



BUSINESS PAPER

GENERAL MEETING

**Wednesday 9 September 2020
at 6:30PM**



TABLE OF CONTENTS

AGENDA AND SUMMARY OF RECOMMENDATIONS

RESCISSION MOTIONS

MAYORAL MINUTES

ITEMS PASSED BY EXCEPTION / CALL FOR SPEAKERS ON AGENDA ITEMS

GENERAL BUSINESS

Office of the General Manager

| | | |
|--------|--|----|
| Item 1 | GM25/20 COVID-19 Pandemic - Update on Council's Response | 1 |
| Item 2 | GM18/20 Draft Sustainable Hornsby 2040..... | 6 |
| Item 3 | GM20/20 Performance Report June 2020 - Delivery Program 2019-21 and Quarterly Budget Review Statement | 18 |
| Item 4 | GM21/20 Draft Hornsby Shire Council Car Parking Management Study..... | 24 |
| Item 5 | GM22/20 Environmental Sustainability Advisory Committee - Membership Vacancy | 33 |
| Item 6 | GM24/20 NSW Model Code of Conduct and Procedures - Amendments | 36 |

Corporate Support Division

| | | |
|---------|--|----|
| Item 7 | CS20/20 Local Government NSW - 2020 Annual Conference - Submission of Motions and Determination of Voting Delegates | 40 |
| Item 8 | CS23/20 Election of Deputy Mayor | 46 |
| Item 9 | CS24/20 Schedule of Council Meetings and Order of Business to Apply at Those Meetings - October 2020 to September 2021 | 50 |
| Item 10 | CS25/20 Councillor Representation on Committees, Working Parties and Other Relevant Groups - October 2020 to September 2021 | 53 |
| Item 11 | CS28/20 Investments and Borrowings for 2020/21 - Status for Period Ending 31 July 2020 | 56 |

Community and Environment Division

Nil

Planning and Compliance Division

| | | |
|---------|---|----|
| Item 12 | PL17/20 Hornsby Rural Lands Study | 59 |
| Item 13 | PL19/20 Exhibition of the Proposed Housing Diversity State Environmental Planning Policy | 65 |
| Item 14 | PL20/20 NSW Public Spaces Legacy Program | 79 |

Infrastructure and Major Projects Division

Nil

PUBLIC FORUM – NON AGENDA ITEMS

QUESTIONS ON NOTICE

MAYOR'S NOTES

NOTICES OF MOTION

| | | |
|---------|---|----|
| Item 15 | NOM14/20 Dual Naming of Existing Council Sites..... | 85 |
| Item 16 | NOM15/20 Decisions of Council..... | 87 |

SUPPLEMENTARY AGENDA

MATTERS OF URGENCY

AGENDA AND SUMMARY OF RECOMMENDATIONS

PRESENT

NATIONAL ANTHEM

OPENING PRAYER/S

ACKNOWLEDGEMENT OF RELIGIOUS DIVERSITY

Statement by the Chairperson:

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

ABORIGINAL RECOGNITION

Statement by the Chairperson:

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

VIDEO AND AUDIO RECORDING OF COUNCIL MEETING

Statement by the Chairperson:

"I advise all present that tonight's meeting is being video streamed live via Council's website and also audio recorded for the purposes of providing a record of public comment at the meeting, supporting the democratic process, broadening knowledge and participation in community affairs, and demonstrating Council's commitment to openness and accountability. The audio and video recordings of the non-confidential parts of the meeting will be made available on Council's website once the Minutes have been finalised. All speakers are requested to ensure their comments are relevant to the issue at hand and to refrain from making personal comments or criticisms. No other persons are permitted to record the Meeting, unless specifically authorised by Council to do so."

APOLOGIES / LEAVE OF ABSENCE

POLITICAL DONATIONS DISCLOSURE

Statement by the Chairperson:

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

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

DECLARATIONS OF INTEREST

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

4.16 A councillor who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.

4.17 The councillor must not be present at, or in sight of, the meeting of the council or committee:

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

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

5.10 Significant non-pecuniary conflict of interests must be managed in one of two ways:

- a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or*
- b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.16 and 4.17.*

5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.

CONFIRMATION OF MINUTES

THAT the Minutes of the General Meeting held on 12 August, 2020 be confirmed; a copy having been distributed to all Councillors.

PETITIONS

PRESENTATIONS

RESCISSION MOTIONS

MAYORAL MINUTES

ITEMS PASSED BY EXCEPTION / CALL FOR SPEAKERS ON AGENDA ITEMS

Note:

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

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

GENERAL BUSINESS

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

OFFICE OF THE GENERAL MANAGER

Page Number 1

Item 1 GM25/20 COVID-19 PANDEMIC - UPDATE ON COUNCIL'S RESPONSE

RECOMMENDATION

THAT the contents of the General Manager's Report No. GM25/20 be received and noted.

Page Number 6

Item 2 GM18/20 DRAFT SUSTAINABLE HORNSBY 2040

RECOMMENDATION

THAT:

1. The draft:

- a) Sustainable Hornsby 2040 Strategy
- b) Biodiversity Conservation Strategy
- c) Urban Forest Strategy
- d) Water Sensitive Hornsby Strategy
- e) Climate Wise Hornsby Plan

Attached to General Manager's Report No. GM18/20 be placed on public exhibition for a period of 42 days.

