



BUSINESS PAPER

GENERAL MEETING

**Wednesday 13 June 2018
at 6:30PM**



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AGENDA AND SUMMARY OF RECOMMENDATIONS

PRESENT

NATIONAL ANTHEM

OPENING PRAYER/S

Pastor Ejay Mbakwe of Awsome Rock Church will open tonights meeting in prayer.

ACKNOWLEDGEMENT OF RELIGIOUS DIVERSITY

Statement by the Chairperson:

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

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."

AUDIO RECORDING OF COUNCIL MEETING

Statement by the Chairperson:

"I advise all present that tonight's meeting is being 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 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 147 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 52 of Council's Code of Meeting Practice (Section 451 of the Local Government Act, 1993) requires that a councillor or a member of a Council committee who has a pecuniary interest in a matter which is before the Council or committee and who is present at a meeting of the Council or committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable. The disclosure is also to be submitted in writing (on the form titled "Declaration of Interest").

The Councillor or member of a Council committee must not be present at, or in sight of, the meeting of the Council or committee:

- (a) at any time during which the matter is being considered or discussed by the Council or committee.*
- (b) at any time during which the Council or committee is voting on any question in relation to the matter.*

Clause 51A of Council's Code of Meeting Practice provides that a Councillor, Council officer, or a member of a Council committee who has a non pecuniary interest in any matter with which the Council is concerned and who is present at a meeting of the Council or committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable. The disclosure is also to be submitted in writing (on the form titled "Declaration of Interest").

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

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

OR

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

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

CONFIRMATION OF MINUTES

THAT the Minutes of the General Meeting held on Wednesday 9 May 2018 be confirmed, subject to the typographical error in the Mayor's Notes being amended from "Monday 10 April" to "Tuesday 10 April". A copy of the Minutes has 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

Nil

CORPORATE SUPPORT DIVISION**Page Number 1**

Item 1 CS20/18 LOCAL GOVERNMENT REMUNERATION TRIBUNAL - 2018 REPORT AND DETERMINATION - MAYOR AND COUNCILLOR FEES - 2018/19 FINANCIAL YEAR

RECOMMENDATION**THAT:**

1. As a consequence of the 2018 Report and Determination of the Local Government Remuneration Tribunal, Council note that it remains in the Metropolitan Medium Category of NSW councils for the period 1 July 2018 to 30 June 2019.
2. In accordance with Section 248 of the Local Government Act, and having considered the 2018 Report and Determination of the Local Government Remuneration Tribunal, an annual fee of \$25,160 be paid to each Councillor for the period 1 July 2018 to 30 June 2019.

3. In accordance with Section 249 of the Local Government Act, and having considered the 2018 Report and Determination of the Local Government Remuneration Tribunal, an additional annual fee of \$66,860 be paid to the Mayor for the period 1 July 2018 to 30 June 2019.

Page Number 5**Item 2 CS22/18 NORTHERN SYDNEY REGIONAL ORGANISATION OF COUNCILS (NSROC) - FURTHER PROPOSED AMENDMENT OF CONSTITUTION****RECOMMENDATION**

THAT Council endorse the proposed amendments to the Constitution of the Northern Sydney Regional Organisation of Councils (NSROC) and delegate authority to its representatives on the NSROC Board to vote in favour of the proposed amendments scheduled to be considered by special resolution at the NSROC Board Meeting on 9 August 2018.

Page Number 8**Item 3 CS26/18 DEBTS TO BE WRITTEN OFF - 2017/18 FINANCIAL YEAR****RECOMMENDATION**

THAT for 2017/18, and in accordance with Clause 213 of the Local Government (General) Regulation, Council:

1. Write off debts considered bad totalling \$6,963 (as detailed in Schedule A attached to Deputy General Manager's Report No. CS26/18).
2. Note debts considered bad totalling \$10,209 written off under the General Manager's delegated authority (as detailed in Schedule B attached to Deputy General Manager's Report No. CS26/18).

Page Number 11**Item 4 CS24/18 ADOPTION OF COUNCIL'S COMMUNITY STRATEGIC PLAN 2018-2028, AND DELIVERY PROGRAM 2018-21 INCLUDING THE OPERATIONAL PLAN 2018/19, INCORPORATING THE BUDGET, RATING STRUCTURE AND FEES AND CHARGES FOR 2018/19****RECOMMENDATION**

THAT:

1. Subject to incorporation of the recommendations detailed in Tables 1A and 1B and the Budget section of Deputy General Manager's Report No. CS24/18, Council adopt the Community Strategic Plan 2018-2028, and the Delivery Program 2018-21 including the

Operational Plan 2018/19, incorporating the Budget, Fees and Charges and Rating Structure for 2018/19.

2. Council make and levy the 2018/19 Ordinary Rates in accordance with Table 2 of Deputy General Manager's Report No. CS24/18.
3. Council make and levy the 2018/19 Catchments Remediation Rate on all rateable land in the Shire in accordance with Table 3 of Deputy General Manager's Report No. CS24/18.
4. Council write to those who have made submissions thanking them for their comments.
5. The General Manager write to Community Groups, directly affected stakeholders and local members of parliament outlining that the consequences of the boundary adjustments have forced the deferral of Capital works until such time as Councils financial position is clearer.

Page Number 26

Item 5 CS23/18 INVESTMENTS AND BORROWINGS FOR 2017/18 - STATUS FOR PERIOD ENDING 30 APRIL 2018

RECOMMENDATION

THAT the contents of Deputy General Manager's Report No. CS23/18 be received and noted.

Page Number 29

Item 6 CS25/18 OUTSTANDING COUNCIL RESOLUTIONS - PERIOD UNTIL 28 FEBRUARY 2018

RECOMMENDATION

THAT the contents of Deputy General Manager's Report No. CS25/18 be received and noted.

Page Number 32

Item 7 CS27/18 PECUNIARY INTEREST AND OTHER MATTERS RETURNS - DISCLOSURES BY COUNCILLORS AND DESIGNATED PERSONS

RECOMMENDATION

THAT Council note the Disclosure of Pecuniary Interests and Other Matters Returns recently lodged with the General Manager have been tabled as required by the Local Government Act.

ENVIRONMENT AND HUMAN SERVICES DIVISION

Nil

PLANNING DIVISION

Page Number 35**Item 8 PL17/18 AFFORDABLE HOUSING DISCUSSION PAPER****RECOMMENDATION**

THAT:

1. The Affordable Housing Discussion Paper attached to Group Manager's Report No. PL17/18 be placed on public exhibition for a period of 2 months in accordance with the engagement strategy outlined in the report.
2. Following the exhibition, a report on submissions be presented to Council for its consideration.

Page Number 43**Item 9 PL18/18 DESIGN EXCELLENCE REVIEW OF PLANNING CONTROLS****RECOMMENDATION**

THAT:

1. The draft amendments to the *HDCP 2013* attached to Group Manager's Report No. PL18/18 be placed on public exhibition for a period of 2 months.
2. Following exhibition, a report on submissions be presented to Council for its consideration.
3. A further report be presented to Council for progression of a Design Excellence Review Planning Proposal to implement proposed changes to the *HLEP 2013* as outlined in Group Manager's Report No. PL18/18.
4. Council endorse in principle the establishment of a formal Design Excellence Advisory Panel, with a further report being presented to Council concerning the appointment, constitution, fee structure and yearly budget allocation for the Panel.
5. In the interim, Council endorse the restructure and utilisation of Council's current Design Excellence Panel as set out in Group Manager's Report No. PL18/18 until such time as the formal panel is established.
6. Council write to the Minister for Planning requesting that a Design Guide apply to all medium density development to promote design excellence.
7. Council renew its subscription to the Cities Leadership Institute to June 2019.

Page Number 51**Item 10 PL19/18 DISTRICT PLANNING - FUNDING OFFER AND AGREEMENT****RECOMMENDATION**

THAT:

1. Council accept the funding offer of \$2.5million under the Department of Planning and Environment's 'Accelerated LEP Review Program'.
2. The General Manager be authorised to accept the funding offer from the Department of Planning and Environment and sign the associated Funding Agreement.
3. Council note the Department of Planning and Environment's requirement that the review and update of the *Hornsby Local Environmental Plan* must be completed by 30 June 2020.
4. A further report be prepared for consideration by Council outlining a program, timeframes, resource requirements and budget to undertake a review of the *Hornsby Local Environmental Plan*.

INFRASTRUCTURE AND RECREATION DIVISION

Nil

PUBLIC FORUM – NON AGENDA ITEMS

QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

MAYOR'S NOTES

Page Number 56

Item 11 **MN7/18 MAYOR'S NOTES - FROM 1 MAY - 31 MAY 2018**

NOTICES OF MOTION

Page Number 58

Item 12 **NOM13/18 OPEN SPACES AND GREENER SYDNEY FUNDING PACKAGE**

COUNCILLOR WADDELL TO MOVE

THAT:

1. The Deputy General Manager Infrastructure and Recreation identify projects that would benefit from the NSW State Government's recently announced Open Spaces and Greener Sydney Funding Package and apply for funds to deliver suitable projects to our residents.
2. Councillors be advised via the Councillors Weekly Communication of suitable projects including those for which we have sought funding.

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Item 13 **NOM14/18 CHILD CARE CENTRES IN LOW DENSITY RESIDENTIAL ZONES**

COUNCILLOR HEYDE TO MOVE

THAT Council write to:

1. The Hon. Anthony Roberts, Minister for Planning requesting that Council be granted an exemption from State Environmental Planning Policy (Educational Establishments and Childcare Facilities) 2017 which requires that child care centres be permitted within the low density residential areas of the Shire where it develops its own child care policy that responds to local demand and is consistent with the needs and desires of the local community and ensures development is within local environmental thresholds.
2. Local State and Federal members advising them of Council's resolution and seeking their support and assistance in the implementation of the above action.

Page Number 61

Item 14 NOM15/18 FOX CONTROL PROGRAM

COUNCILLOR HUTCHENCE TO MOVE

THAT:

1. Council write to the Minister for Primary Industries and NSW Local Land Services requesting that the implementation of a comprehensive, sustained and cooperative fox control program be prioritised within the Hornsby Shire Council area.
2. An informal Councillor workshop be held to discuss Council's approach to fox control programs, programs provided by neighbouring Council's and other public land managers, and how they can be better integrated.

Page Number 63

Item 15 NOM16/18 HORNSBY SHIRE PLAYGROUND STRATEGY

COUNCILLOR MCINTOSH TO MOVE

THAT:

1. An Informal Workshop be held with Councillors to discuss our Shire's current playgrounds and to evaluate gaps in the existing playground network.
2. Council develop a Shire wide Playground Strategy that will identify opportunities for renewal of existing playgrounds, rationalisation of under-utilised playgrounds and the development of new facilities based upon a comprehensive audit of our existing network.
3. The Strategy include a comprehensive communication and consultation strategy with our community, recognition of current best practice in playground design and explore opportunities for partnerships with schools and other organisations in our community.

SUPPLEMENTARY AGENDA

MATTERS OF URGENCY

QUESTIONS WITHOUT NOTICE

1 LOCAL GOVERNMENT REMUNERATION TRIBUNAL - 2018 REPORT AND DETERMINATION - MAYOR AND COUNCILLOR FEES - 2018/19 FINANCIAL YEAR

EXECUTIVE SUMMARY

- Sections 248(2) and 249(3) of the Local Government Act provide respectively for Council to once each year fix the annual fee payable to Councillors and the additional annual fee payable to the Mayor.
- The annual fees must be fixed in accordance with the relevant annual determination of the Local Government Remuneration Tribunal.
- Based on the Tribunal's 2018 Report and Determination, it is recommended that Council approve a 2.5% increase in Councillor and Mayoral fees for the 2018/19 financial year.
- Acceptance of such recommendation would result in each Councillor receiving an annual fee of \$25,160 and the Mayor receiving an additional annual fee of \$66,860 for 2018/19.
- Sufficient funds have been allocated in the 2018/19 Budget to cover a 2.5% increase in the fees payable to Councillors and the Mayor.

RECOMMENDATION

THAT:

1. As a consequence of the 2018 Report and Determination of the Local Government Remuneration Tribunal, Council note that it remains in the Metropolitan Medium Category of NSW councils for the period 1 July 2018 to 30 June 2019.
2. In accordance with Section 248 of the Local Government Act, and having considered the 2018 Report and Determination of the Local Government Remuneration Tribunal, an annual fee of \$25,160 be paid to each Councillor for the period 1 July 2018 to 30 June 2019.
3. In accordance with Section 249 of the Local Government Act, and having considered the 2018 Report and Determination of the Local Government Remuneration Tribunal, an additional annual fee of \$66,860 be paid to the Mayor for the period 1 July 2018 to 30 June 2019.

PURPOSE

The purpose of this Report is to provide Council with the 2018 Report and Determination of the Local Government Remuneration Tribunal such that Council can determine the amount of the fee payable to each Councillor, and the additional fee payable to the Mayor, for the 2018/19 financial year.

BACKGROUND

The Local Government Remuneration Tribunal is established under Chapter 9, Part 2, Division 4 of the Local Government Act. In this regard, Section 239 of the Act states:

- (1) *The Remuneration Tribunal must, at least once every 3 years:*
 - (a) *determine categories for councils and mayoral offices, and*
 - (b) *place each council and mayoral office into one of the categories it has determined.*
- (2) *The determination of categories by the Remuneration Tribunal is for the purpose of enabling the Remuneration Tribunal to determine the maximum and minimum amounts of fees to be paid to mayors and councillors in each of the categories so determined.*

Section 241 of the Act states:

The Remuneration Tribunal must, not later than 1 May in each year, determine, in each of the categories determined under section 239, the maximum and minimum amounts of fees to be paid during the following year to councillors (other than mayors) and mayors.

The Tribunal has completed its 2018 Report and Determination recommending the fees payable to councillors and mayors for the 2018/19 financial year – see copy attached.

DISCUSSION

The Tribunal undertook a significant review of the categories and the allocation of councils into each of those categories in 2017. The review was prompted by the amalgamation of councils resulting in the creation of 20 new councils and an overall reduction in the number of councils in NSW from 152 to 128.

The Tribunal wrote to all mayors in November 2017 advising of the commencement of the 2018 Annual Review and invited submissions on the proposed allocation of councils into the categories, fees for the proposed categories and any other matters. In response to this review the Tribunal received 13 submissions from individual councils and a submission from LGNSW.

