a Special Contributions Area (SCA) or determining the level of contributions. The DPIE has published a draft Special Infrastructure Contribution Guideline, the purpose of which is to give greater clarity about:

- The purpose and objectives of the SIC framework applying to current SICs (particularly how to manage expenditure) and the development and implementation of prospective SICs.
- The key principles guiding the State Government in implementing and administering the SIC framework.
- The method for determining a new SIC.

- The process for allocating SIC revenue to infrastructure investment once a SIC has been determined.

The draft Guidelines indicate that a SCA will be applied where there is sufficient new demand for new State and regional infrastructure and where the SIC will be able to generate enough revenue to support place outcomes and strategic objectives. Importantly, the draft Guidelines include provisions which expand the scope of consultation that is likely to be undertaken as part of determining new SCAs and SIC levies, although this falls short of a statutory requirement.

Comment

There are currently no SCAs within the Hornsby LGA. However, Council is currently undertaking a review of planning controls in the Hornsby Town Centre which is likely to significantly increase resident and employment populations and a State Significant Precinct planning process is underway for the Cherrybrook Station Precinct. These urban renewal precincts may qualify for determination as a SCAs and it would be appropriate for Council to be involved in the preparation of any SIC which may relate to land within the Hornsby LGA.

SIC levies should also be used in a more generalised way as “out of precinct” growth (i.e. infill development) across multiple LGAs is generating a significant demand for regional level community infrastructure (e.g. major recreation and sporting facilities) that cannot be met through traditional s7.11 development contributions given the current and mooted thresholds.

Recommendation

It is recommended that Council's submission support the preparation of SIC Guidelines, particularly the expanded stakeholder and community consultation provisions and that the DPIE consider the use of a SIC levy in a more generalised way as “out of precinct” growth across multiple LGAs is generating a significant demand for regional level community infrastructure that cannot be met through traditional s7.11 development contributions.

5. Amendments to the EP&A Regulation

The EP&A Regulation contains requirements for councils to achieve accountability and monitoring within the developer contributions framework. This includes provisions relating to:

- The preparation and content of planning agreements and contributions plans
- Public consultation requirements
- The maximum percentage levies for s7.12 plans
- The process for approval, amendment and repeal of contributions plans
- Requirements for how funds are received, managed and reported
- Public access requirements

The DPIE is proposing to make changes to the EP&A Regulation aimed at:

- Providing greater direction and transparency in the practical application of the contribution's framework
- Improving accountability and monitoring within the contribution's framework
- Facilitating necessary probity and governance including auditing
- Promoting efficient infrastructure provision for development

To achieve these aims, the DPIE has several proposals which are outlined below.

5.1 Proposal 1 – Reporting on Development Contributions Plans

Currently, reporting on development contributions is undertaken through Council's Annual Report and only monetary contributions are required to be reported. The DPIE proposes that:

- All forms of contributions be reported (e.g. land dedications, works in lieu of monetary contributions, etc)
- More detail be provided relating to the specific DA, project and location
- All contributions plans, and indexed contributions rates be published on a council's website and on the NSW Planning Portal

Comment

The current Regulation requires councils to keep a development contribution register. Council's contributions register is currently published on the Council website and provides the following information:

- The application reference number, description of development and address of development
- The monetary contributions received by plan type and facility category
- The total amount of contributions received and the date of receipt

However, a requirement to expand this register to include a breakdown of each individual project that the contribution was levied for could result in a schedule running into thousands of entries, noting that Council's current contributions plan comprises approximately 100 projects on the works schedule. This level of detail is not supported as it would place an unreasonable administrative burden on Council and would not be easily read or interpreted by a lay person.

As an alternative, for each contributions plan an aggregate of income and expenditure for each facility category could be provided. In addition, details of works-in-kind or other material public benefits could be separately identified as typically, these are rare or are captured through a planning agreement, for which there will be separate reporting requirements. Further, as most contributions plans pool contributions received to complete projects throughout the life of the plan (i.e. rather than having to wait until the plan end), a summary of projects completed in the previous 12 months should be provided.