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

Page Number 18

Item 3 GM20/20 PERFORMANCE REPORT JUNE 2020 - DELIVERY PROGRAM 2019-21 AND QUARTERLY BUDGET REVIEW STATEMENT

RECOMMENDATION

THAT:

1. The June 2020 Performance Report showing progress of the Delivery Program 2019-21 including the 2019/20 Operational Plan and Budget be received and noted.
2. The Quarterly Budget Review Statement for the period ending June 2020 be received and noted.

Page Number 24

Item 4 GM21/20 DRAFT HORNSBY SHIRE COUNCIL CAR PARKING MANAGEMENT STUDY

RECOMMENDATION

THAT:

1. Council adopt the Hornsby Shire Car Parking Management Study as a technical document to provide overall car parking policy direction and recommendations for Council over a 10-year horizon in accordance with General Manager's Report No. GM21/20.
2. Council undertake engagement with stakeholders, where appropriate, to build community and stakeholder support in advance of implementation of any recommendation in the Hornsby Shire Car Parking Management Study within a precinct.

Page Number 33

Item 5 GM22/20 ENVIRONMENTAL SUSTAINABILITY ADVISORY COMMITTEE - MEMBERSHIP VACANCY

RECOMMENDATION

THAT Council endorse Inaara Jindani as a community representative to sit on the Environmental Sustainability Advisory Committee for the remainder of this term of Council.

Page Number 36**Item 6 GM24/20 NSW MODEL CODE OF CONDUCT AND PROCEDURES - AMENDMENTS****RECOMMENDATION**

THAT the wording contained within the 2020 Model Code of Conduct for Local Councils in NSW and 2020 Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW as prescribed under the Local Government (General) Regulation 2005 be adopted and incorporated into the Hornsby Shire Council Code/s of Conduct and Procedure documents respectively, with the exception that the cap on the value of gifts that may be accepted in Part 6 of the Model Code be set at \$50.

CORPORATE SUPPORT DIVISION**Page Number 40****Item 7 CS20/20 LOCAL GOVERNMENT NSW - 2020 ANNUAL CONFERENCE - SUBMISSION OF MOTIONS AND DETERMINATION OF VOTING DELEGATES****RECOMMENDATION**

THAT:

1. Motions dealing with; 1. Amendment to The Companion Animal Act 1998 to Prohibit Cats Roaming and 2. Amendment to Clause 263 of the Environmental Planning and Assessment Regulation 2000 as detailed in Director's Report No. CS20/20, be submitted for consideration at the 2020 Local Government NSW (LGNSW) Annual Conference.
2. Council determine which nine Councillors will be voting delegates at the 2020 LGNSW Annual Conference.
3. Registrations for attendance at the 2020 LGNSW Annual Conference be confirmed for the voting delegates determined in point 2. above, together with the remaining Councillor who will be attending the Conference as an observer.

Page Number 46**Item 8 CS23/20 ELECTION OF DEPUTY MAYOR****RECOMMENDATION**

THAT:

1. Council determine if it wishes to elect a Deputy Mayor.

2. If a Deputy Mayor is to be elected, Council:
 - a) Determine the period for which the Deputy Mayor is to be elected.
 - b) Determine if the election of the Deputy Mayor is to be by preferential ballot, ordinary ballot or open voting.
 - c) Request the Returning Officer to conduct the election, using the election method determined in b) above.
3. If a Deputy Mayoral election is held, the ballot papers (if any) be destroyed following the declaration of the election.

Page Number 50**Item 9 CS24/20 SCHEDULE OF COUNCIL MEETINGS AND ORDER OF BUSINESS TO APPLY AT THOSE MEETINGS - OCTOBER 2020 TO SEPTEMBER 2021****RECOMMENDATION**

THAT Council adopt:

1. The schedule of ordinary Council meetings for the period October 2020 to September 2021 as set out in Attachment 1 of Director's Report No. CS24/20.
2. The order of business for the ordinary Council meetings to be held in the period October 2020 to September 2021 as set out in Attachment 2 of Director's Report No. CS24/20.

Page Number 53**Item 10 CS25/20 COUNCILLOR REPRESENTATION ON COMMITTEES, WORKING PARTIES AND OTHER RELEVANT GROUPS - OCTOBER 2020 TO SEPTEMBER 2021****RECOMMENDATION**

THAT Council review the list of Committees, Working Parties and other relevant groups included in the attachment to Director's Report No. CS25/20 and determine Councillor representation as appropriate for the period October 2020 to September 2021.

Page Number 56**Item 11 CS28/20 INVESTMENTS AND BORROWINGS FOR 2020/21 - STATUS FOR PERIOD ENDING 31 JULY 2020****RECOMMENDATION**

THAT the contents of Director's Report No. CS28/20 be received and noted.

COMMUNITY AND ENVIRONMENT DIVISION

Nil

PLANNING AND COMPLIANCE DIVISION

Page Number 59

Item 12 PL17/20 HORNSBY RURAL LANDS STUDY

RECOMMENDATION

THAT:

1. The draft Rural Lands Study (incorporating the Strategy and Background Report) be placed on public exhibition for a period of six weeks in accordance with the consultation strategy outlined in Director's Report No. PL17/20.
2. Following exhibition, a report on submissions be presented to Council for its consideration.