The Tribunal has subsequently determined a categorisation model which differentiates councils primarily on the basis of their geographic location. Other factors which differentiate councils include population, the sphere of the council's economic influence and the degree of regional servicing.

The categories of general purpose councils are as follows:

Metropolitan

- Principal CBD; Major CBD; Metropolitan Large; Metropolitan Medium and Metropolitan Small

Non-metropolitan

- Regional City; Regional Strategic Area; Regional Rural and Rural

As a result of this review, it was determined that Hornsby Shire Council would remain in the Metropolitan Medium category of NSW councils along with eight other Councils - Bayside, Campbelltown, Georges River, Ku-ring-gai, Inner West, Randwick, Ryde and The Hills.

The Tribunal has reviewed the key economic indicators, including the Consumer Price Index and Wage Price Index, and had regard to budgetary limitations imposed by the Government's policy of rate pegging and has found that a 2.5% increase to the current fees is warranted. This is the maximum increase currently allowable under the Government's wages policy. The 2.5% increase will apply to the minimum and the maximum of the ranges for all categories.

Impact on Council

The fees determined by the Tribunal as being applicable to the Metropolitan Medium category of councils are:

Councillor	Mayor
Annual Fee Minimum - Maximum	Additional Fee Minimum - Maximum
\$13,480 - \$25,160	\$28,640 - \$66,860

In June 2017, when Council determined the fees payable to Councillors and the Mayor for the 2017/18 financial year, it resolved to pay fees at the maximum level. This was consistent with decisions in previous years. Should Council resolve to pay fees at the maximum level for the 2018/2019 period, this would result in an increase of \$610 per annum for Councillors and \$1,630 per annum for the Mayor.

BUDGET

Sufficient funds have been allocated in the 2018/19 Budget to cover a 2.5% increase in the fees payable to Councillors and the Mayor.

POLICY

There are no policy implications associated with this Report.

CONCLUSION

It is considered appropriate that the maximum fee for the Metropolitan Medium category be paid to Hornsby Shire Councillors and the Mayor for the period 1 July 2018 to 30 June 2019. This would result in each Councillor receiving an annual fee of \$25,160 and the Mayor receiving an additional annual fee of \$66,860 for the 2018/19 financial year.

RESPONSIBLE OFFICER

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

ROBYN ABICAIRE
Manager - Governance and Customer Service
Corporate Support Division

GLEN MAGUS
Acting Deputy General Manager Corporate
Support
Corporate Support Division

Attachments:

1. [↔](#) Local Government Remuneration Tribunal Annual Report

File Reference: F2004/09552-02

Document Number: D07437398

2 NORTHERN SYDNEY REGIONAL ORGANISATION OF COUNCILS (NSROC) - FURTHER PROPOSED AMENDMENT OF CONSTITUTION

EXECUTIVE SUMMARY

- At the 9 May 2017 General Meeting, Council considered Deputy General Manager's Report No. CS13/17 and resolved to support proposed amendments to the Constitution of the Northern Sydney Regional Organisation of Councils (NSROC) dealing with "Representation". These changes were approved by NSROC and incorporated into its Constitution.
- Subsequently, at its 9 November 2017 Board meeting, NSROC supported a proposal to commence a complete review of its Constitution, primarily due to the growth of the Organisation and to ensure the Constitution is in keeping with the Model Constitution (from the NSW Department of Fair Trading) and the NSW Associated Incorporations Act 2009.
- The review has now been completed and the NSROC General Manager's Advisory Committee, of which the General Manager is Council's representative, are supportive of the changes
- The amended Constitution is proposed to be considered at the NSROC Board Meeting to be held on 9 August 2018 following the provision of the required 21 days' notice to members.
- It is recommended that Council support the proposed amendments to the NSROC Constitution.

RECOMMENDATION

THAT Council endorse the proposed amendments to the Constitution of the Northern Sydney Regional Organisation of Councils (NSROC) and delegate authority to its representatives on the NSROC Board to vote in favour of the proposed amendments scheduled to be considered by special resolution at the NSROC Board Meeting on 9 August 2018.

PURPOSE

The purpose of this Report is to provide Council with information such that it can determine its position in respect of the proposed amendments to NSROC's Constitution.

BACKGROUND

At the 9 May 2017 General Meeting, Council considered Deputy General Manager's Report No. CS13/17 which dealt with a single proposed amendment to the NSROC constitution. That amendment proposed that an alternate delegate of the Mayor of a member Council be able to attend a NSROC meeting and have the same voting rights that the Mayor would otherwise have. Council supported this amendment and it was adopted at an Extraordinary Meeting of the NSROC Board on 15 August 2017. That change was subsequently incorporated into the NSROC Constitution.

Since then, at the 9 November 2017 NSROC Board meeting, a motion was adopted that NSROC commence a complete review of its Constitution. The review was considered appropriate given the growth of NSROC and the addition of new member councils and the number of appointed delegates on NSROC. The review was also to ensure that NSROC's Constitution is in keeping with the Model Constitution (from the NSW Department of Fair Trading) and the NSW Associated Incorporations Act 2009.

DISCUSSION

The review of the NSROC constitution was undertaken primarily because of the growth in the organisation and to ensure it is in keeping with the Model Constitution (from the NSW Department of Fair Trading) and the NSW Associated Incorporations Act 2009. Member councils have been provided with the proposed amendments and given opportunity to comment as appropriate.

The proposed amendments cover a range of matters including: an update of the Member Councils; the appointment of alternative delegates; casual vacancy of office bearer; number of consecutive terms of office bearers; chairing of the Meeting; the President's delegation of functions; and a number of minor amendments for clarification purposes. A high-level summary of the proposed changes is provided as Attachment A, and the full changes are shown in *track changes* in Attachment B which also includes explanatory notes.

NSROC's GMAC have completed a final review of the proposed amendments and are supportive of the changes.

In order that NSROC's constitution can be amended, each member council is required to consider the proposed amendments prior to the matter being dealt with by special resolution at a subsequent Board meeting. At such a meeting, three-quarters of the delegates would need to agree to the recommendation for it to be passed (provided that the majority of Councils are represented by at least one delegate). Not less than 21 days' notice is to be given for a meeting involving a special resolution, including notice of the intended motion.

Based on the above, the proposed amendments to the Constitution are scheduled to be considered at the NSROC Board meeting on 9 August 2018.

CONSULTATION

In the preparation of this Report, regard has been had to information provided from the Executive Director of NSROC. The General Manager has also been involved in discussions about the changes to the Constitution as part of the NSROC GMAC group.

BUDGET

There are no budgetary implications associated with this Report.

POLICY

There are no policy implications associated with this Report.

CONCLUSION

The proposed amendments reflect adjustments which incorporate new NSROC member councils and bring the Constitution in to line with the Model Constitution (from the NSW Department of Fair Trading) and the NSW Associated Incorporations Act 2009. It is recommended that Council's NSROC delegates vote in favour of the changes.

RESPONSIBLE OFFICER

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

ROBYN ABICAIRE

Manager - Governance and Customer Service
Corporate Support Division

GLEN MAGUS

Chief Financial Officer - Financial Services
Corporate Support Division

Attachments:

1. ➡ Attachment A - Summary of Proposed Amendments to NSROC Constitution
2. ➡ Attachment B - NSROC Amended Constitution With Explanatory Footnotes

File Reference: F2004/07189-03

Document Number: D07439265

3 DEBTS TO BE WRITTEN OFF - 2017/18 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 2017/18 has resulted in the General Manager writing off debts totalling \$10,209 using his delegated authority from Council (refer attached Schedule B); and proposing to Council that it write off further debts considered bad totalling \$6,963 (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 2017/18 will be met from a budget allocated for this purpose, plus the reallocation of minor savings in Divisional budgets across the organisation.

RECOMMENDATION

THAT for 2017/18, and in accordance with Clause 213 of the Local Government (General) Regulation, Council:

1. Write off debts considered bad totalling \$6,963 (as detailed in Schedule A attached to Deputy General Manager's Report No. CS26/18).
2. Note debts considered bad totalling \$10,209 written off under the General Manager's delegated authority (as detailed in Schedule B attached to Deputy General Manager's Report No. CS26/18).

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 2017/18 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 four financial years has been:

2013/14	\$7,477
2014/15	\$2,379
2015/16	\$49,714
2016/17	\$3,574

For 2017/18, it is recommended that Council write off a debt considered bad totalling \$6,963 (see details in Schedule A); and note debts considered bad totalling \$10,209 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 2017/18 budget for bad debts written off is \$1,000. This budget will need to be supplemented by the reallocation of minor savings in Divisional budgets across the organisation in order to write off the debts detailed in this Report.

POLICY

There are no policy implications associated with this Report.

CONCLUSION

The write-off of bad debts for the 2017/18 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 Acting Chief Financial Officer – Duncan Chell, who can be contacted on 9847 6822.

DUNCAN CHELL

Acting Chief Financial Officer - Financial Services
Corporate Support Division

GLEN MAGUS

Acting Deputy General Manager – Corporate
Support
Corporate Support Division

Attachments:

1. ➡ Bad Debts Over \$1,000.00 - 2017/2018
2. ➡ Bad Debts Under \$1,000.00 - 2017/2018

File Reference: F2004/06978-02

Document Number: D07448977

4 ADOPTION OF COUNCIL'S COMMUNITY STRATEGIC PLAN 2018-2028, AND DELIVERY PROGRAM 2018-21 INCLUDING THE OPERATIONAL PLAN 2018/19, INCORPORATING THE BUDGET, RATING STRUCTURE AND FEES AND CHARGES FOR 2018/19

EXECUTIVE SUMMARY

- Council's draft 10 year Community Strategic Plan 2018-2028 (known as Your Vision | Your Future 2028), and its draft Delivery Program 2018-21 including the Operational Plan 2018/19, were adopted for public exhibition by Council at its 11 April 2018 General Meeting. The draft Operational Plan includes the Budget, Rating Structure and Fees and Charges for 2018/19.
- The draft documents were publicly exhibited from 16 April until 14 May 2018 and submissions invited. Eleven submissions were received which are summarised in Table 1A of this Report. Table 1B contains a summary of administrative changes requested by internal Divisions of Council.
- Each submission has been reviewed by appropriate Council staff, and while some minor changes are supported, no material changes to the publicly exhibited documents are recommended.

RECOMMENDATION

THAT:

1. Subject to incorporation of the recommendations detailed in Tables 1A and 1B and the Budget section of Deputy General Manager's Report No. CS24/18, Council adopt the Community Strategic Plan 2018-2028, and the Delivery Program 2018-21 including the Operational Plan 2018/19, incorporating the Budget, Fees and Charges and Rating Structure for 2018/19.
2. Council make and levy the 2018/19 Ordinary Rates in accordance with Table 2 of Deputy General Manager's Report No. CS24/18.
3. Council make and levy the 2018/19 Catchments Remediation Rate on all rateable land in the Shire in accordance with Table 3 of Deputy General Manager's Report No. CS24/18.
4. Council write to those who have made submissions thanking them for their comments.
5. The General Manager write to Community Groups, directly affected stakeholders and local members of parliament outlining that the consequences of the boundary adjustments have forced the deferral of Capital works until such time as Councils financial position is clearer.

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 Community Strategic Plan 2018-2028 (known as Your Vision | Your Future 2018), and Delivery Program 2018-21 including Operational Plan 2018/19, incorporating the Budget, Rating Structure and Fees and Charges for 2018/19.

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 as well as a resourcing strategy 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. (NB. As the last local government elections were delayed by the NSW Government, this Delivery Program is for a period of three years, the current Council's term of office.)

The Division of Local Government has mandated an integrated planning framework which approaches business planning based on community aspirations and preferences. It requires that the community be presented with the key issues and challenges facing the Shire in order that the community can have deliberative input into how Council, other government agencies and the community will respond to those issues and challenges.

At the General Meeting held on 11 April 2018, Council considered Deputy General Manager's Report No. CS15/18 and resolved that:

1. *Council adopt for public exhibition and make available for public comment from 16 April to 14 May 2018, the draft Community Strategic Plan 2018-2028, the draft Delivery Program 2018-21, including the draft Operational Plan 2018/19 which includes the draft Budget, Fees and Charges and Rating Structure for 2018/19, subject to the following:*
 - a) *The inclusion of the items recommended for support in Late Items Memo No. LM6/18*
 - b) *The \$1.951 million identified as being transferred from restricted asset funds not being used to balance the 2018/19 Budget i.e. the 2018/19 Budget will show a deficit of \$1.951 million.*
 - c) *Prior to the adoption of the Budget, details of options that may be used to fund the \$1.951 million deficit for 2018/19 be considered by Council. These options should include, but not be limited to, restricted asset funding, loan borrowings, capital works reductions and service level reductions.*
2. *Council note that the rating information contained in the Delivery Program 2018-21 including the draft Operational Plan 2018/19 is in line with the Independent Pricing and Regulatory Tribunal's rate increase approval for NSW councils (i.e. a 2.3% rate increase for 2018/19).*
3. *Following the public exhibition period, and before 30 June 2018, a further report be prepared which provides details of any submissions received and recommends the adoption of a final Delivery Program 2018-21 including the Operational Plan 2018/19, which contains the Budget, Fees and Charges and Rating Structure for that year.*
4. *Council again write to the Premier and Minister for Local Government expressing its disappointment in the Government for not ensuring that Hornsby Shire Council and its ratepayers are not financially worse off as a result of the Government's decision to transfer the former Council area south of the M2 Motorway to the City of Parramatta Council and requesting action urgently to rectify this issue.*

5. *The General Manager ensure that the Hornsby Shire Council community is provided with information which informs them of the immediate and long term consequences of the loss of its former area south of the M2 Motorway.*

DISCUSSION

Consultation on the Documents

During the exhibition period from 16 April 2018 to 14 May 2018, copies of Your Vision | Your Future 2028, the Delivery Program 2018-21 including the Operational Plan 2018/19, and Fees and Charges 2018/19 were on display at Council's reception areas and four libraries and were available electronically on Council's website. Advertisements advising of their availability were placed in the Council Column of five local newspapers and in the May monthly e-newsletter sent to 35,000 people.

Submissions

A total of 11 submissions were received during the formal exhibition period. Of the submissions:

- two make general comments on where Council should be focused and require no further response
- one relates to clearer timelines for capital works
- one relates to the importance of young people being highlighted in the visual demographics
- three relate to the proposed fee increases for community venues
- one relates to the planned playground upgrade at Ron Payne Park, North Epping
- one relates to consideration of accessibility and disabilities
- two relate to the budget deficit and the proposed funding by restricted assets.