Recommendation

It is recommended that Council's submission support the proposal to provide more detailed reporting. However, the level of detail outlined in the discussion paper is not supported due to the unreasonable administrative burden on Council and the difficulty a layperson would have in interpreting the data. Alternatively, it is recommended that an aggregate of income and expenditure for each facility category be provided, along with a summary of projects completed in the preceding 12 months.

5.2 Proposal 2 – Reporting on Planning Agreements

Currently, the EP&A Regulation requires councils to keep a register of planning agreements, including the date the agreement was entered into, the names of the parties and the land involved. In addition, a copy of each agreement and its explanatory note is to be made available for public inspection.

The DPIE proposes to amend the Regulation to require councils to also include details of the type of development proposed and to publish annual financial reports to include:

- Monetary amounts received and expended
- Works in kind delivered, value and location including of assets held by receiving agencies
- land dedications received, value and location

In addition, the register, copies of planning agreements and annual reports will be required to be published on the council's website or on the NSW Planning Portal. The amended Regulation will also remove prescriptive requirements related to explanatory notes for proposed planning agreements and instead, require that these be prepared in accordance with a new practice note.

Comment

Greater transparency regarding reporting on planning agreements is needed and supported, although this will place an additional administrative burden on council, particularly for existing planning agreements. As the terms of existing planning agreements have already been agreed and did not envisage such an ongoing administrative burden, the requirements for additional reporting should only apply to planning agreements entered into after the commencement of the amended Regulation. In this way, Council can ensure that the terms of any future agreements include an administration cost that will be borne by the proponent of the planning agreement, rather than Council.

Recommendation

It is recommended that Council's submission support greater transparency in regard to reporting on planning agreements, but that the requirements for additional reporting only apply to planning agreements entered into after the commencement of the amended regulation.

5.3 Proposal 3 – IPART Reviewed Contributions Plans

As discussed above, DPIE proposes to amend the EP&A Regulation to remove the requirement for a council to re-exhibit an IPART reviewed contributions plan after it has made any amendments directed by the Minister.

Comment

Re-exhibition of a contributions plan after IPART review, where the amendments are made at the direction of the Minister, is purely technical and administrative.

Recommendation

It is recommended that Council's submission support the proposed amendment to the EP&A Regulation to remove the requirement for a council to re-exhibit a contributions plan after IPART review where amendments to the plan have been made at the direction of the Minister.

COVID-19 Legislation Amendment (Emergency Measures—Miscellaneous) Act 2020 No 5

The NSW Government recently introduced legislative changes to Section 7.17 of the EP&A Act. The purpose of these amendments is to encourage councils and developers to invest in critical local infrastructure and to help maintain cash flows. Under Section 7.17, the Minister now has the power to direct councils:

1. How development contributions are to be pooled and applied progressively for different purposes under the local contributions plans.
2. From 25 March 2020 to at least 25 September 2020 and potentially up to 24 March 2021, the time at which a monetary contribution or levy is to be paid, thereby overriding any conditions of consent to the contrary.

On 18 May 2020, the Minister issued a Direction to all councils to pool contributions for different purposes, included those identified in more than one contributions plan, to facilitate the provision of the public amenities and public services to which any of those contributions' plans relate.

Comment

Council's plans already provide for pooling of contributions. The change is unlikely significantly impact on current operations. However, this Direction authorises the pooling of contributions in more than one plan. This may assist Council bring forward some of the high priority projects within the Plans.

With respect to the timing of payment, at the time of writing no Direction had been issued. However, it is anticipated that the Minister may direct consent authorities that any condition of development consent requiring a contribution must specify the date for payment as prior to issue of an Occupation Certificate (OC).