Page Number 65

Item 13 PL19/20 EXHIBITION OF THE PROPOSED HOUSING DIVERSITY STATE ENVIRONMENTAL PLANNING POLICY

RECOMMENDATION

THAT a submission regarding the proposed Housing Diversity State Environmental Planning Policy be submitted to the Department of Planning, Industry and Environment outlining the issues raised in Director's Report No. PL19/20 including (but not limited to):

1. Support for the proposal to no longer mandate boarding houses as a permissible use in the R2 - Low Density Residential zone.
2. Raise concern in relation to the proposal to mandate build-to-rent housing in the R3 Medium Density zone and the B3 Commercial Core zone.
3. Raise concern with any proposal to amend State Environmental Planning Policy (Affordable Rental Housing) 2009 that would include rural secondary dwellings and provide a complying development pathway.

Page Number 79

Item 14 PL20/20 NSW PUBLIC SPACES LEGACY PROGRAM

RECOMMENDATION

THAT Council:

1. Endorse participation in the NSW Public Spaces Legacy Program.
2. Acknowledge that to achieve the required reduction in assessment times, initiatives would focus on improvement of application quality through the ePlanning Portal; provision of one opportunity for submission of amended plans/additional information; greater adherence to

requirements in Council's Community Participation Plan; and focus of staff resources on assessments.

3. Request that funding for Hornsby Shire be increased to \$4.75 million to be consistent with that offered to the other North District councils and as Hornsby Shire has a demonstrated shortfall of active open space.

INFRASTRUCTURE AND MAJOR PROJECTS DIVISION

Nil

PUBLIC FORUM – NON AGENDA ITEMS

QUESTIONS ON NOTICE

MAYOR'S NOTES

NOTICES OF MOTION

Page Number 85

Item 15 NOM14/20 DUAL NAMING OF EXISTING COUNCIL SITES

COUNCILLOR MCINTOSH TO MOVE

THAT:

1. Council recognises recent suggestions from local residents together with the recommendations of our Hornsby Aboriginal and Torres Strait Islander Consultative Committee (HATSICC) for Council to consider new or dual naming of existing Council sites.
2. Council has a history of Aboriginal naming of new sites and facilities - as evidenced by the naming of Wellum Bulla Materials Handling Facility and Wallarobba Arts and Cultural Centre.
3. It is acknowledged that currently each request is dealt with on its individual merit, without the benefit of an over-arching strategy or protocol.
4. It is identified that it would be of benefit if Council developed and adopted a policy for assessing naming or dual naming suggestions, in consultation with HATSICC, traditional Aboriginal Elders and language/knowledge-holders and other local stakeholders and in accordance with the requirements of the Geographical Names Board.
5. The policy would be intended to provide Council with a process for dealing with application of appropriate Aboriginal words or names for the Aboriginal naming or dual naming of sites or facilities; define the role of Council, HATSICC and local Aboriginal community members in this process, and establish an enduring framework to acknowledge local Aboriginal culture and heritage.
6. A workshop be held with Councillors to discuss the process of developing a local Naming Policy, in accordance with the recent Geographical Names Board "Place Naming" Policy and how this could assist Council in assessing applications received by the community and in the

Council naming of significant local sites, such as the Hornsby Quarry and Westleigh Parklands.

Page Number 87

Item 16 NOM15/20 DECISIONS OF COUNCIL

COUNCILLOR TILBURY TO MOVE

THAT an Informal Workshop of Councillors be arranged to allow discussion of methods that Councillors should employ to ensure that the views of particular individuals or groups with minimal local representation are given the appropriate weighting in the making of informed and balanced decisions.

SUPPLEMENTARY AGENDA

MATTERS OF URGENCY

1 COVID-19 PANDEMIC - UPDATE ON COUNCIL'S RESPONSE

EXECUTIVE SUMMARY

- In early August 2020 there was a localised escalation of confirmed COVID-19 cases within the Hornsby Shire which resulted in some minor adjustments to staff working arrangements and delivery of certain services.
- Overall, the organisational impacts of the COVID-19 Pandemic have stabilised since March/April 2020 with all Council facilities remaining open, although with amended service levels.
- The recent experience of COVID-19 cases in Victoria has reinforced the need to be constantly vigilant in our work practices. If required, rapid decisions will be made to change our staff working structures if COVID-19 cases in the Hornsby Shire suddenly escalate beyond an acceptable level of risk tolerance.

RECOMMENDATION

THAT the contents of the General Manager's Report No. GM25/20 be received and noted.

PURPOSE

The purpose of this Report is to provide an update on Council's current response to the COVID-19 Pandemic.

BACKGROUND

The World Health Organisation has declared the COVID-19 virus as a pandemic. As the pandemic is expected to impact on Council's operations for an extended period, an ongoing status report will be provided to each ordinary Council Meeting for the duration of the pandemic and through the recovery phases.