The submissions are summarised below, with staff recommendations in italics.

Table 1A

No.	About	Outcome - Community Strategic Plan	Summary of Issues	Staff recommendation
1a	Feels things community asking for have not been addressed	LIVEABLE Infrastructure meets the needs of the population	<ul style="list-style-type: none"> • Wants greater commitment from Councillors to reduce amount of high density taking over the Shire • Would like clearer timeline on works - approximate timeframes, eg. expected month of start and finish 	<i>Comments supported.</i> <i>As documented in the Community Strategic Plan, Councillors are aware of community concerns regarding development and are seeking to ameliorate the impacts by implementing a program of public domain works to improve the look and feel of many public areas. The works will include tree plantings, street furniture and signage.</i>

No.	About	Outcome - Community Strategic Plan	Summary of Issues	Staff recommendation
				<i>The major works program will include more detailed timings.</i>
2a	Lies	COLLABORATIVE Information about Council and its decisions is clear and accessible	Since when has Hornsby Council kept their promise to do best by ratepayers?	<i>Council is seeking to deliver on the community needs and aspirations outlined in the Community Strategic Plan, particularly the desire for better planning for developments with protection of the bush and green spaces. Hence the delivery documents have a strong emphasis on tree protection, greening the Shire and improving the public domain.</i>
3a	Demographic snapshot on p7 of Community Strategic Plan	COLLABORATIVE The community is encouraged to participate in Council's decision making	Young people (12-24, 12-18) not highlighted	<i>Document to be updated to show all service age groups</i>
4a	Cherrybrook Community and Cultural Centre proposed Fees and Charges	LIVEABLE People have good opportunities to participate in community life	Fees for two main halls (Ironbark and Redgum) have risen by 6% and 7% respectively over last 12 months. Cumulative effect is more significant - 19% and 24% since 2014	<i>The draft Fees and Charges for 2018/19 were put forward for Council to consider by the Volunteer Management Committee for Cherrybrook Community and Cultural Centre.</i> <i>The increase in the hourly rate for Regular Hire of the two main halls between 2017/18 and 2018/19 is \$1 per hour and is on a par with other community venues. This small increase is in line with Council's adopted strategy to increase fees and charges over time to reflect industry benchmarks.</i>

No.	About	Outcome - Community Strategic Plan	Summary of Issues	Staff recommendation
5a	Ron Payne Park, North Epping - planned playground upgrade	LIVEABLE Infrastructure meets the needs of the population	Recommending more natural equipment be used in playground upgrade for better visual impact - current bright plastic and painted (peeling) metal equipment is an eyesore	Before a decision is made regarding any playground design, a landscape architect from Council will consult with park users and adjoining neighbours - through letterbox drop, signs placed in the park and Council's social media. As part of this process residents can discuss the proposal and how suggestions may be accommodated directly with the relevant landscape architect.
6a	Input regarding future of Hornsby Shire	LIVEABLE Infrastructure meets the needs of the population	<ul style="list-style-type: none"> • Consider surrounding infrastructure when approving medium and high density developments • Determine correct capacity to be able to comfortably live in area • Stop unnecessary expenditure, eg. kerbing and guttering near Mount Colah school • Get back area lost to City of Parramatta Council • Have regard to proper bushfire protections 	<p>Council consults with infrastructure providers before zoning land for development, so the providers are aware of the infrastructure needs such as roads, water, education etc.</p> <p>Council funds are limited. All projects are assessed against public benefit criteria before being placed on the long-term capital works schedule. The Delivery Program (page 101) documents the proposed capital works for 2018/19 as well as the future works for 2019 to 2021. All members of the public are encouraged to review and comment on the schedules.</p> <p>The 2016/17 program of works included the kerb and guttering near Mount Colah school as part of a larger body of work in the area to rectify drainage issues and</p>

No.	About	Outcome - Community Strategic Plan	Summary of Issues	Staff recommendation
				<p>improve pedestrian safety, particularly for the school children.</p> <p>Council has two applications before the NSW government seeking return of its former area south of the M2 and is constantly working with the government to resolve this issue.</p> <p>Bushfire protection is undertaken in conjunction with the Rural Fire Service. The Delivery Program (pages 38, 39, 44, 45) outlines the actions to be undertaken in 2018/19.</p>
7a	Documents lacking provisions for disabled people	LIVEABLE People have good opportunities to participate in community life	Community Strategic Plan and Delivery Program including the Operational Plan lacking provisions for disabled people, especially transport as the population ages	<p><i>Council adopted the Disability Inclusion Action Plan (DIAP) in June 2017. The DIAP sits alongside and should be read in conjunction with Council's Delivery Program. There are many initiatives Council undertakes which are included in the Community Strategic Plan (CSP) and Delivery Program including the Operational Plan in an intrinsic manner. These include:</i></p> <p><i>(1) advocating with the NSW Government expressing concern about the lack of progress with access to railway stations in the Shire (Focus Area in CSP);</i></p> <p><i>(2) upgrading playgrounds with inclusive play equipment (Delivery</i></p>

No.	About	Outcome - Community Strategic Plan	Summary of Issues	Staff recommendation
				<p><i>Program p31);</i></p> <p><i>(3) bushland walks that are wheelchair friendly</i></p> <p><i>(Delivery Program p42);</i></p> <p><i>(4) assisting people to get support through the Home Modification Service</i></p> <p><i>(Delivery Program p19);</i></p> <p><i>(5) implementing a new website (live from 28/5/2018) fully compliant with WCAG 2.0 Accessibility Guidelines</i></p> <p><i>(Delivery Program p85).</i></p>
8a	Mount Colah Community Centre proposed Fees and Charges	LIVEABLE People have good opportunities to participate in community life	<p>Proposed fees for Not for Profit Groups increased by over 9.8% since 2017/18, whereas for regular and casual hirers increased much less. Clearly not in line with Council resolution of 14/6/2017 to ".... Recognise the community and social value of not for profit users and the capacity of 'for profit' users to pay a premium ..."</p>	<p><i>Council provides a significant level of support to not for profit organisations through a heavily discounted fee for hire, with the not for profit rate approximately 50% less than the casual hire rate.</i></p> <p><i>The increase in the hourly rate for the Whole Centre between 2017/18 and 2018/19 is \$1.15 per hour and is on a par with other community venues. This small increase is in line with Council's adopted strategy to increase fees and charges over time to reflect industry benchmarks.</i></p> <p><i>Council is also investigating a substantial reduction in venue insurance for unincorporated community groups.</i></p>

No.	About	Outcome - Community Strategic Plan	Summary of Issues	Staff recommendation
9a	Hawkins Hall (Thornleigh) proposed Fees and Charges	LIVEABLE People have good opportunities to participate in community life	<ul style="list-style-type: none"> Concerned that price increase above CPI forces Playgroup to increase fees to members, potentially excluding low income families Does not agree with proposal to start charging for storage at hall facilities Council provides no services to warrant fee increase, eg. repeated requests to fill sandpit denied; request for timed parking around Hall not been addressed 	<p><i>Council recognises the important role playgroups have in the local community and Council provides a significant level of support to not for profit organisations through a heavily discounted fee for hire, with the not for profit rate approximately 50% less than the casual hire rate.</i></p> <p><i>The increase in the hourly rate between 2017/18 and 2018/19 is \$1.25 per hour and is on a par with other community venues. This small increase is in line with Council's adopted strategy to increase fees and charges over time to reflect industry benchmarks.</i></p> <p><i>Storage fees have been listed in Council's Fees and Charges for community venues for several years without being applied to regular hirers of Hawkins Hall. Any changes to hire policy in the future, including the application of storage fees, will be accompanied by significant consultation with hirers and stakeholders, prior to any adoption or transition strategy.</i></p> <p><i>The sandpit is regularly replenished as required.</i></p> <p><i>Council has monitored the location and the occupancy of nearby short term parking in Sefton Road. The observations show that</i></p>

No.	About	Outcome - Community Strategic Plan	Summary of Issues	Staff recommendation
				<i>parking occupancy in the area is relatively low and opportunities for parking within 150 metres from Hawkins Hall are abundant. There is also a 'No Parking' zone along the southern frontage of Hawkins Hall on Sefton Road which allows set down and pick up of passengers. Parents may stop for up to two minutes as long as they stay within three metres of the vehicle. Council is unable to impose further parking restrictions in the area since existing short term parking has demonstrated spare capacity.</i>
10a	\$1.951m budget deficit - Amended Motion at Council Meeting 11 April 2018	COLLABORATIVE Information about Council and its decisions is clear and accessible	Wants confirmation that restricted asset of \$2.181m held for future project to compensate residents of 2119 for loss of community hall will not be used to fund budget deficit	<p><i>Council resolved on 11 April 2018 that details of options that may be used to fund the \$1.951 million deficit for 2018/19 be considered by Council, and that these options should include, but not be limited to, restricted asset funding, loan borrowings, capital works reductions and service level reductions.</i></p> <p><i>Having reviewed the options Council has concluded that the deficit is best dealt with by deferring some capital projects where there are no safety concerns and where the projects can be recommenced immediately funds become available.</i></p>
11a				

Fees and charges for community centres

In order to improve readability and transparency the advertised function rate on Friday and Saturday nights after 5 pm is now listed under each applicable centre in the body of the fees and charges rather than in the notes section of the document. This change has been implemented to assist hirers in understanding the costs involved in the hire of a centre during peak periods. Where no function rate is advertised under the name of the centre, no function rate is applicable.

No submissions were received in relation to this matter during the exhibition period of the fees and charges.

There were also administrative issues identified by staff during the exhibition period regarding changes to wording for clarity and reduction of a proposed fee for consistency. Details are summarised in Table 1B below.

Table 1B

No.	About	Outcome - Community Strategic Plan	Summary of Issues	Recommendation
1b	p8 Fees and Charges - Abandoned Vehicles	COLLABORATIVE Council plans well to secure the community's long term future	Fee descriptors simplified so excess fees such as towing and storage can be charged as incurred	Fee descriptors to be simplified
2b	p37 Fees and Charges - Planning and Building	COLLABORATIVE Council plans well to secure the community's long term future	Mobile Food Vendor fee 11f. reduced from \$236 to \$185 and wording '(Fee includes one inspection)' removed	Fee to be reduced for consistency and wording removed
3b	pp67-68 Fees and Charges - Regulatory Services	COLLABORATIVE Council plans well to secure the community's long term future	14a., 15a., 17a., 17b., fee reduced from \$93 to \$92 for consistency and wording '(min fee 185.00)' removed	Fee to be reduced for consistency and wording removed
4b	p24 Fees and Charges - Hornsby Mall	COLLABORATIVE Council plans well to secure the community's long term future	Item 7. Approval fee under Roads Act to Westfield Limited. GST status changed from Exempt to 10% for 2018/19 draft - unsure of proper status so will seek GST ruling	Revert GST status to Exempt and seek GST ruling

During the exhibition period, there were further minor changes suggested by Council staff to improve clarity of the information contained in the documents, and those changes have been incorporated in the final versions of the documents.

Rates Structure

The rates structure included in the draft Delivery Program 2018-21 including the Operational Plan 2018/19 was based on the general increase determined by IPART i.e. a 2.3% 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 recategorisation of properties and supplementary rates 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 levied to \$68,151,144.

Table 2 – Ordinary Rates

Category	Rate in the \$ (based on land value)	Minimum Rate \$	Base Amount (\$)	Base Amount (%)	% of Total Rate	Yield (\$)
Residential	0.091622		\$540	48%	86.83%	\$56,411,736
Farmland	0.090711		\$540	29%	0.90%	\$584,175
Business	0.363456	\$569			6.91%	\$4,446,216
Business (Hornsby CBD)	0.463988	\$569			3.60%	\$2,330,205
Business (Shopping Centre)	1.297054				1.76%	\$1,135,895
Total					100%	\$64,908,226

Table 3 – Catchments Remediation Rate

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

Category	Rate in the \$ (based on land value)	Yield (\$)
Residential	0.008810	\$2,818,403
Farmland	0.006353	\$29,189
Business	0.019364	\$222,150
Business (Hornsby CBD)	0.023366	\$116,423
Business (Shopping Centre)	0.064804	\$56,752
Total		\$3,242,918

Total Rates Levied \$68,151,144

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 draft Delivery Program 2018-21 including the Operational Plan 2018/19.

Progress on return of area transferred to City of Parramatta Council

At the 11 April 2018 General meeting Council resolved to once again write to the NSW Government reminding them of their promise to the people of Hornsby Shire that residents would not be worse off as a result of the transfer of the area south of the M2 to City of Parramatta Council. The letter from

Council also reiterated the need for the government to respond to the Boundary Proposals submitted by Council to the NSW Government in 2016.

At the same meeting Council resolved to undertake a four-week public education campaign to inform residents of the gravity of the situation and the potential long term consequences for the people of Hornsby Shire if the issue was not resolved in a timely manner. The campaign included advertisements in the local papers and on social media, and was implemented from 14 April to 23 May. Community feedback indicated strong support from Hornsby Shire residents for the return of the area to Hornsby Shire Council.

Council continues to lobby and advocate with the NSW Government for a resolution.

The Resourcing Strategy

Council's Resourcing Strategy addresses long term financial planning, workforce management and asset management, and must be reviewed each four years. It is one of the more challenging documents to prepare because the three components cannot be completed in isolation and must be developed after the Delivery Program and Operational Plan have been developed. Work is underway on reviewing and updating each of the three components that make up Council's Resourcing Strategy. This approach is particularly relevant given recent boundary changes and Council's applications to restore the boundaries.

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. Council's Community Strategic Plan 2018-2028 has been prepared after detailed input by 12,000 stakeholders. The page titled 'Who did we talk to?', p24, outlines the lengthy consultations undertaken in the preparation of Your Vision | Your Future 2028.

Your Vision | Your Future 2028, the Delivery Program 2018-21 including Operational Plan 2018/19, incorporating the Budget and Fees and Charges 2018/19 have been prepared after detailed discussions with relevant staff, consideration by Council and public exhibition of draft proposals. Councillors received a briefing on the contents of the draft documents on 28 March 2018. Draft documents were placed on public exhibition from 16 April to 14 May 2018.