Council currently requires development contributions to be paid prior to issue of a Construction Certificate (CC) rather than OC. This is because Council does not always have control over the full or partial occupation of buildings (i.e. when a private certifier is used) and there is a significant risk that occupation occurs without contributions being paid.

The burden then falls to Council to take action against the private certifier and potentially occupants of the building or the body corporate which is a difficult process. Accordingly, should the Minister direct the timing of payments be deferred to OC, there is likely to be financial impacts to Council.

Recommendation

It is recommended that Council write to the Minister expressing concern regarding any potential Directions to Council on the timing of payment for development contribution proposed under Section 7.17.

Section 9.1 Direction

Also, on 18 May 2020, the Minister issued a Direction under Section 9.1, applying to certain councils, including Hornsby. The Direction requires the preparation of a capital works program detailing how the Council will draw down on the unspent contribution's funds on hand over the next 12-18 months. The Direction also requires information about the program of works to be provided to the Minister within 6 weeks, by 3 July 2020.

Comment

Council's current and draft contributions plans provide a schedule of works forecasted to be delivered within the period of the respective plans. The Minister's direction requires Council to provide an account of projects listed under its contributions plans, including the levies collected for the project and if the project has been delayed, the reason for the delay.

The DPIE has written to Council seeking a list of projects under Council's contributions plans to be delivered (in full or part) within the next 18 months that will draw on Council's current funding balances to deliver projects with an emphasis on jobs generation and economic stimulus. Council officers are currently preparing a list of projects in the requested format for consideration by Council to be forwarded to the Department.

Whilst the direction seeks to introduce greater certainty and assist in the provision of local infrastructure, the timeframe in which to provide an account of funds and corresponding capital works program is too restrictive.

Recommendation

It is recommended that Council write to the Minister expressing concern regarding the short timeframe to provide details of the capital works program of Section 7.11 projects as outlined in the Direction.

CONSULTATION

This report was prepared with the assistance of DFP Planning, the consultant that assisted with the preparation of Council's new Section 7.11 and Section 7.12 Development Contributions Plans. DFP has reviewed the potential impacts of the proposed changes to the contributions system against both Council's current and recently prepared plans.

Council staff have had input into a joint NSROC submission which generally aligns with the discussion in this report and submission attached.

BUDGET

There are no budgetary implications associated with this Report.

POLICY

There are no policy implications associated with this Report.

CONCLUSION

The NSW Government is planning to reform the infrastructure contributions system.

This Report provides an outline of DPIE's proposed changes to the infrastructure contributions and HSC's draft response on the proposed changes to the planning system. It also includes comments on recent COVID-19 legislative amendments in relation to local development contributions.

This Report seeks endorsement of the attached submission which supports a review of the development contributions system, raises the issues outlined in this report and, notwithstanding that the NSW Productivity Terms of Reference do not explicitly require it, request that the Commission engage in direct consultation with Hornsby Shire Council during the preparation of its review.

RESPONSIBLE OFFICER

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

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Attachments:

1.  Draft Submission on proposed changes to development contributions system

File Reference: F2010/00015-04

Document Number: D07921478

ITEM 6

7 CONCERNS ABOUT THE INCLUSION OF THE PLANNING PROPOSAL FOR 55 COONARA AVENUE, WEST PENNANT HILLS IN THE NSW GOVERNMENT'S FAST-TRACKED ASSESSMENTS

COUNCILLOR MCINTOSH TO MOVE

That Council write to the Minister for Planning and Public Spaces:

1. Objecting to the inclusion of the Mirvac Planning Proposal for 600 dwellings at 55 Coonara Avenue, West Pennant Hills under Tranche Two of the NSW Government's Planning System Acceleration Program Fast-tracked Assessments and request that the Minister determine not to proceed with the rezoning.
2. Requesting that any consideration of the merits of a change to zoning for 55 Coonara Avenue only be considered in the context of a vision and implementation plan for the wider Cherrybrook precinct. In this way, appropriate consideration will be given to a coordinated approach to infrastructure planning including roads, open space, community facilities and pedestrian connections as well as necessary funding mechanisms.