DISCUSSION

Status of Pandemic Response

Over the period of August 2020, the various pandemic containment measures implemented by Federal, State and Local Governments have greatly assisted in stabilising the spread of the virus in NSW and all other States and Territories, with the exception of Victoria. The recent experience of virus transmission in Victoria, and the restrictive measures needed to contain the spread of the virus, is a reminder that ongoing vigilance is required to ensure that widespread community transmission does not return in NSW.

In early August 2020 there was a re-emergence of local transmission of the virus within the Hornsby Shire with a cluster of more than 20 cases at Tangara School for Girls in Cherrybrook and reports of cases at a local pharmacy in Cherrybrook, St Agatha's Catholic Church in Pennant Hills and Hornsby Hospital. As the source of the cluster at Tangara School for Girls could not be established by NSW Health and thus local transmission of the virus could escalate, the Pandemic Coordination Team (PCT) and EXCO agreed that precautionary action was necessary to minimise business continuity risk.

The precautionary measures included:

- Advice to staff who live in known hotspot areas to work from home where possible.
- Advice to staff who rely solely on travel by public transport to work from home where possible.
- Provision of face masks to staff for voluntary use.
- Modifications to staff working arrangements where staff either reduced the number of days working in the office, or introduced a roster where teams were split to avoid cross-contact in the office.
- Stronger messaging to staff about the need to minimise movements within the office areas and better tracking of field visits and contacts made when in the field.
- Provision of access cards to all outdoor staff so their movements into the Depot Main Building can be accurately traced.
- Temporary suspension of Citizenship Ceremonies.
- Temporary suspension of certain Learn-to-Swim programs (Frogs and Goldfish) as the swim teachers were required to be in close contact with the students in the water.

Despite the early potential of a significant escalation of virus cases within the Hornsby Shire this has thankfully not eventuated from these clusters in early August.

On Thursday 27 August 2020, NSW Health reported that two people with confirmed COVID-19 had attended business premises in Waitara and Hornsby earlier in the week. Whilst their cases were not locally acquired there is now the risk that some local transmission could arise due to the movements of these person/s within the LGA when they were pre-symptomatic and potentially infectious. This situation is being monitored closely, however, at the time of writing no changes to services are proposed.

Overall, with the exception of the minor adjustments to work practices and suspension of some services, all Council facilities have remained opened to the public subject to limitations on gatherings and social distancing requirements. The main functional service of Council which cannot be delivered at this point is the provision of public domain community events.

The limitations on the size of gatherings and requirements to maintain social distance are also impacting the hirers of our community centres as larger gatherings are currently not possible.

A return to pre-COVID operations is not expected for a considerable time as we will continue to be guided by relevant Federal and State Government requirements. For this reason, some facilities will continue to operate on reduced hours of opening to facilitate the appropriate rostering of staff.

Consistent with current legislation Council Meetings are proposed to return to the Council Chambers for the October General Meeting, however, based on current social distancing requirements, there will be necessary changes to seating configurations and limitations on the number of persons able to physically attend and remain in the public gallery. Staff will review any updates from the Office of Local Government in the lead up to the end of September.

Impacts on Local Business and a Community Support Package

As previously reported, local businesses have been actively registering on the Hornsby Localised platform. Council is posting important COVID-19 related information on Localised such as the details of free business support webinars and information on grants and support services for businesses. Other local businesses are also starting to use the platform to promote their services and products to other businesses. A Buy Local campaign has now been launched in partnership with the Hornsby Chamber of Commerce and the Dural and Round Corner Chamber. The campaign is focused on using Council's digital media channels and through hard copy signage to encourage residents to support local businesses. This approach will eventually link with Hornsby Localised as a digital directory for local businesses.

Council is a key engagement point with cafes and restaurants and is assisting to keep the community safe and small businesses open by outlining their COVID Safe obligations under the Public Health Order. The Office of Local Government has requested that, in partnership with NSW Health and the Food Authority, Council play a role in promoting the importance of COVID Safe plans and social distancing. Our officers are working with the owners of food premises by providing a range of COVID Safe education materials and inspections of food related premises.

Emerging Risks

Financial impacts

The impact of COVID-19 on the 2020/21 financial year has been assessed and equates to \$10.671 million for the year. A range of expenditure reductions were adopted to offset the impact, which also amount to \$10.671 million and result in the current forecast surplus of \$1.637 million for the 2020/21 financial year being maintained.

Income and expenditure levels compared to the budget will be monitored throughout 2020/21 as part of the quarterly review process.

Ongoing Virus Transmission

It is evident from the issues confronting Victoria over the past two months, and ongoing spread of the virus through most countries of the world, that we cannot become complacent in our own organisational response. Government and media commentary is not predicting a resolution to the pandemic anytime in the near future. In his opening remarks at the media briefing on 24 August 2020, the WHO Director-General, Dr Tedros Adhanom Ghebreyesus, has indicated that if a safe and reliable vaccine was confirmed, the goal would be to administer at least 2 billion doses by the end of 2021.