BUDGET

The publicly displayed draft Annual Budget included an estimated deficit of \$1.951 million. This Budget had been developed based on previous levels of services provided to the community and maintaining infrastructure at current standards. The draft Budget had allowed for the following items:

- Continuation of existing budget parameters that include a transfer of \$1.2 million towards the Section 94 funding gap identified in Council's 2014-2024 Section 94 Development Contributions Plan
- \$2.0 million allocated for the delivery of a significant playground adjacent to the new tennis courts and clubhouse at the northern end of Waitara Park funded from the current s7.11 Development Contributions Plan
- Independent Hearing Assessment Panels \$110K
- Changes to the Hornsby Development Control Plan 2013 – Tree and Vegetation Preservation \$200K
- Introduction of community forums and livestreaming of Council meetings \$30K

- Beecroft Station Garden Improvements \$600K
- Storey Park Community Centre and Playground \$4.62M largely funded from s7.11 Development Contributions
- No increase to non-salary related operating budgets. Any increases in these areas have needed to be met by efficiency and other gains across Council.

At the General Meeting held on 11 April 2018, Council resolved to consider options that may be used to fund the deficit of \$1.951 million. These options included restricted asset funding, external loan borrowing, and capital project substitution or service level reductions. Due to the financial consequences of the NSW Government's announced boundary adjustment with the City of Parramatta Council on the 12 May 2016, Council no longer provides an annual surplus compared to prior years. This restricts the ability of Council to cover increased costs resulting from changes to compliance, regulations and required improvements to enhance key assets.

Recommended to Council is deferral of the capital works that had been displayed during the exhibition period of the draft Operational Plan until such time as Council's financial position is clearer. This enables a balanced position for the 2018/19 Budget but underlines acutely the impact to the Hornsby community of the boundary adjustment made by the NSW Government. The details of the capital works that have been deferred are listed below:

A Ward

- | | |
|---|----------------------|
| • Gray Street Drainage, Mount Colah – Cowan Road to Colah Road: | \$490K |
| • Laughtondale Gully Road – Stage 1 Sealing: | \$150K |
| • Asquith Oval – Irrigation and Drainage: | <u>\$250K \$890K</u> |

B Ward

- | | |
|--|---------------------|
| • Waitara Park, Waitara – Synthetic Cricket Practice Nets: | \$80K |
| • Normanhurst Oval – Irrigation and Drainage: | \$200K |
| • Pennant Hills Park – Amenities Building Renewal: | \$120K |
| • All B Ward Footpath Works: | \$186K |
| • Lisgar Gardens – Toilet Refurbishment: | <u>\$60K \$646K</u> |

C Ward

- | | |
|---|---------------------|
| • Ron Payne Reserve, North Epping – Playground Renewal: | \$100K |
| • Darlington Reserve, Cherrybrook – Playground Renewal: | \$100K |
| • Edward Bennett Oval – Floodlighting: | \$110K |
| • Dame Mary Gilmore Park – Flagpole Renewal: | \$50K |
| • All C Ward Footpath Works: | <u>\$80K \$440K</u> |
| | \$1,976K |

There are four future projects that are in the early stages of planning and therefore are not included in the 2018/19 Annual Budget. Whilst more details are being developed for these projects, it is expected that works will commence during the 2018/19 financial year and most likely will be updated to Council through the Quarterly Budget Review reporting process. These major projects are:

Pennant Hills to Epping Cycleway - \$5.1M

Roads and Maritime Services have announced \$500K is now available for development of a cycleway linking Pennant Hills to Epping. Council has recently engaged a consultant to prepare design drawings and cost estimates for route options that will deliver the project.

The preferred design and estimate, when accepted by RMS, will unlock the remaining funding for the project delivery up to the value of \$5.1 million. The funding offer is contingent on the project being completed by June 2020.

Review of Local Environmental Plan (L.E.P.) - \$2.5M

The Department of Planning and Environment has made a funding offer of \$2.5 million to Council to facilitate an update of the Hornsby Local Environment Plan within a two year time frame. The aim of the funding is to align Council's planning strategies with the priorities in the North District Plan prepared by the Greater Sydney Commission. A separate report on the Funding Agreement has been prepared for consideration by Council at its June meeting.

Greenway Park - \$2.7M

The Federal Member for Berowra, Julian Leeser M.P. recently announced \$2.7 million will shortly be available for works at Greenway Park, Cherrybrook. The works involve the reconstruction of the No.1 Oval and the associated building works. Further details will be provided once known, but it is understood there is an expectation for the works to be completed during the 2018/19 financial year.

Wisemans Ferry Boat Ramp - \$3.85M

At the 11 April 2018 General Meeting, Council considered Deputy General Manager's Report No. IR4/18 – Proposed Upgrade to Wisemans Ferry Boat Ramp and resolved to provide in-principle support for this project. Hornsby and the Hills Shire Councils and the Roads and Maritime Service (RMS) have now developed a concept plan for a three-lane boat ramp with adequate car and trailer parking. The total budget now available for the project is \$3.850M. The Hills Shire Council will contribute \$1.5M, RMS \$2.14M and Hornsby Shire Council \$210K. Once the full scope of works and delivery plan for the project is completed further reporting to Council will be undertaken.

Whilst on exhibition it was also identified that Deputy General Manager's Report No. CS15/18 referred to a 2018/19 budget allocation for the Hornsby Eastside Planning Proposal of \$300K. The amount allocated in 2018/19 should read \$200K for this project.

At the General Meeting held on 11 April 2018, Council resolved to accept a proposal from Ausgrid for the accelerated replacement of street lights with energy efficient LEDs. The funding required to support this initiative has been incorporated into the 2018/19 Annual Budget since being placed on exhibition. Maintenance and energy cost savings will cover the cost of the initiative over the next four years.

Several minor reallocations between sections of Council have also been made to the budget since being placed on exhibition. These changes did not affect the net budget result.

POLICY

Hornsby Shire's Community Strategic Plan 2018-2028 describes community aspirations. The three year 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 10 year Community Strategic Plan, three year Delivery Program and the associated Operational Plan 2018/19 including Budget and Fees and Charges encompass the priorities and expected levels of service voiced by the community. Council will respond by providing services in a prudent and financially viable manner.

Once adopted, the final Your Vision | Your Future 2028, Delivery Program 2018-21 including the Operational Plan 2018/19, incorporating the Budget and Fees and Charges for 2018/19 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 Acting Chief Financial Officer – Duncan Chell and the Manager Strategy and Communications – Julie Williams, who can be contacted on 9847 6822 and 9847 6790 respectively.

GLEN MAGUS
Acting Deputy General Manager Corporate
Support
Corporate Support Division

STEVEN HEAD
General Manager
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Attachments:

There are no attachments for this report.

File Reference: F2017/00322
Document Number: D07446943

5 INVESTMENTS AND BORROWINGS FOR 2017/18 - STATUS FOR PERIOD ENDING 30 APRIL 2018

EXECUTIVE SUMMARY

- This Report provides details of Council's investment performance for the period ending 30 April 2018 as well as the extent of its borrowings at the end of the same period.
- Council invests funds that are not, for the time being, required for any other purpose. The investments must be in accordance with relevant legislative requirements and Council's policies and the Chief Financial Officer must report monthly to Council on the details of funds invested.
- All of Council's investments have been made in accordance with the Local Government Act, the Local Government (General) Regulation and Council's Investment of Surplus Funds Policy and Investment Strategy.
- In respect of Council's cash and term deposit investments, the annualised return for the month of April 2018 was 2.61% and this compared to the benchmark of 1.50%.

RECOMMENDATION

THAT the contents of Deputy General Manager's Report No. CS23/18 be received and noted.

PURPOSE

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

BACKGROUND

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

DISCUSSION

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

Council's investment performance for the month ending 30 April 2018 is detailed in the attached document. In summary, the At-Call and Term Deposits achieved an annualised return of 2.61% for April 2018, compared to the benchmark of 1.50%.

In respect of Council borrowings, the weighted average interest rate payable on outstanding loans taken out from June 2008 to date, based on the principal balances outstanding is 6.97%. The Borrowings Schedule as at 30 April 2018 is also attached for Council's information.

BUDGET

Budgeted investment income for 2017/18 is \$3,500,000 with an average budgeted monthly income of \$291,670. Total investment income for the period ended 30 April 2018 was \$3,934,500 compared to the budget of \$2,917,600 for the same period. Approximately 41% of the investment income received by Council relates to externally restricted funds (e.g. Section 94 monies) and is required to be allocated to those funds. All investments have been made in accordance with the Local Government Act, the Local Government (General) Regulation and Council's Investment of Surplus Funds Policy and Investment Strategy.

CONSULTATION

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

CONCLUSION

The investment of Council funds and the extent of its borrowings as at 30 April 2018 are detailed in the documents attached to this Report. Council's consideration of the Report and its attachments ensures that the relevant legislative requirements and Council protocols have been met in respect of those investments and borrowings.

RESPONSIBLE OFFICER

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

DUNCAN CHELL

Acting Chief Financial Officer - Financial Services
Corporate Support Division

GLEN MAGUS

Acting Deputy General Manager Corporate
Support
Corporate Support Division

Attachments:

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

File Reference: F2004/06987-02
Document Number: D07441289

6 OUTSTANDING COUNCIL RESOLUTIONS - PERIOD UNTIL 28 FEBRUARY 2018

EXECUTIVE SUMMARY

- Clause 32A of the Code of Meeting Practice deals with the implementation of Council resolutions.
- The Clause requires that a quarterly report be prepared for Council's consideration detailing resolutions which have not been substantially implemented within two months of being adopted as well as any impediments to their finalisation.
- In accordance with the Code, each Division has carried out a review of any resolutions adopted by Council up until the end of February 2018 which have not been substantially implemented.
- Council should consider the comments provided in the attachment to this Report in respect of each of the outstanding resolutions and determine if any further action is required.

RECOMMENDATION

THAT the contents of Deputy General Manager's Report No. CS25/18 be received and noted.

PURPOSE

The purpose of this Report is to comply with Council's Code of Meeting Practice and provide details in respect of resolutions adopted by Council up until the end of February 2018 which have not been substantially implemented.

BACKGROUND

Clause 32A of the Code of Meeting Practice deals with the implementation of Council resolutions and requires that a quarterly report be prepared detailing resolutions which have not been substantially implemented within two months of being adopted as well as any impediments to their finalisation. The reports are generally submitted for Council's consideration at the General Meetings in March, June, September and December each year.

DISCUSSION

In accordance with the Code of Meeting Practice, each Division has carried out a review of any resolutions adopted by Council up until the end of February 2018 which have not been substantially implemented. This has resulted in the attached table being prepared which shows a list of outstanding resolutions per Division. Details are provided about the:

- Report Number and Name
- Outstanding Resolution
- Latest Status
- Comment

In preparing Outstanding Council Resolutions reports, Divisional Managers give special consideration to any long outstanding resolutions and, where such resolutions exist, provide comments about whether further action may be unlikely or impractical. In these cases, Council may wish to determine whether or not the item should be removed from further reporting in the Outstanding Council Resolutions report.

BUDGET

Any budgetary implications are included in the relevant report or in the "Latest Status" column of the attached spreadsheet.

POLICY

The preparation of this Report meets the requirements of Clause 32A of the Code of Meeting Practice.

CONCLUSION

Council should consider the comments provided in the attachment in respect of each of the outstanding resolutions and, if necessary, determine if any further action is required.

RESPONSIBLE OFFICER

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

ROBYN ABICAIR
Manager - Governance and Customer Service
Corporate Support Division

GLEN MAGUS
Acting Deputy General Manager Corporate
Support
Corporate Support Division

Attachments:

1. [➡](#) Outstanding Council Resolutions for Period Ending 28 February 2018

File Reference: F2005/00112
Document Number: D07447647

7 PECUNIARY INTEREST AND OTHER MATTERS RETURNS - DISCLOSURES BY COUNCILLORS AND DESIGNATED PERSONS

EXECUTIVE SUMMARY

- Section 449 of the Local Government Act (the Act) details the statutory requirements in respect of the lodgement of Disclosure of Pecuniary Interests and Other Matters Return/s by Councillors and Designated Persons.
- Section 450A(2) of the Act requires that Returns lodged under Section 449 are to be tabled at the next available Council meeting.
- In line with Section 450A(2), this Report seeks to table the Return/s recently lodged with the General Manager.

RECOMMENDATION

THAT Council note the Disclosure of Pecuniary Interests and Other Matters Returns recently lodged with the General Manager have been tabled as required by the Local Government Act.

PURPOSE

The purpose of this Report is to table the Disclosure of Pecuniary Interests and Other Matters Returns lodged by Councillors/Designated Persons who have left, commenced with, or internally transferred to a relevant position within Council.

BACKGROUND

Section 449(1) of the Act requires a Councillor or Designated Person to complete and lodge with the General Manager a Disclosure of Pecuniary Interests and Other Matters Return within three months after becoming a Councillor or a Designated Person. Section 449(3) requires a Councillor or Designated Person holding that position at 30 June in any year to complete and lodge with the General Manager a Return within three months after that date. Section 449(5) states that nothing prevents a Councillor or Designated Person from lodging more than one Return in any year.

Section 450A(2) of the Act requires that Returns lodged under Section 449 are to be tabled at a meeting of Council. Returns lodged under Sections 449(1) and 449(3) are to be tabled at the first meeting held after the last day for lodgement under those Sections; and Returns lodged for any other reason are to be tabled at the first meeting after their lodgement.

Council's procedures in respect of the disclosing of interests have been developed to cater for the election/appointment/employment/retirement/resignation/etc of Councillors or Designated Persons. These procedures:

- Require all Councillors and Designated Persons who hold that position at 30 June in any year to submit Returns to the General Manager by 30 September in that year (i.e. they are lodged under S449(3)). These Returns are tabled at Council's October or November General Meeting for that year.
- Require newly elected Councillors or newly appointed Designated Persons to lodge Returns to the General Manager within three months of their election/appointment (i.e. they are lodged under S449(1)). These Returns are tabled at the next available General Meeting of Council.
- Require those Councillors or Designated Persons who are leaving Council (because of retirement, resignation, etc) to lodge Returns to the General Manager by their last day with Council. These Returns are tabled at the next available General Meeting of Council.