Note from Councillor

The NSW Government's Planning System Acceleration Program has listed the Planning Proposal by Mirvac for 600 dwellings at 55 Coonara Avenue, West Pennant Hills (located within The Hills local government area) under Tranche Two of the Fast-tracked Assessments. The Minister is to determine the Tranche Two projects by 18 June 2020.

Last month, Council considered a Notice of Motion raising concerns with the extended powers of the Planning Minister and affirming that the preparation of planning controls should be community-led and local councils are best placed to make decisions about planning that is appropriate for their local area and constituents.

The inclusion of this proposal in Tranche Two of the Fast-tracked Assessment confirms Council's concerns with the Ministers powers are well-founded as it undermines the notion of community and council-led decision making in planning.

The Mirvac proposal for 600 dwelling was found to be of questionable merit and received significant opposition from the communities of both Hornsby and The Hills Shires. Hornsby Council made numerous representations to The Hills Council concerning the proposal both prior to, and during, the public exhibition of the Planning Proposal.

In November 2019, in its post-exhibition review, The Hills Council resolved to withdraw support for the proposal and not to proceed to finalisation of the Planning Proposal. Therefore, the decision to include the Mirvac proposal to spot rezone the ex-IMB site under the Fast-tracked Assessment program

undermines the planning framework and decision-making process of both Councils.

Council has consistently made its position known to the State Government that a whole of precinct approach is critical to planning for the area surrounding the Cherrybrook Metro Station. It is paramount that the interests and concerns of the present and future communities of both local government areas are considered in a comprehensive and transparent manner.

Any consideration of the merits of a change to zoning for 55 Coonara Avenue should only be considered in the context of a vision and implementation plan for the wider Cherrybrook precinct. In this way, appropriate consideration will be given to a coordinated approach to infrastructure planning including roads, open space, community facilities and pedestrian connections as well as necessary funding mechanisms.

Therefore, the Minister should determine that the rezoning of 55 Coonara Avenue, West Pennant Hills not proceed.

Attachments:

There are no attachments for this report.

File Reference: F2004/06485-004

Document Number: D07924884

8 WAR ON WEEDS WORKSHOP

COUNCILLOR MARR TO MOVE

That a Councillor workshop be held to discuss Councils approach to the management of weeds on both Council and adjacent land, including land owned privately or managed by state agencies.

It will include options on:

- Education and awareness to inform people about important environmental elements
- Managing environmental degradation
- Youth and community engagement
- Working with other land owners
- Methods of addressing weeds including seeds, spreading from one area to another, and efficient and effective methods of weed removal and environmental remediation

Note from Councillor

Hornsby Shire Council area is rightly called The Bushland Shire. It is held in high regard due to its natural surroundings and Council's positive attitude and work to improve the natural environment and stakeholder's perception of it.

This has made Hornsby Shire a destination for travellers and residents alike due to its natural environment. There is ample opportunity for improvement and expansion in tourism that will have a positive effect on the local economy and residents. Council and staff should be commended on its environmental achievements such as our ambitious tree planting program, most of which are native.

A weed is a plant in the wrong environment that has a negative effect on that and adjacent and surrounding environments. Unfortunately, many very visible areas along roads, rail, tracks, behind houses and so on have large infestation of weeds that appears to be increasing and is having a negative effect on the visual ambiance of our natural area. The weeds travel downhill via various methods and infect lower areas including waterways.

Workshop elements should include but not be limited to:

- What is the weed situation?
- Mobile quick response volunteer teams.
- Dumping
- Regular bulletins on weeds and local infestations

- Methods of engaging and using the untrained

Attachments:

There are no attachments for this report.

File Reference: F2009/00401

Document Number: D07925242

ITEM 8