Throughout the duration of this pandemic, therefore, we will need to remain agile and flexible in responding to any increase in the risk of virus transmission in the workplace or local community. The Pandemic Coordination Team and EXCO are in regular contact each week to evaluate the current risks. The PCT team are currently evaluating the risks and benefits of enhanced capacity to respond to any possible infection of a staff member to minimise disruption to customers, other staff and to business continuity

Recovery Actions

The following Principles continue to underpin each and every decision in relation to when our services and facilities will be fully returned to pre-COVID operations:

1. Health and safety of the public and staff aligned with State Government advice.
2. Facilitating recovery and reopening of services to the community without unnecessary delay.
3. Acknowledging financial and resource limitations and uncertainty.

Whilst Council will progressively resume normal operations it is nevertheless anticipated that the previous levels of demand for our facilities and services will take some time to return to normal.

Local Government will be a significant resource in supporting the recovery and rebuilding of our communities and promoting economic activity. In this regard, staff are compiling information on potential projects that can support any stimulus funding that becomes available in either the immediate future or as longer-term recovery efforts commence. Based on known and adopted priorities, these opportunities are being conveyed to State and Federal Governments. Council has already benefitted from several stimulus funding programs and another item on the agenda for the September meeting considers an expression of interest under the Public Spaces Legacy Program.

A supplementary report will be provided should circumstances between the publishing of this report and the August meeting require further consideration by Council of COVID-19 related matters.

BUDGET

The budgetary impacts associated with the COVID-19 pandemic are outlined in this report.

POLICY

There are no immediate policy implications associated with this Report. A number of matters contained in this report, however, will be subject to further reporting.

CONCLUSION

Council has activated its business continuity plans for its operations in response to the COVID-19 pandemic and implemented the various containment measures of Federal and State Governments. Council's response to the pandemic is assessed on a regular basis.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the General Manager – Steven Head.

STEVEN HEAD
General Manager
Office of the General Manager

Attachments:

There are no attachments for this report.

File Reference: F2009/00827
Document Number: D07984409

2 DRAFT SUSTAINABLE HORNSBY 2040

EXECUTIVE SUMMARY

- In October 2018, Council endorsed the development of a number of specialised strategies under the (then) Department of Planning and Environment's Accelerated LEP Review Program. These specialised strategies included a Biodiversity Conservation Strategy, Urban Forest Strategy, Water Sensitive Hornsby Strategy and Climate Wise Hornsby Plan. Collectively these strategies inform an overarching Environmental Sustainability Strategy under the sustainability theme of the LSPS.
- Extensive community consultation was undertaken as part of the development of the Local Strategic Planning Statement and the supporting strategies. This feedback has been incorporated into the draft strategies.
- The draft strategies provide a vision, principles and recommendations for managing our natural environment and embedding sustainability to ensure a sustainable, liveable, productive and collaborative Shire. It will not be possible to fund all actions immediately, so they will need to be prioritised. Deciding which actions are most important will be a crucial element of the community consultation process. Council will also seek opportunities for alternative funding, such as grants from the NSW and federal governments.
- It is recommended that the draft strategies be adopted for the purposes of public exhibition.

RECOMMENDATION

THAT:

1. The draft:
 - a) Sustainable Hornsby 2040 Strategy
 - b) Biodiversity Conservation Strategy
 - c) Urban Forest Strategy
 - d) Water Sensitive Hornsby Strategy
 - e) Climate Wise Hornsby PlanAttached to General Manager's Report No. GM18/20 be placed on public exhibition for a period of 42 days.
2. Following exhibition, a report on submissions be presented to Council for its consideration.

PURPOSE

The purpose of this Report is to seek Council's endorsement to publicly exhibit the draft Sustainable Hornsby 2040 Strategy, draft Biodiversity Conservation Strategy, draft Urban Forest Strategy, draft Water Sensitive Hornsby Strategy and draft Climate Wise Hornsby Plan.

BACKGROUND

In March 2018, the *North District Plan* was released by the Greater Sydney Commission which provides a 20-year plan to manage growth while enhancing the liveability, sustainability and productivity of the North District. To enable alignment with the *North District Plan* and to prepare a Local Strategic Planning Statement (LSPS) in response, legislative changes were made to the *Environmental Planning and Assessment Act 1979* (EP&A Act) requiring all councils to update their Local Environmental Plans (LEPs) within 3 years.

At its meeting on 13 June 2018, Council considered Group Manager's Report No. PL19/18 concerning District Planning and a funding offer from the (then) Department of Planning and Environment and resolved that:

1. Council accept the funding offer of \$2.5 million under the Department of Planning and Environment's 'Accelerated LEP Review Program'.

At its meeting on 10 October 2018, Council endorsed the commencement of several specialised strategies under the (then) Department of Planning and Environment's Accelerated LEP Review Program.

The specialised strategies include the Biodiversity Conservation Strategy, Urban Forest Strategy, Water Sensitive Hornsby Strategy and Climate Wise Hornsby Plan. Collectively these strategies inform the overarching Environmental Sustainability Strategy – Sustainable Hornsby 2040.

Completion of these strategies are outlined as a priority and action within the Local Strategic Planning Statement that was adopted in February 2020 and published on the NSW Planning Portal in March 2020.

DISCUSSION

Local Strategic Planning Statement and Community Strategic Plan

The LSPS sets out a 20-year vision for land use in the Hornsby Shire, and acknowledges the special characteristics which contribute to the local identity, shared community values to be maintained and how growth and change will be managed into the future.