DISCUSSION

Returns Lodged in Accordance with Sections 449(1), 449(3) and/or 449(5) of the Act and Council's Procedures

Council last considered the tabling of Disclosure of Pecuniary Interests and Other Matters Returns under Sections 449(1) and (5) of the Act at the General Meeting held on 9 May 2018 (see Deputy General Manager's Report No. CS19/18). Since that time, two additional Returns have been lodged with the General Manager and are now tabled as required by the Act.

Date Lodged	Councillor/Designated Person (Position)	Reason for Lodgement
4/5/2018	Acting Manager Strategic Planning	Resignation
22/5/2018	General Manager	New Appointment

BUDGET

There are no budgetary implications associated with this Report.

POLICY

There are no policy implications associated with this Report.

CONCLUSION

Council's consideration of this Report satisfies the requirements of the Act regarding the lodgement of Disclosure of Pecuniary Interests and Other Matters Return/s by Councillors and Designated Persons.

RESPONSIBLE OFFICER

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

ROBYN ABICAIRE
Manager - Governance and Customer Service
Corporate Support Division

GLEN MAGUS
Acting Deputy General Manager - Corporate
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Attachments:

There are no attachments for this report.

File Reference: F2017/00311
Document Number: D07449380

8 AFFORDABLE HOUSING DISCUSSION PAPER

EXECUTIVE SUMMARY

- Local government has responsibilities under the *Environmental Planning and Assessment (EP&A) Act, 1979* and the State Government's metropolitan and district planning which require the delivery of improved housing choice, diversity and affordability.
- The cost of housing is becoming a significant affliction across Sydney. Access to housing is a critical issue and the increasing lack of availability of affordable housing is affecting social sustainability and community wellbeing.
- Key workers such as teachers, nurses, police, fire and ambulance officers who provide essential services and are an important part of Hornsby Shire's safety, vitality, sustainability and social diversity, are being priced out of the housing communities they serve.
- An Affordable Housing Discussion Paper (attached) has been prepared in recognition of Council's statutory obligations to assist in the provision of affordable housing as well as its social obligations.
- The Discussion Paper articulates a core housing goal for Council to *"Support community wellbeing through the provision of housing that is affordable and appropriate to household needs and preferences in terms of choice and location, while protecting and enhancing local surroundings and the natural environment"*.
- It is recommended that the Affordable Housing Discussion Paper be placed on public exhibition to seek feedback and suggestions from the community on how Council can provide the type of housing the Shire needs as it grows – not just in numbers but in diversity that can accommodate the changing needs of households in terms of format and affordability.

RECOMMENDATION

THAT:

1. The Affordable Housing Discussion Paper attached to Group Manager's Report No. PL17/18 be placed on public exhibition for a period of 2 months in accordance with the engagement strategy outlined in the report.
2. Following the exhibition, a report on submissions be presented to Council for its consideration.

PURPOSE

The purpose of this Report is present an Affordable Housing Discussion Paper to Council for endorsement for public exhibition, which is listed as a key initiative in Council's draft *Delivery Program 2018 – 2021*.

BACKGROUND

Local government has responsibilities under the *Environmental Planning and Assessment (EP&A) Act, 1979* to provide affordable housing opportunities through its strategic planning and regulatory functions. The objects of the *EP&A Act* specify promotion of the delivery and maintenance of affordable housing. The *EP&A Act* also gives effect to strategic planning and the implementation of the State Government's metropolitan and district planning which require improved housing choice, diversity and affordability.

The Greater Sydney Commission's Metropolitan Plan – *A Metropolis of Three Cities* and the *North District Plan* set out objectives to deliver housing supply and affordability. Specifically, Planning Priority N5 of the North District Plan identifies the need to provide "housing supply, choice and affordability with access to jobs, services and public transport". Housing has both a social and economic role in meeting changing demographic needs over time and providing choice and affordability for a cross section of workers.

The Greater Sydney Commission and the NSW Department of Planning and Environment have advised they will be working with councils to facilitate housing diversity through the implementation of actions from the North District Plan, including mechanisms to deliver an Affordable Rental Housing Target.

Council currently addresses the issue of affordable housing in its planning instruments by rezoning planned precincts for multi-unit housing to provide housing choice and requiring a mix of unit sizes. However, the provision of affordable housing requires a whole of government approach through a number of mechanisms rather than just relying on planning mechanisms.

Community engagement in the preparation of the draft *Community Strategic Plan 2018 – 2028* identified that Hornsby Shire was chosen as the place to live by most people due to the affordability of housing and the local services and facilities available. The draft *Delivery Program 2018-2021* lists an Affordable Housing Discussion Paper as a key initiative (3C.7) for 2018/2019. Councillors discussed housing affordability and housing choices at a recent workshop where it was agreed an Affordable Housing Discussion Paper should be presented to Council for endorsement for exhibition.

DISCUSSION

The Affordable Housing Discussion Paper attached to this report has been prepared in recognition of Council's statutory obligations to assist in the provision of affordable housing as well as its social obligations. Access to housing is a critical issue and the increasing lack of availability of affordable housing affects social sustainability and community well-being.

The purpose of the Discussion Paper is to explore housing affordability as it relates to Hornsby Shire, discuss the role of Federal, State and Local government in alleviating housing affordability issues and consider how Hornsby Council can encourage the provision of adequate, appropriate and affordable housing.

It is recommended that the Affordable Housing Discussion Paper be placed on public exhibition to seek feedback and suggestions from the community on how Council can provide the type of housing the Shire needs as it grows – not just in numbers but in diversity that can accommodate the changing

needs of households. Community engagement on the issue should be sought through numerous channels including the Mayors Message in local papers, Facebook posts, media releases, newspaper articles and targeted letters.

Affordable Housing Discussion Paper

The Discussion Paper comprises ten chapters as summarised below.

1. Introduction and Purpose

The first chapter outlines the purpose of the Discussion Paper to explore housing affordability and options to address the issue within Hornsby Shire.

2. Context

The legislative framework and policy context is set out in this chapter. The *EP&A Act*, Sydney Region Plan and North District Plan all advocate for the provision of housing choice, diversity and affordability. Council's *Community Strategic Plan 2018 – 2028*, which identifies the main priorities and aspirations for the future of the Shire, was recently exhibited. It contains an action statement that confirms Council's commitment to *"collaboratively implementing infrastructure, sustainability, liveability, productivity and affordability initiatives to ensure our Bushland Shire thrives now and into the future."* Council's draft *Delivery Program 2018 – 2021* specifically identifies an Affordable Housing Discussion Paper as a key initiative (3C.7) to be delivered in 2018/19.

3. What is Affordable Housing?

Chapter 3 describes the term affordable housing as a reference to housing that is within a household's means to pay and appropriate to its needs in terms of size, form and location. Whether housing meets the needs of a household depends on whether the housing is of reasonable standard and quality, not overcrowded or underutilised, located close to services and jobs that the members of the household travel to and is cost efficient to maintain.

Affordability is generally measured by the ratio of rent or purchase price to household income. Lower income households who are paying more than 30% of household income to meet their housing costs are generally considered to be in housing stress.

4. Demographics and Housing in Hornsby Shire

This chapter provides a snapshot of Hornsby Shire in relation to population, household size, median age, weekly rent, household income, jobs and labour force participation. It also contains discussion on key workers such as teachers, nurses, police, ambulance, fire and emergency workers who provide essential services and are an important part of the Shire's safety, vitality, sustainability and social diversity.

Key workers are affected by housing affordability as they can be priced out of housing in the communities they serve and may be forced to rent longer or buy or rent further away and face a long commute to work. A 2018 Key Worker Housing Affordability Report prepared by University of Sydney identifies that North Sydney and Hornsby have had a net loss of 1.8% of key worker population in the 10 years between 2006 and 2016.

The chapter also charts and compares median rent and sale prices for houses and units in Hornsby. Latest data available from Family and Community Services shows that as at June 2014 there was just 2% of private rental stock that was affordable for very low income earners in Hornsby and 6.2% for low income earners. Purchase affordability for very low income households has been close to 0% for

the last 12 years, and 0.2% for low income households. Affordability for moderate income households to purchase in Hornsby is 3.5%, well below the average for Greater Sydney of 17.4% at June 2014.

5. State and Federal Government Roles

State and Federal Governments play a large role in influencing the housing market, which in turn impacts on housing policy. Government policies which influence the housing market are discussed in this chapter, including interest rates, negative gearing, first homebuyer assistance, Metropolitan and District Planning, State Environmental Planning Policies (SEPPs) such as the Affordable Rental Housing SEPP and SEPP 70 – Affordable Housing (Revised Schemes). Housing assistance programs are also discussed including Commonwealth Rent Assistance, Social Housing and Rentstart.

6. Local Government Role

Due to predicted substantial population growth, local councils are being pushed to ensure long term housing provision and affordability. Through the land use planning process, local government can promote diversity in housing outcomes for their communities and assist with housing supply. However, a report by the Reserve Bank indicates that resistance to rezonings for increased densities within some areas is pushing up prices and adding a ‘shadow price’ to areas in Sydney and Melbourne which allow for such densities.

This chapter of the Discussion Paper discusses Council’s current housing policy. Council currently addresses affordable housing through the preparation of strategies to rezone land and increase supply, increase the proportion of multi-unit dwellings and encourage adaptable housing and universal design. The chapter also discusses strategies other local councils are implementing to address housing affordability issues.

7. Moving Forward

Chapter 7 discusses Council’s goals and objectives for affordable housing into the future. Building on previous goals set by Council, the framework of the Greater Sydney Commission’s North District Plan and Council’s recently exhibited Community Strategic Plan 2018-2028, the core housing goal articulated in the Discussion Paper is to *“Support community wellbeing through the provision of housing that is affordable and appropriate to household needs and preferences in terms of choice and location, while protecting and enhancing local surroundings and the natural environment”*.

In the context of the above core goal and in direct response to the demographic and market analysis provided in the Discussion Paper, Council’s objectives for housing policy moving forward are identified as follows:

- Increase the supply of rental housing;
- Promote housing diversity through a range of housing types;
- Promote adaptable housing for the aging;
- Increase the proportion of medium density dwellings (carefully considered in the context of the State Governments Low Rise Medium Density Housing Code);
- Promote good quality urban and housing design;
- Promote multi-unit housing in locations which currently lack housing choice and affordability;
- Ensure that the location of new housing offers residents adequate access to transport, employment, services, and to social and support networks;

- Promote housing development that reflects land capability and pursues the principles of ecologically sustainable development;
- Minimise impact on the environment, including the environmental costs of infrastructure construction;
- Retain potentially productive agricultural and environmentally sensitive land; and
- Provide additional housing in areas where adequate sewerage, drainage, transport, community services and facilities, water, open space, recreation opportunities, schools, employment and public transport are or can be provided.

8. Options for Housing Policy

This chapter sets out and explains the planning mechanisms, direct facilitation and advocacy or partnership options available to Council in addressing affordability. These include updating the mandated mix of dwelling types, rezoning for the 'missing middle', inclusionary zoning, contributions under SEPP 70, voluntary planning agreements, supply of Council owned land, partnership with a community housing provider, lobby for changes to Federal and State taxes and advocacy.

9. Preliminary Recommendations

The preliminary recommendations which could be pursued by Council, from the options above, are set out in this chapter for feedback from the community. They include:

- Investigate increasing the minimum percentage of each dwelling type (no. of bedrooms) or a particular dwelling type, to target unmet demand* - Council's planning controls currently mandate a minimum 10% each of 1, 2 and 3 bedroom units within any new developments. Council could investigate increasing the minimum percentage of each dwelling type, or of a particular dwelling type, to target unmet demand.
- Investigate opportunities for rezoning to permit 'missing middle' medium density development around smaller commercial centres and schools, or across existing low density suburbs* – This would need to be investigated in the context of the State Governments Low Rise Medium Density Housing Code. Medium density development can provide a greater variety of housing sizes to suit individual household needs, preferences and budgets. Census data shows that medium density development is low compared with high density development growth within the Shire between 2011 and 2016. Council could investigate opportunities for rezoning areas to R3 Medium Density in transition areas between urban renewal precincts, around smaller commercial centres and schools, or across existing low density suburbs. Alternatively, or concurrently, Council could investigate whether dual occupancy should be permitted in the R3 Medium Density or the R2 Low Density zones.

However, the Department of Planning and Environment has announced a new Medium Density Housing Code which will commence on 6 July 2018 to allow dual occupancies, manor homes and terraces to be assessed as complying development. For Hornsby Shire, this means that manor homes and terraces will be permitted as Complying Development in the R3 Medium Density zone under planning controls that are inconsistent with, and override, our local planning controls. Council has written to the Minister for Planning requesting that implementation of the Medium Density Code be deferred for Hornsby Council to prepare its own strategy and seek an exemption from the one size fits all approach. Unless an undertaking from the Minister for Planning is given to allow Council to prepare a local strategy and gain exemption from the application of the Medium Density Code, the expansion of the

- R3 zone to other areas of the Shire and potential permissibility of dual occupancies would need to be carefully considered as an option under the Affordable Housing Discussion Paper.
- c. *Liaise with the Department of Planning and Environment and the Greater Sydney Commission to request an amendment to SEPP 70 – Affordable Housing (Revised Schemes) to include Hornsby Shire* – Section 7.32 and 7.33 of the EP&A Act (formerly s94F and s94G) enables councils to impose conditions on a development application requiring the dedication of land or the payment of monetary contributions to be used for the purpose of affordable housing. Councils may use this approach if SEPP 70 identifies that there is a need for affordable housing in an area. The SEPP does not currently apply to Hornsby Shire, however, Council could seek an amendment to the SEPP on the basis of a demonstrated need for affordable housing in the Shire.
 - d. *Liaise with the Department of Planning and Environment and the Greater Sydney Commission concerning the implementation of its Affordable Rental Housing Target through inclusionary zoning* – The North District Plan requires the preparation of Affordable Rental Housing Target Schemes, generally with a range of 5-10% of new residential floor space in new developments being set aside as affordable rental housing. The Targets would apply to defined precincts prior to rezoning and the Greater Sydney Commission has stated it will work with the Department of Planning and Environment and councils to develop the mechanisms required to implement the proposed Target.
 - e. *Consider engaging a community housing provider to act as tenancy and property manager for affordable housing opportunities created by planning strategies* – To facilitate the provision of affordable housing through the land use planning options above, Council could investigate engaging a community housing organisation. The organisation could act as tenancy and property manager for affordable housing opportunities created by planning strategies and would take responsibility for identifying eligible tenants and managing the property and tenancy capped at an affordable rental price for a specified number of years.

10. Feedback

The final chapter requests feedback from the community to better understand housing affordability concerns and suggestions to help address affordability and inform our local strategic planning statement. Interspersed between chapters 5 – 10 are questions prompting responses from the community. This chapter clarifies that the community may wish to answer the questions posed throughout the document, provide other feedback on the document, or a combination of both.

CONSULTATION AND ENGAGEMENT STRATEGY

It is recommended that the Affordable Housing Discussion Paper attached to this report be placed on public exhibition for a period of 2 months. The exhibition would involve the following.

Newspaper advertisement - to appear in the Hornsby Advocate, Hills Shire Times and Northern District Times.

Website Notification - on Council's website under 'Have your Say'.

Mayors Message – details to be included as part of the 'Mayors Message' appearing in the Hornsby Advocate, Monthly Chronicle and Bush Telegraph.

ENews – an article in Council's monthly eNews.

Social Media – posts on Council's Facebook page at the beginning of the exhibition and midway through the exhibition period.

Media Release – a media release will be prepared by Council's Strategy and Communications Team for distribution to relevant media outlets.

Displays – at Council's Administration Centre and libraries

Letters – targeted letters to the following groups:

Agency and industry groups:

- NSW Family and Community Services – Centre for Affordable Housing;
- Sydney Alliance;
- Housing Supply Association;
- Urban Development Institute of Australia;
- Hornsby Chamber of Commerce; and
- Housing Industry Association;

Community Housing Providers

- Evolve Housing;
- Ecclesia Housing;
- Women's Housing Company;
- St George Community Housing;
- Link Housing;
- Metro Community Housing;
- Community Housing Limited; and
- My Foundations Youth Housing.

Employers of key workers

- NSW Department of Education
- NSW Health
- NSW Police Force
- Ambulance Service of NSW
- Fire and Rescue NSW

Following the exhibition, a report on submissions would be presented to Council for its consideration.

BUDGET

The costs of exhibition of the Affordable Housing Discussion Paper are able to be met with funds from the annual Advertising Budget.

POLICY

The Hornsby Shire Affordable Housing Discussion Paper has been drafted to seek community feedback and suggestions concerning the issue of housing affordability and options for addressing the same. The feedback will be used in the upcoming preparation of Council's Local Strategic Planning Statement which is a new obligation under the *EP&A Act*. The statement is to be prepared by Council

staff, Councillors and the community and will set the vision for land use in the local area, aligned with metropolitan and district plans and Council's own priorities.

CONCLUSION

Council currently addresses the issue of affordable housing in its planning instruments by rezoning planned precincts for multi-unit housing to provide housing choice and requiring a mix of unit sizes. However, with median rental and purchase prices for houses and units increasing there is a need for other mechanisms to assist address affordability. Lack of availability of affordable housing especially affects key workers who provide essential services and are an important part of Hornsby Shire's safety, vitality, sustainability and social diversity.

It is recommended that the attached Affordable Housing Discussion Paper be placed on public exhibition to seek feedback from the community to better understand affordability concerns and to seek suggestions to help develop solutions to address the issue.

RESPONSIBLE OFFICER

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

KATHERINE VICKERY
Acting Manager - Strategic Planning
Planning Division

JAMES FARRINGTON
Group Manager Planning
Planning Division

Attachments:

1.  Affordable Housing Discussion Paper - May 2018

File Reference: F2017/00252
Document Number: D07442396

9 DESIGN EXCELLENCE REVIEW OF PLANNING CONTROLS

EXECUTIVE SUMMARY

- In accordance with resolutions of Council concerning built form outcomes in housing strategy precincts and the expansion of the application of design excellence provisions, Architects Johanssen and Associates were engaged to prepare a review of planning controls.
- Overall, the *Hornsby Development Control Plan (HDCP) 2013* defines desired outcomes and prescriptive measures that are generally consistent with best practice.
- Improvements could be achieved with a formal Design Review Panel and amendments to planning controls relating to design excellence, mezzanine levels, public domain, tree retention, landscaping, deep soil planting, and setbacks.
- It is recommended that draft amendments to the *HDCP 2013* be endorsed for exhibition, further reports be presented to Council concerning changes to the *HLEP* and implementation of a Design Excellence Advisory Panel and Council renew its subscription to the Cities Leadership Institute to value-add to Council's pursuit of best practice and design excellence.

RECOMMENDATION

THAT:

1. The draft amendments to the *HDCP 2013* attached to Group Manager's Report No. PL18/18 be placed on public exhibition for a period of 2 months.
2. Following exhibition, a report on submissions be presented to Council for its consideration.
3. A further report be presented to Council for progression of a Design Excellence Review Planning Proposal to implement proposed changes to the *HLEP 2013* as outlined in Group Manager's Report No. PL18/18.
4. Council endorse in principle the establishment of a formal Design Excellence Advisory Panel, with a further report being presented to Council concerning the appointment, constitution, fee structure and yearly budget allocation for the Panel.
5. In the interim, Council endorse the restructure and utilisation of Council's current Design Excellence Panel as set out in Group Manager's Report No. PL18/18 until such time as the formal panel is established.
6. Council write to the Minister for Planning requesting that a Design Guide apply to all medium density development to promote design excellence.
7. Council renew its subscription to the Cities Leadership Institute to June 2019.

PURPOSE

The purpose of this Report is to discuss the findings and recommendations of the Design Excellence Planning Controls review and present associated draft amendments to the *HDGP 2013* for endorsement for public exhibition.

BACKGROUND

At its meeting on 8 November 2017, Council considered Notice of Motion No. NOM13/17 concerning recent development in Hornsby Shire and resolved that:

1. *Council note that a Councillor Briefing has been scheduled for 15 November 2017 which provides an appropriate opportunity for Councillors to discuss the Hornsby Local Environmental Plan and Development Control Plan and the introduction of Independent Hearing and Assessment Panels.*
2. *In response to concerns raised in the community relating to the built form outcomes of Council's previous housing strategies and other matters, Council make as its top strategic planning priority a review of its planning controls to inform amendments to the Hornsby Local Environmental Plan and Development Control Plan.*
3. *At the Briefing mentioned in 1. above, Council consider the scope and methodology for the review of its planning controls as well as the resource and financial implications.*
4. *Any review of planning controls should include, but not be limited to, the introduction of further landscaping requirements such as increased deep soil planting areas, provisions for canopy tree planting, introduction of material and colour schedules and greater opportunities for "Green Walls" on residential flat buildings.*

Also at its meeting on 8 November 2017, Council considered Notice of Motion No. NOM14/17 concerning Expansion of Design Excellence Provisions and resolved that:

A report be prepared for Council's consideration presenting amendments to the Hornsby Local Environmental Plan 2013 and Hornsby Development Control Plan 2013 to expand the application of the Design Excellence provisions to townhouses and all residential flat buildings.

In accordance with the above resolutions, expressions of interest were sought from consultants on Council's Design Excellence panel. Following an assessment of submissions against selection criteria, Architects Johannsen and Associates (AJA) were engaged to review the Design Excellence provisions and the planning controls for residential flat buildings and townhouses based on built form outcomes in Housing Strategy precincts.

AJA has submitted a report on the Design Excellence (Residential Development) Planning Controls Review (copy attached). Jon Johannsen from AJA and Adam Byrnes from Think Planners presented the findings of the Review and recommendations for amendments to Council's planning controls to Councillors at workshops on 21 March 2018 and 18 April 2018.

DISCUSSION

This report discusses the findings and recommendations of the Design Excellence Planning Controls Review, which was prepared by AJA and Think Planners, with input from landscape architect Spackman Mossop Michaels. The report also presents associated draft amendments to the *HDGP 2013* for endorsement for exhibition.

Design Excellence Planning Controls Review

The Review considers how 5 storey and townhouse typologies are impacting on existing suburban streetscapes and identifies where there is scope for improvement with respect to built form and character outcomes and the potential for more greening in the urban environment.

In summary the Review finds that, overall, the *HDGP 2013* defines desired outcomes and prescriptive measures that are generally consistent with best practice. A tour and inspection of built form carried out by the consultants identifies that there are some good examples of how considerate application of the current *HDGP* controls can achieve quality results. However, there are also examples of inconsistencies in how the controls are articulated, interpreted and applied.

The Review recommends that many improvements could be realised with the broader application of a formal design review panel, in conjunction with a number of amendments to planning controls that should be applied. A summary of key findings is provided below:

Public Domain

The public domain is the critical transition zone between buildings and private land at the street edge and the public domain. The Review finds that within the Hornsby local government area, there is a wide range of public domain conditions that are determined by the road hierarchy, topography and existing trees and vegetation. To combat long street wall impacts there should be strategies for maintenance of the existing tree canopy and additional street planting wherever possible. It is recommended that Council proceed with its current priority for the preparation of a Public Domain Strategy to maximise street vegetation and establish principles for urban design character which considers appropriate species selection, landscaped swales, verge planting and blisters and the creation of densely planted areas within the public domain with a variety of heights to improve visual amenity and maximise habitat for wildlife.

Councillors discussed the progression of public domain improvements and a Public Domain Strategy and Guideline at a recent workshop. A further report will be presented to Council in the coming months on the same.

Residential Flat Buildings

The Review considers built form outcomes within 5 storey housing strategy precincts and finds instances where street walls of development are too predominant. The review acknowledges that there can be good vegetation outcomes fronting unit developments over time as plantings mature. However, this requires a stronger focus on retention of existing trees, tree species selection and the interface between the boundary of private development sites and the public domain. Amendments to controls within the *HDGP* are recommended to strengthen requirements for tree retention, deep soil landscaping, setbacks, front fences, coordinated services planning, roof terraces and green walls in the chapters relating to Site Requirements, Setbacks, Landscaping and Open Space.

Concerns in relation to visual outcomes for buildings with mezzanine levels are examined in the Review. It is noted that the 17.5m height limit for 5 storey buildings provides flexibility for sloping sites and allows a variety of roof forms and expression. However, in some instances attempts have been made to configure an additional floor within the height limit resulting in non-compliance with Apartment Design Guide ceiling heights and unfortunate mezzanine outcomes. Amendments to the *HDGP* to require sleaving with shading and perimeter planting to minimise visual impacts of mezzanine levels are recommended, along with a reduction in the height control under the *HLEP 2013* by 1m to 16.5m.

The *HDCP* contains detailed measures intended to deal with building separation and articulation. The Review notes that differences in interpretation of the controls has led to overly complicated facades which cannot be resolved by the application of more design guidelines. Instead, it is recommended that the Building Form and Separation chapter be simplified to refer to the Apartment Design Guide in conjunction with the formation of a formal Design Excellence Advisory Panel (see further discussion below under Design Review Panel).

The tour and inspection of housing strategy precincts carried out by the consultant identifies the significant impact that the materials, finishes and positioning of services have on the visual environment and also the way in which buildings can assist minimise heat island impacts and lower energy needs. The Review recommends amendments to the *HDCP* in the form of a new chapter on Materials, Finishes and Services and an amendment to the Development Application Submission Guidelines to set out how services should be planned and coordinated.

Townhouses

The Review considers built form outcomes within medium density townhouse precincts and notes that, as this typology is not covered by the Apartment Design Guide, there is less design scrutiny which has led to some undesirable visual impacts. Pre-Development Application requirements should be strengthened for medium density development to assist address scale and contextual elements, in conjunction with the formation of a formal Design Excellence Advisory Panel (see further discussion below under Design Review Panel). Similar to the findings for residential flat buildings, amendments to controls within the *HDCP* are recommended to strengthen requirements for tree retention, deep soil landscaping, setbacks and coordinated services planning in the chapters relating to Site Requirements, Setbacks, Landscaping and Open Space.

The Review also recommends that Council lobby the State Government for amendments to *State Environmental Planning Policy (SEPP) 65 – Design Quality of Residential Apartment Development* and the Apartment Design Guide to include provisions for assessment of townhouse developments of 2 storeys and above, in excess of 2 units. However, since the preparation of the Design Excellence Planning Controls Review, the Department of Planning and Environment has announced a new Low Rise Medium Density Housing Code and an accompanying Medium Density Design Guide which will commence on 6 July 2018. Council has written to the Minister for Planning requesting deferral of the implementation of the Medium Density Code for Hornsby Shire. Council should also request that either the Medium Density Design Guide be uncoupled from the Code to stand alone to promote design excellence for any type of medium density development, or alternatively that *SEPP 65* and the Apartment Design Guide be amended to include townhouses as originally recommended.

Design Excellence

As identified in the Review, design excellence is a concept and not a development standard. It is not possible to deal with the concept of design excellence in the same way as a setback or a landscape area control via a quantum or number. In recognition of this, and in the context of new planning controls promoting tall residential towers within the western side of Hornsby Town Centre, Council adopted an additional local provision within the *HLEP 2013* which sets out design excellence criteria. Clause 6.8 Design Excellence of the *HELP 2013* came into force in September 2015 and applies to developments at or above 10 storeys in height.

Council, at its meeting on 8 November 2017, resolved to expand the application of the design excellence clause to include all residential flat buildings and townhouses, regardless of height. The Review supports this expansion of the clause, as the principles and criteria set out are consistent with best practice and relevant to numerous built forms irrespective of height. In addition, it recommends

that Council's pursuit of design excellence be also articulated in the *HDGP* through the addition of a Design Excellence chapter and consideration of a Design Competition in the redevelopment of large scale strategic centres such as Hornsby Town Centre.

Council is a member of the Cities Leadership Institute (formerly the Future Cities Collaborative), a not-for-profit organisation dedicated to building the capacity of urban leaders to make cities, towns and communities great places. The Cities Leadership Institute has invited Council to renew its subscription. The ongoing involvement of the Institute and its Director, Professor Edward Blakely, will provide a level of independent overview and professional advice that will value-add to Council's pursuit of best practice and design excellence. Accordingly, although not specifically covered by the Review, it is recommended that Council renew its subscription to June 2019 which would align with financial year budgeting.

Design Review Panel

Council currently has a Design Excellence Panel made up of consultant architects and urban designers are called upon to provide advice on development applications. However, the Review recommends that the scope and operation of the current Design Excellence Panel be expanded to a formal Design Review Panel.