The EP&A Act requires the LSPS to be updated every seven years, however, it is expected that the LSPS will be updated on a more regular basis to align with the preparation of new Community Strategic Plans every three years and/or following the finalisation of major strategic studies.

The specialised strategies attached to this Report, once adopted by Council in their final form following community consultation outlined in this Report, would inform the next revision of the LSPS and Council's new Community Strategic Plan.

Community Engagement on Environmental Sustainability Strategy

As part of the development of the Sustainable Hornsby 2040 Strategy and the supporting strategies, initial community engagement was undertaken to determine the community's environmental sustainability values and priorities. The engagement program included:

- Two staff workshops

- Four pop-up community kiosks
- A representative community survey
- An online community survey
- External workshops
- Stakeholder interviews
- An interactive collaborative mapping tool

The initial engagement was designed to better understand which areas of the environment are most important to the community, and what actions should be taken to ensure environmental sustainability is maintained into the future.

With a depth of qualitative and quantitative data gathered through the initial community engagement and during the development of the draft strategies, a picture emerged of a community with a strong preference for maintaining and enhancing a clean, leafy and biodiverse environment and one that actively seeks out ways to improve environmental sustainability. The community also emphasised building community resilience and ensuring adaptation to a changing environment without sacrificing the strong natural elements inherent to the Hornsby area.

Through the engagement process, a number of environmental priorities emerged across the spectrum of environmental areas that the community was consulted on, including trees, water, biodiversity, waste, urban heat/climate change and active transport. Importantly, the priorities identified by the community included those which need to be addressed now, and those that are expected to present an issue in the future. Notably, these included:

- The need to address climate change, and/or mitigate its effects, and building community resilience to environmental changes and risks.
- Protecting and conserving the rich biodiversity in Hornsby, with particular attention to the tree canopy and endangered species.
- Ensuring that new developments are built with appropriate consideration to the environment and ongoing sustainability.
- Mitigating the environmental effects of population growth (such as traffic congestion, overcrowded public transport, increased rubbish generation, degradation of walking tracks and parkland), and planning for adequate infrastructure.
- Building safe, connected walking and cycling networks across the LGA, including cycling infrastructure at railway stations such as dedicated bike racks (including the importance of embracing new technologies such as e-bikes).
- Educating the community on sustainable practices (such as recycling and reduction in the use of single-use plastics).

Draft Sustainable Hornsby 2040 Strategy

The draft Sustainable Hornsby 2040 Strategy (as seen in Attachment 1) provides a framework for Council and the community to embed sustainability into Council's regular operations. Further, environmental sustainability underpins the four pillars of our corporate framework of liveable, sustainable, productive and collaborative.

The draft Sustainable Hornsby 2040 Strategy forms an overarching environmental sustainability strategy for Council that draws together several supporting documents including the:

- Draft Biodiversity Conservation Strategy
- Draft Urban Forest Strategy
- Draft Water Sensitive Hornsby Strategy
- Draft Climate Wise Hornsby Plan
- Draft Walking and Cycling Strategy (that is intended to be presented to Council in October 2020)
- Waste Matters Strategy (adopted February 2020)

and provides the foundation for Council to work with the community in these areas.

The draft Sustainable Hornsby 2040 Strategy acknowledges the many challenges posed by climate change, population growth and urban intensification and provides a vision for a sustainable future.

The Vision for a Sustainable Hornsby proposed in the draft strategy is:

Our thinking and decision-making will be long-term, meeting the needs of the present without compromising the ability of future generations to meet their own needs. This means ensuring that the ways in which we live, work and play will not adversely affect our environment but offer a more sustainable lifestyle for all members of our community.

Draft Sustainable Hornsby 2040 Themes and Goals

1. *Waste Matters*

We contribute to the sustainability of our Shire through better waste management practices.

2. *Biodiversity Conservation*

We are equipped to ensure biodiversity is well-managed, resilient and adaptable to land-use change. The connection and conservation of natural assets will contribute to the community's health and well-being, maintain a sense of place and enhance biodiversity values in the Shire.

3. *Urban Forest*

We will have a healthy, thriving, diverse and valued urban forest that provides shade, cooling and adds colour and life to the Shire.

4. *Water Sensitive*

We will be a beautiful, green, and thriving Shire whose management of water and the environment supports clean waterways, sustainable resource use, and a healthy lifestyle that is connected to nature.

5. *Climate Wise*

We will mitigate our actions and achieve zero net emissions by 2050. We will adapt to the changing climate.

6. *Walking and Cycling / Active Transport*

We will create an accessible, continuous and safe walking and cycling network that connects everyday destinations easily, quickly and logically.

7. *Natural Hazards*

We will assist our community and natural environment to develop a high level of resilience, be better able to withstand shocks and stresses and have an enhanced ability to recover from residual impacts of natural hazards.

Draft Biodiversity Conservation Strategy

The Hornsby Local Government Area (LGA) contains a diverse array of landscapes with significant conservation values and hosts a diversity of native flora, fauna and invertebrates. The biophysical qualities of the LGA also contribute to Hornsby's character and identity as the Bushland Shire.