The principle of design review panels was first outlined under *SEPP* 65 with the intent that Design Review Panels be appointed to meet and provide advice on whether an apartment development meets the design principles of the *SEPP* and the Apartment Design Guide. Some councils have now constituted design panels for design excellence appraisal on a wider range of development. It is recommended that a Design Excellence Advisory Panel be established by appointing a Chairperson and two panel members each being independent specialists from the disciplines of architecture, urban design, heritage or landscape architecture. Alternate panel members should be appointed to cover absences or conflicts of interest. However, it is preferable that the same panel members sit on the panel to develop a consistent design excellence message that addresses the key desires and concerns of Council.

Panel meetings would be convened on a needs basis dependent upon the number of referred applications. The scope of the panel would be open to any multi-unit residential developments and referral would be required at Pre-DA stage as well as during the DA assessment.

Panel members would be remunerated based on a flat rate. A review of similar panels at other councils indicates the following remuneration rates. There would also be additional upfront costs to appoint and constitute the panel and ongoing costs relating to administration (agendas, minutes, and notification letters).

	Half day	Full day
Panel Member (x2)	\$1,000	\$1,800
Chairperson	\$1,800	\$2,500
Total cost	\$3,800	\$6,100

Clause 248 of the *Environmental Planning and Assessment Regulation 2000* prescribes a maximum fee for referral to a design review panel of \$3,000 which is charged to applicants. A tiered fee structure should be adopted to reflect the scale of development, for example development under 3 storeys could be charged half of the maximum fee and development over 3 storeys could be charged

the full fee. Across Sydney there are differing approaches to fees for Pre-Development Application review, review during Development Assessment and any subsequent review necessary. To encourage applications to be referred for Pre-DA review to the panel, a further tiered fee structure may be required. Council may also need to commit a yearly budget to cover ongoing costs of the Panel that fall outside of cost recovery.

It is recommended that Council endorse in principle the establishment of a formal Design Excellence Advisory Panel, with a further report being presented to Council concerning the appointment, constitution, fee structure and yearly budget allocation for the Panel. In the interim, it is recommended that the consultants on Council's current Design Excellence Panel be restructured and utilised on the basis described above until such time as the formal Panel is established.

The recommendations arising from the Design Excellence (Residential Development) Planning Controls Review and discussed above are summarised as a hierarchy of actions below.

1. *Immediate changes*

- Public Domain Strategy – this is already a current priority of Council. Discussion on the progression of public domain improvements, strategies and guidelines were discussed at a recent Councillor workshop. A further report will be presented to Council in the coming months concerning a Public Domain Strategy.
- Amendments to the *HDGP 2013* – draft amendments are attached to this report and include strengthening of controls in relation to design excellence, mezzanine levels, public domain, tree retention, landscaping, deep soil planting, and setbacks.

2. *Medium/long term changes*

- Amendments to the *HLEP 2013* – the changes recommended to the height limit for 5 storey development and expansion of Clause 6.8 Design Excellence would require the adoption of a Planning Proposal (discussed below under the heading Hornsby Local Environmental Plan Amendments).
- Formal Design Excellence Advisory Panel – Council's currently has a panel of consultants who provide comments on a range of multi-unit development applications. The current panel can be restructured and utilised until a formal Panel is established. It is recommended that a further report be presented to Council concerning the establishment of a formal Panel.
- Design Competitions – this being considered as part of the Hornsby Town Centre East Side Planning Proposal which is already being progressed by Council.

3. *Long term changes*

- Request/lobby for changes to State Government *SEPPs* and Design Guides – Council's recently wrote to the Minister for Planning raising concerns with the Low Density Medium Housing Code and requesting deferral of its implementation for Hornsby Shire. It is recommended that this be followed up with another letter requesting that either the Medium Density Design Guide be uncoupled from the Code to stand alone to promote design excellence for any type of medium density development, or alternatively that *SEPP 65* and the Apartment Design Guide be amended to include townhouses.

Development Control Plan Amendments

Draft amendments to the *HDCP 2013* have been prepared and are attached to this report. The amendments are based on the recommendations from the Design Excellence Planning Controls Review outlined in this report, along with an evaluation of recent submissions to Council concerning trees and vegetation provisions.

It is recommended that the draft amendments be placed on public exhibition for a period of 2 months. Following the exhibition, a report on submission would be presented to Council for its consideration.

Hornsby Local Environmental Plan Amendments

As discussed above, the Review recommends a reduction in the maximum height limit for 5 storey development by 1m (from 17.5m to 16.5m) to avoid mezzanine apartments, along with an amendment to Clause 6.8 Design Excellence to apply to all development regardless of height or type. A Planning Proposal would be required to progress such amendments to the *HLEP*. It is recommended that a further report be presented to Council with a Design Excellence Review Planning Proposal for adoption for Gateway Determination.

Investigation of the use of a Design Competition under Clause 6.8 of the *HELP 2013* for the redevelopment of large scale strategic centres such as Hornsby Town Centre is also recommended in the Review. This action is being considered as part of the Hornsby Town Centre East Side Planning Proposal which is already being progressed by Council.

CONSULTATION AND ENGAGEMENT STRATEGY

It is recommended that the draft amendments to the *HDCP 2013* attached to this report be placed on public exhibition for a period of 2 months. The exhibition would involve the following.

Newspaper advertisement - to appear in the Hornsby Advocate, Hills Shire Times and Northern District Times.

Website Notification - on Council's website under 'Have your Say'.

Mayors Message – details to be included as part of the 'Mayors Message' appearing in the Hornsby Advocate, Monthly Chronicle and Bush Telegraph.

ENews – an article in Council's monthly eNews.

Social Media –posts on Council's Facebook page at the beginning of the exhibition and midway through the exhibition period.

Media Release – a media release will be prepared by Council's Strategy and Communications Team for distribution to relevant media outlets.

Displays – at Council's Administration Centre and libraries.

Following the exhibition, a report on submissions would be presented to Council for its consideration.

BUDGET

Consultant costs associated with the Design Excellence Planning Controls Review have been met with funds from the Strategic Planning Annual Operating Budget. The costs of public exhibition of the draft amendments to the HDCP are able to be met with funds from the annual Advertising Budget.

POLICY

The draft amendments to the *HDCP 2013* will be exhibited in accordance with the requirements of the *Environmental Planning and Assessment Regulation*. Should Council be of a mind to adopt the

amendments subsequent to receiving a report on submissions, they would be incorporated into the *HDGP* and come into force upon notification in a local newspaper.

CONCLUSION

The Design Excellence Planning Controls Review finds that, overall, the *HDGP 2013* defines desired outcomes and prescriptive measures that are consistent with best practice. However, there are also examples of inconsistencies in how the controls are articulated, interpreted and applied.

The Review recommends that many improvements could be realised with the broader application of a formal design review panel, in conjunction with a number of amendments to planning controls as outlined in this report.

It is recommended that the draft amendments to the *HDGP* attached to this report be placed on public exhibition for a period of 2 months, and that further reports be presented to Council concerning changes to the *HLEP* through a Design Excellence Review Planning Proposal and the implementation of a Design Excellence Advisory Panel. It is also recommended that Council renew its subscription to the Cities Leadership Institute to value-add to Council's pursuit of best practice and design excellence.

RESPONSIBLE OFFICER

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

KATHERINE VICKERY
Acting Manager - Strategic Planning
Planning Division

JAMES FARRINGTON
Group Manager Planning
Planning Division

Attachments:

1. ➡ Draft amendments to Hornsby Development Control Plan
2. ➡ Design Excellence and Residential Development (Planning Controls) Review

File Reference: F2014/00312
Document Number: D07442532

10 DISTRICT PLANNING - FUNDING OFFER AND AGREEMENT

EXECUTIVE SUMMARY

- The Department of Planning and Environment has made a funding offer to Hornsby Council as part of its 'Accelerated LEP Review Program' (Program).
- The funding offered under the Program will enable the review and update of the Hornsby Local Environmental Plan (HLEP) within a two-year timeframe to align with the priorities in the North District Plan released by the Greater Sydney Commission in March 2018.
- The Department of Planning and Environment has offered \$2.5million to Council on the condition that the review and update of the HLEP is completed by 30 June 2020.
- A Funding Agreement outlining the terms of the project has been forwarded to Council to review and sign.
- It is recommended that Council accept the funding offer under the Program.

RECOMMENDATION

THAT:

1. Council accept the funding offer of \$2.5million under the Department of Planning and Environment's 'Accelerated LEP Review Program'.
2. The General Manager be authorised to accept the funding offer from the Department of Planning and Environment and sign the associated Funding Agreement.
3. Council note the Department of Planning and Environment's requirement that the review and update of the *Hornsby Local Environmental Plan* must be completed by 30 June 2020.
4. A further report be prepared for consideration by Council outlining a program, timeframes, resource requirements and budget to undertake a review of the *Hornsby Local Environmental Plan*.

PURPOSE

The purpose of this Report is to seek Council's endorsement to enter into a Funding Agreement with the Department of Planning and Environment to review and update the *HLEP* to align with the North District Plan.

BACKGROUND

On 19 March 2018, the Greater Sydney Commission (GSC) released the Greater Sydney Region Plan and North District Plan. The North District Plan is a 20-year plan to manage growth and guide the implementation of the Greater Sydney Region Plan, *A Metropolis of Three Cities*, at a district level. The North District Plan identifies Planning Priorities that aim to achieve a liveable, productive and sustainable future for the North District and requires that all councils update their LEPs within three-years of its release.

In June 2017, the NSW Government announced its Housing Affordability Package which required the GSC to nominate priority councils in Greater Sydney to receive funding to assist with the updating of local environmental plans to give effect to the district plans within two years of their release.

In May 2018, the Department of Planning and Environment (DP&E) announced Hornsby as one of the councils to be offered funding under its Accelerated LEP Review Program.

DISCUSSION

The following section summarises the requirements of the North District Plan, the Accelerated LEP Review Program and terms of the associated Funding Agreement.

North District Plan

The North District Plan aims to assist councils plan for and support growth and change. The role of district plans is to inform the preparation and endorsement of Local Strategic Planning Statements and the preparation and assessment of planning proposals as part of an LEP review.

Importantly, councils are required to complete the update of their respective local environmental plans within three years of the district plans being finalised. This involves reviewing the strategic planning framework and undertaking necessary studies and strategies and preparing a Local Strategic Planning Statement which will guide the update of LEPs.

Accelerated LEP Review Program

The Accelerated LEP Review Program (Program) provides councils with funding to facilitate the preparation of the strategic studies and plans necessary to support the review and update of LEPs within a shorter two-year timeframe. The key objective of the Program is to implement the priorities identified for Hornsby Shire in the North District Plan into a revised *HLEP*. Up to eighteen Councils within the Greater Sydney Region have been offered funding under the current Program.

Funding Agreement

The DP&E has forwarded a Funding Agreement (Attachment 1) to council which outlines the project terms, provision of funding, accounting requirements, milestones, reporting and project responsibilities. The key components of the Funding Agreement are summarised below:

Timing: The Funding Agreement identifies a two-year timeframe from June 2018 project commencement to 30 June 2020 completion. A detailed LEP review timeframe has been provided by the DP&E (Attachment 2).

Funding Amount and Milestones: The funding amount offered to Hornsby Council is \$2.5million to be paid in instalments at five nominated milestones, as follows:

- Milestone 1 – Agreement Date - \$250,000
- Milestone 2 – Approval of Project Plan - \$500,000
- Milestone 3 – Exhibition of draft Local Strategic Planning Statement - \$625,000
- Milestone 4 – Submission of Planning Proposal for Gateway Determination - \$625,000
- Milestone 5 – Submission of Planning Proposal to the Secretary to arrange for the drafting of the updated LEP i.e. completion of the LEP review - \$500,000

The instalments represent the total funding amount available to Council. Valid tax invoices must be provided to the DP&E with a request for payment. Council is responsible for any costs incurred that exceed the total funding amount of the Project.

Deliverables: The above milestones identify the key deliverables including the preparation of a draft Local Strategic Planning Statement (LSPS) and Planning Proposal for a revised *HLEP*. The LSPS will set out the 20-year vision for land use in Hornsby Shire, the special character and values that are to be preserved and how change will be managed into the future.

A Planning Proposal will also need to be prepared which demonstrates the strategic merit of the revised *HLEP* and how it aligns with the Planning Priorities under the Greater Sydney Region Plan and North District Plan.

Use of Funds: The Funding Agreement stipulates that “*Council must only use the Funding Amount for the Project*” without further restriction. The Project Plan will need to identify the means by which the funds will be allocated e.g. additional staff, engage consultants to prepare supporting technical studies, community consultation.

Project Responsibility: Council is solely responsible for delivery and completion of the *HLEP* review.

Project Reporting: A Project Report will be required detailing progress to the DP&E every 3 months throughout the duration of the Project.

OPTIONS

Parts 3.8 and 3.9 of the *Environmental Planning and Assessment Act 1979* outline the statutory obligations for Council to give effect to the North District Plan in the *HLEP* and to prepare a Local Strategic Planning Statement. The table below outlines some of the North District Plan priorities relevant to Hornsby Shire.

North District Plan – Planning Priorities
Planning Priority N1 Planning for a city supported by infrastructure
Planning Priority N2 Working through collaboration
Planning Priority N5 Providing housing supply, choice and affordability with access to jobs, services and public transport

North District Plan – Planning Priorities
Planning Priority N6 Creating and renewing great places and local centres, and respecting the District's heritage
Planning Priority N10 Growing investment, business opportunities and jobs in strategic centres
Planning Priority N11 Retaining and managing industrial and urban services land
Planning Priority N13 Supporting growth of targeted industry sector
Planning Priority N18 Better managing rural areas
Planning Priority N19 Increasing urban tree canopy cover and delivering Green Grid connections
Planning Priority N23 Preparing Local Strategic Planning Statements informed by local strategic planning

This list is not exhaustive. There are a number of projects under the current Strategic Planning Program that align with the above priorities. However, Council will be required to undertake additional projects to deliver on priorities and to prepare its Local Strategic Planning Statement. Projects may include (but are not limited to) a demographic needs analysis, employment lands review, housing policy review, heritage review and infrastructure strategy.

The Department of Planning and Environment has invited Planning Managers to a Technical Working Group on 14 June 2018 to discuss the process and resourcing for the *HLEP* review. Following this, development of a comprehensive new Strategic Planning Program aligned with the North District Plan and *HLEP* Review will need to be prepared with input from Councillors at an informal workshop prior to a report being prepared for Council for adoption of the Program.

Some of the *HLEP* Review work will be led by the DP&E and the GSC. The Group Manager, Planning has attended the first of a set of Steering Committee Meetings in relation to the Industrial and Urban Services Review identified under Planning Priority N11. Further details of the project will be reported to council as the Review progresses.

Council has before it the following options:

Option 1: Proceed with the preparation of a Local Strategic Planning Statement and review of the *HLEP* using existing resources. The revised *HLEP* would be required to be completed in three years.

Option 2: Accept the funding offer from the DP&E. The revised *HLEP* would be required to be completed in two years.

It is recommended that Council proceed with Option 2 and accept the funding offer.

BUDGET

Council will be responsible for any costs that may be incurred at any time that exceed the funding amount for the Project. The preparation of a Project Plan and quarterly reporting to the DP&E minimises the risk of financial overruns during the Project.

Should Council accept the offer the receipt of these funds would be placed into Council's Grant Register and allocated in accordance with the conditions of the funding agreement. The payment of funds in instalments minimises the risk of dispute over large sums of money.

POLICY

A review of Council's strategic framework is a requirement of the North District Plan for all councils within a three-year period. Participation in the Accelerated LEP Review Program would bring forward the delivery of this significant component of policy work by one year at minimal financial cost to Council.

CONCLUSION

The North District Plan requires Council to review its strategic framework within a three-year timeframe. The funding offer of \$2.5million under the Accelerated LEP Review Program provides Council with the capacity to deliver this component of required work within two years.

It is recommended that Council authorise the General Manager to sign the Accelerated LEP Review Program Funding Agreement to accept the funding offer from the DP&E.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Acting Manager Strategic Planning – Katherine Vickery - who can be contacted on 9847 6945.

KATHERINE VICKERY
Acting Manager - Strategic Planning
Planning Division

JAMES FARRINGTON
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Attachments:

- 1. ➡ Funding Agreement - LEP Review Program
- 2. ➡ LEP Review Timeframe

File Reference: F2018/00162
Document Number: D07451895

11 MAYOR'S NOTES - FROM 1 MAY - 31 MAY 2018

Mayor's Notes

from 1 to 31 May 2018

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

Wednesday 2 May 2018 – The Mayor hosted two Citizenship Ceremonies in the Council Chambers.

Friday 11 May 2018 – The Mayor attended annual Westside Vibe held in Dural Lane, Hornsby.

Friday 11 May 2018 – The Mayor attended 1st Dural Scouts Annual Awards and Reports Meeting in Dural.

Saturday 12 May 2018 – The Mayor attended the Opening of Support Rural Fire Brigade Station at Cowan.

Monday 14 May 2018 – The Mayor attended and Present Awards at the Pride of Workmanship Awards Night (Rotary Club of Hornsby District).

Monday 14 May 2018 – On behalf of Mayor Cllr Warren Waddell attended West Pennant Hills Scout Group AGM and Awards Presentation Evening in West Pennant Hills.

Friday 18 May 2018 – The Mayor attended the launch of *Hawkesbury River Railway Bridges* in Brooklyn.

Friday 18 May 2018 – The Mayor attended Opening Night of the Wallarobba Arts and Cultural Centres contribution to National Head On Photography Festival in Hornsby.

Friday 18 May 2018 – The Mayor attended 1st Cherrybrook Scout Group Annual Report Presentation in Cherrybrook.

Saturday 19 May 2018 – The Mayor attended the Wisemans Colonial Weekend in Wisemans Ferry.

Saturday 19 May 2018 – The Mayor attended the Book Launch for Pennant Hills District Civic Trust, People and Places 1800-2010 in Pennant Hills.

Saturday 19 May 2018 – The Mayor attended the North West Secondary School Tennis Challenge - Pennant Hills Tennis Centre in Pennant Hills.

Sunday 20 May 2018 – The Mayor attended and officially opened the Pennant Hill Public School Fete in Pennant Hills.

Tuesday 22 May 2018 – The Mayor attended the C4C - Expert Panel and Cocktail Function - How Electric Vehicles are Shaping the Future in Sydney.

Sunday 27 May 2018 – The Mayor attended the Opening of the PCYC Rotary Youth Hub in Hornsby.

Sunday 27 May 2018 – The Mayor attended the 70th birthday celebrations at the Pennant Hills War Memorial Children's Centre in Pennant Hills.

Sunday 27 May 2018 – The Mayor attended Castle Hill RSL Dolphins Annual Summer Swimming Presentations "Max and Emmie Ruddock Trophy Races" in Castle Hill.

Monday 28 May 2018 – The Mayor attended the Rotary Club of Beecroft Meeting in Beecroft.

Tuesday 29 May 2018 – The Mayor attended Oakhill College, Meet n Greet with Br Steve Hogan FSC (Principal) to discuss Master Plan for next 10-15 years in Castle Hill.

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

File Reference: F2004/07053

Document Number: D07452061

12 OPEN SPACES AND GREENER SYDNEY FUNDING PACKAGE

COUNCILLOR WADDELL TO MOVE

THAT:

1. The Deputy General Manager Infrastructure and Recreation identify projects that would benefit from the NSW State Government's recently announced Open Spaces and Greener Sydney Funding Package and apply for funds to deliver suitable projects to our residents.
2. Councillors be advised via the Councillors Weekly Communication of suitable projects including those for which we have sought funding.

Note from Councillor:

The NSW Government recently committed \$100 million to secure strategic open space and \$20 million to build more than 200 new or updated playgrounds that are more inclusive and engaging.

The \$120 million is just the start and the NSW Government has said it will look to put aside further funds for new open spaces and playgrounds.

It is appropriate that Council officers are asked to identify a range of suitable projects and make application on behalf of our residents for funds from the Open Spaces and Greener Funding Package.

Good open spaces and playgrounds are appreciated by our residents.

Attachments:

There are no attachments for this report.

File Reference: F2009/00309

Document Number: D07457563

13 CHILD CARE CENTRES IN LOW DENSITY RESIDENTIAL ZONES**COUNCILLOR HEYDE TO MOVE**

THAT Council write to:

1. The Hon. Anthony Roberts, Minister for Planning requesting that Council be granted an exemption from State Environmental Planning Policy (Educational Establishments and Childcare Facilities) 2017 which requires that child care centres be permitted within the low density residential areas of the Shire where it develops its own child care policy that responds to local demand and is consistent with the needs and desires of the local community and ensures development is within local environmental thresholds.
2. Local State and Federal members advising them of Council's resolution and seeking their support and assistance in the implementation of the above action.

Note from Councillor:

Since commencing as a Councillor, I have been regularly approached by residents raising concerns about development proposals for the establishment of child care centres in our neighbourhoods. These purpose built centres often appear as commercial intrusions into the low density character of our suburbs.

The feedback I have received is that child care centres have no place in our residential streets as often building designs do not respect the streetscape, they have a poor inter-relationship with adjacent homes and result in traffic and parking problems in local streets.

Furthermore, to achieve appropriate noise levels, these centres typically require an operational management plan that limits outdoor play time, where a small number of children are permitted outside at any one time. This restricted play time approach limits the ability of children to play and often becomes an ongoing compliance and enforcement matter for Council.

In 2017, the NSW State Government introduced State Environmental Planning Policy (Educational Establishments and Childcare Facilities) 2017. Sydney is experiencing significant population growth and the explanatory notes for the Policy state that an additional 2,700 long day care centres will be required by 2036 to address shortages and meet projected demand.

Accordingly, the SEPP makes changes to make it easier for childcare providers to build new facilities and mandates the permissibility of childcare centres in all R2 Low Density Residential zones. However, the need to address the demand for child care centres should be done in a way that is balanced with local community objectives of preserving the environmental and social characteristics of our Shire.

One of the stated benefits identified by the State Government in introducing Independent Hearing and Assessment Panels to consider development applications is to elevate the role of councils to allow

elected representatives to focus on the strategic roles of setting the vision, policies and controls for development in their local area.

With this in mind, it would be appropriate for Council to write to the Minister for Planning to request an exemption from the State Government's childcare policy to enable Council to prepare its own strategy that responds to local demand and is consistent with the needs and desires of the local community and ensures development is within local environmental thresholds.

Attachments:

There are no attachments for this report.

File Reference: F2013/00811-012

Document Number: D07457838

14 FOX CONTROL PROGRAM

COUNCILLOR HUTCHENCE TO MOVE

THAT:

1. Council write to the Minister for Primary Industries and NSW Local Land Services requesting that the implementation of a comprehensive, sustained and cooperative fox control program be prioritised within the Hornsby Shire Council area.
2. An informal Councillor workshop be held to discuss Council's approach to fox control programs, programs provided by neighbouring Council's and other public land managers, and how they can be better integrated.

Note from Councillor:

Recently, I have been made aware of increased sightings of foxes within the rural areas of the Shire.

The European red fox (*Vulpes vulpes*) is a highly mobile and elusive predator and scavenger. It is one of the greatest threats to our native wildlife and also imposes a significant impact on agricultural industries. Being efficient breeders and adaptive predators they are widespread across the Shire.

Accordingly, to mitigate fox impacts in natural areas a coordinated and regional approach is required across multiple land tenures. Small scale programs may kill a few foxes in the short term, but they fail to account for the resilience of this pest and have little impact on the overall fox population.

Recent control programs have involved baiting as part of a cross tenure, regional program typically in conjunction with the National Parks and Wildlife Service. I am advised that unfortunately, whilst the National Parks and Wildlife Service implements a fox baiting program that addresses Ku-ring-gai Chase National Park and Lane Cove National Park, the program does not extend to Berowra Valley National Park.

The Banksia Award winning FeralScan program (www.feralscan.org.au/foxscan/map.aspx) identifies substantial fox sightings in the rural areas of the Shire including Galston, Arcadia, Glenorie and Berrilee, along with pockets around Asquith and Hornsby Heights.

I understand that draft regional pest management plans are currently being prepared by NSW Local Land Services. As such I believe that it would be appropriate for Council to write to the Minister for Primary Industries and NSW Local Land Services requesting that the implementation of a comprehensive, sustained and cooperative fox control program be prioritised within the Hornsby Shire Council area.

Attachments:

There are no attachments for this report.

File Reference: F2004/06911

Document Number: D07458203

15 HORNSBY SHIRE PLAYGROUND STRATEGY

COUNCILLOR MCINTOSH TO MOVE

THAT:

1. An Informal Workshop be held with Councillors to discuss our Shire's current playgrounds and to evaluate gaps in the existing playground network.
2. Council develop a Shire wide Playground Strategy that will identify opportunities for renewal of existing playgrounds, rationalisation of under-utilised playgrounds and the development of new facilities based upon a comprehensive audit of our existing network.
3. The Strategy include a comprehensive communication and consultation strategy with our community, recognition of current best practice in playground design and explore opportunities for partnerships with schools and other organisations in our community.

Note from Councillor:

The current high rate of housing growth in our area has placed considerable additional demand on the existing playground facilities in our Shire. Correspondence and commentary from residents in various forms have consistently called for new playgrounds to be constructed or for existing playground facilities to be upgraded or refurbished. In particular, we have received calls for enhanced shade in playgrounds and for accessibility / inclusivity enhancements: calling for playgrounds that can be accessible to all, regardless of age or ability. For our community, discussions of the relative merits of playgrounds now extends to include a broad range of features including landscaping, safety, shade, picnic and BBQ facilities, access to drinking water, water play features, bike paths, amenity blocks, intergenerational play opportunities and proximity to cafes and other services.

For Council provision of playgrounds inevitably becomes a discussion of the design of playgrounds that encourage use, reduce vandalism, lower both capital and total life costs; provide ease of maintenance and contribute distinctive and quality play environments for our community.

I am aware that there are calls for new or refurbished playgrounds in particular areas of our Shire and that Council has undertaken audits of our existing playgrounds. It is appropriate given our current financial circumstances that prior to the development of any new facility that Council develops a Shire wide Playground Strategy, to ensure that Council provides the most cost effective delivery of new facilities for the Shire, ensuring equitable access for all.

In the context of the loss of the lands south of the M2, Council must consider our overall provision of facilities to our residents and the most appropriate use of s94 funding to deliver new or enhanced facilities.

This report calls for further discussions which can lead to the development of an overall Hornsby Shire Playground Strategy. This Strategy will need to evaluate the existing playground network to assess

provision of playgrounds across our Shire, identify areas of demand in our community and identify gaps in our provision of playgrounds. Inevitably, any assessment must include discussions of future development and the proximity of current and proposed playgrounds. It could be anticipated that any strategy would:

- Identify all regional / major playgrounds and local / district playgrounds within our Shire, in the context of proximity to housing and other recreational / community facilities
- develop an understanding of the demands on our existing playgrounds and the need for additional or alternative playgrounds
- improve the capacity / appropriateness of our existing playgrounds
- Consult with our community to explore opportunities and acceptable tolerances for improvements / change
- Explore options to partner with local schools or other organisation to gain access to existing facilities or develop new facilities

The Playground Strategy is intended to ensure that there is equitable access across our Shire to quality playgrounds that are cost effective to construct and maintain.

Council's Strategic Planning of new Facilities -

Hornsby Shire Council has a track record of long range planning for facilities in our area. In regards to Community and Cultural Facilities, Council prepared and adopted the Community and Cultural Facilities Strategic Plan in 2015. This plan was undertaken in consultation with our community and provides a useful roadmap for the provision of community services and facilities in our area.

For our Sporting Facilities, Council adopted an Active Living Hornsby Strategy in 2015 which identified the need for a sports plan to identify current and future needs for sporting facilities in our Shire. This led to a discussion paper in 2017, followed by the Sportsground Strategy 2018 which is currently being discussed by Council.

Alongside these two existing major bodies of work there have been a number of other studies and strategies which have been developed alongside our Housing Strategy and specific Plans of Management or proposals for key sites such as Hornsby Quarry, Brickpit Park and Storey Park.

The missing link in these strategies is the development of an overall Playground Strategy – this motion seeks to address this.

Based on the 2016 Census figures, demographically Hornsby has growth in two key broad age groups – 40 years and over age categories and the 5-19 year old categories. In both of these broad areas, we have growth that exceeds the Sydney average. Given the amount of new housing that is currently coming on line in the Shire, it can be imagined that this growth in these two key areas will continue in the next Census in 2021. It is clear that demands of the public playground network will only increase in the future, making it important that we appropriately plan for the development of any new facilities.

Attachments:

There are no attachments for this report.

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