This presents a challenge for Council to carefully balance future population growth and associated development whilst having regard to the protection of biodiversity values in the lands and waters under its management.

Currently, several specific state government initiatives as well as supporting policies at the international, national and regional level suggest a range of measures toward the protection and management of biodiversity. These include the Greater Sydney Commission's District Plan, the NSW Government Architect's Office Greener Places and a specific focus on Green Infrastructure Networks.

The draft Biodiversity Conservation Strategy 2020 (as seen in Attachment 2) aims to:

- Conserve, manage and enhance biodiversity upon both public and private lands within the LGA
- Identify 'best practice' methods for managing and conserving biodiversity
- Identify, locate and prioritise a novel Green Infrastructure network across the LGA
- Collect and update biodiversity conservation information
- Ensure environmental planning instruments and processes provide a strategic approach to achieving biodiversity conservation outcomes

The draft Biodiversity Conservation Strategy sets out to give effect to these aims through a matrix of five interconnected strategies that are supported by a range of specific actions as follows:

Strategy 1: Protect and conserve ecological values

- Planning instruments that connect, protect, restore, enhance and create urban habitat
- Protect and conserve biodiversity in all relevant management and policy
- Provide incentive mechanisms to prioritise biodiversity conservation
- Minimise edge effects on core, transition and corridor areas
- Manage for species under Climate Change scenarios into the future
- Develop comprehensive biodiversity intelligence through baseline data and monitoring

Strategy 2: Connect urban habitats

- Implement the Green Infrastructure Framework (GIF) for Hornsby Shire and monitors its progress
- Leverage biodiversity offsetting mechanisms to strategically identify, protect and restore habitat
- Review operations, policies and guidelines on lands managed by other agencies within and adjacent to the Shire to improve biodiversity and connection

- Provide natural area recreation opportunities within the GIF that connects people to nature

Strategy 3: Restore disturbed ecosystems to enhance ecological value and function

- Mitigating threats and impacts to biodiversity
- Implement best practice weed and feral animal control and management to improve the health of lands and waterways
- Prioritise biodiversity conservation when installing or renewing infrastructure

Strategy 4: Create new ecosystems

- Implement the GIF in urban areas
- Implement catchment remediation projects which capture, treat and reuse stormwater and improve habitats and waterway condition

Strategy 5: Connect people to nature

- Implement coordinated community engagement and education to improve awareness of benefits and foster acceptance of biodiversity values
- Produce targeted education material and opportunities with several themes
- Identify opportunities to build greater ecological literacy through community partnerships with local and regional primary, secondary and tertiary institutions to encourage citizen science engagement programs
- Communication, reporting and dissemination of information

Draft Urban Forest Strategy

The urban forest, comprising of the trees within Hornsby's urban areas, contributes significantly to the liveability, natural environment and prosperity of the Shire. These trees provide a myriad of benefits from shading, carbon storage, air pollution reduction, stormwater interception, habitat and food for wildlife, as well as contributing to the landscape character that the community value so highly.

Through their canopies, trees cover almost 59% of the LGA. Canopy cover over urban areas (excluding National Parks and rural lands) is 39%, just short of the Greater Sydney Commission's target of 40%.

The urban forest however faces many challenges including urban densification, a changing climate, urban heat and canopy loss. The Greater Sydney Commission, through the North District Plan, has identified retention of the urban canopy as a key priority for all councils.

Council has likewise placed a strong focus on the tree canopy, strengthening the Tree and Vegetation Preservation Controls in the Hornsby Development Control Plan 2013 in February 2018, and in July 2018 committing to an ambitious program to plant 25,000 new trees by September 2020, a milestone that was reached in July 2020.

Community surveys conducted through the development of the draft Urban Forest Strategy found that whilst there is a strong feeling of responsibility in providing a greener legacy for future generations and that a majority of respondents want the same or a greater number of trees across the Shire, half of respondents thought they should be able to do whatever they liked on their own property regarding trees.

In this context the draft Urban Forest Strategy (as seen in Attachment 3) seeks to provide guidance on the future care and management of the Shire's urban forest, balancing a need to protect and restore the tree canopy with people's reasonable expectations for development on their land.

It does this by establishing a vision that Council will have a healthy, thriving, diverse and valued urban forest that provides shade, cooling and adds colour and life to the Shire. This vision is supported by seven key objectives as follows:

- Maintain and improve Hornsby's unique character
 - Retain and value the strong green and leafy character in our suburbs
 - Protect and value existing trees, renew the ageing trees and increase tree numbers on public and private land
- Increase community knowledge and connection with the urban forest and the surrounding bushland
 - Engage and educate the community by encouraging participation and stewardship
 - Embed the Shire's goals and objectives into a better community understanding of the importance of the urban forest and its evolution
- Mitigate and adapt to climate change
 - Build a resilient urban forest, reduce urban heat island, design for health and wellbeing, improve water sensitivity
- Protect, secure and connect urban habitats and surrounding bushland
- Improve the functionality of the urban forest to deliver higher conservation, habitat and connectivity values through a thriving urban ecology
- Showcase integrated and sustainable design
 - Ensure sustainable green development in public and private realm through integrated place making, urban design and housing development
- Strong leadership and good asset management
 - Provide leadership in urban forestry and adopt and adhere to professional standards and best practice management
 - Acknowledge the importance of the urban forest as a critical asset class

The draft Urban Forest Strategy proposes the following targets* to achieve these objectives:

- Tree canopy cover over private residential areas to be maintained at 33% to ensure no net loss
- Tree canopy cover over Hornsby's urban road network will increase from 39% to 50%
- Tree canopy cover over commercial zones will increase from 11% to 15%
- Increase the number of streetscapes incorporating biodiversity corridors
- Improve the species diversity and useful life expectancy distribution of Hornsby's street trees

* Note: The Draft Urban Tree Canopy Guide (NSW Government Architect, 2019) was used to guide these proposed targets.

Draft Water Sensitive Hornsby Strategy

The Vision and Transition Strategy for a Water Sensitive Hornsby defines a vision of a water sensitive future for Hornsby Shire, and outlines the broad steps for Council to take to transition towards this future. Since the early 1990s, Council has led the way in the implementation of water sensitive urban design, largely through the catchment remediation program. Despite this proactive approach, challenges still exist, such as changing government priorities, impacts from existing and future development and increasing pressure on water systems from climate change. Council will need to plan wisely to adequately service a growing population in a warming and drying climate, while ensuring environmental and liveability outcomes for the region.

The draft Water Sensitive Hornsby Strategy 2020 (as seen in Attachment 4) establishes a framework for Council to transition to a water sensitive city with six key objectives as follows:

- Hornsby's natural environments are healthy and thriving with biodiversity
- Hornsby and its villages are full of beautiful blue and green spaces that connect people to their surrounding environment and the local community
- Hornsby Shire has engaged, empowered and active communities who value Aboriginal and multi-cultural connections to land and water
- A strong focus on water management supports safe communities and healthy, clean rivers and creeks
- Sustainable resource use is supported by integrated, multi-functional infrastructure
- Integrated and inclusive governance arrangements deliver a holistic approach to water management while meeting the challenges of growth.

To transition to a Water Sensitive City, the short to medium term transition needs can be summarised by the following five overarching strategies:

- Establish and progress an internal and cross-departmental working group to oversee implementation of the water sensitive transition strategy
- Ensure water sensitive city outcomes are embedded in policy and planning
- Develop new knowledge for the range of outcomes needed to deliver Hornsby Shire's water sensitive city vision, specifically community and Aboriginal engagement solutions
- Leverage partnerships and project opportunities to demonstrate and build the business case for multi-functional, water sensitive solutions
- Strengthen compliance for environmental and waterway health outcomes

Draft Climate Wise Hornsby Plan

Climate change is one of the many challenges facing our community, and Council has aligned itself with both the State target of reaching Net Zero Emissions by 2050 and Federal target of the Paris Agreement within a financially sustainable framework.

In responding to the challenge of climate change, actions have often fallen into one of two categories: mitigation efforts to lower or remove greenhouse gas emissions from the atmosphere, and adaptation measures to reduce our vulnerability to the effects of climate change.

Both approaches are required, and the draft Climate Wise Hornsby Plan provides a framework for Council on how it responds to climate change.

The draft Climate Wise Hornsby Plan (as seen in Attachment 5) sets out the following key objectives:

- Reduce Council's greenhouse gas emissions to 32% below 2018 levels by 2025, 53% below 2018 levels by 2030 and net zero by 2050 in accordance with the Council's adopted target.
- Support the community in the goal of reaching net zero emissions by 2050 through the delivery of programs and initiatives that further community greenhouse gas emission reduction efforts.
- Reduce Council's and the community's vulnerability to a changing climate and implement adaptation measures associated with temperature, hot days, average rainfall, wind, fire weather, sea-level rise and rain intensity.

The draft Climate Wise Hornsby Plan identifies actions for Council and establishes a pathway of monitoring and understanding between now and 2050, including

- Installing energy efficient LED street lighting
- Improving fleet performance and transitioning to low emission vehicles, electric vehicles and new technology hybrid vehicles
- Providing electric vehicle (EV) charging stations
- Improving energy efficiency of Council buildings
- Advocating for public transport
- Increasing diversion of waste from landfill
- Partnering to increase solar installations across the shire
- Advocating for low energy precincts and buildings
- Implementing actions from Council's Climate Change Risk Assessment
- Developing a community resilience program

CONSULTATION

Extensive engagement was undertaken with the Hornsby community for the development of the Local Strategic Planning Statement and as part of the development of Sustainable Hornsby 2040. Over 1900 residents were involved with the LSPS engagement and 1860 residents engaged across several platforms such as telephone surveys, pop ups, workshops, collaborative mapping tool, interviews and Have your Say via Council's website for the environmental sustainability strategy.

The results illustrate that the community is supportive of sustainability initiatives and want to ensure that the environment is protected and enhanced and that the Shire is working towards social, environmental and climate resilience.

The community has a preference for maintaining and enhancing a clean, leafy, diverse environment and wants to improve environmental sustainability.

In addition, Council has a number of advisory committees that have been established to provide expert advice to Council across a range of matters. These include but are not limited to the Bushland Management Advisory Committee, Environmental Sustainability Advisory Committee and the Hornsby Aboriginal and Torres Strait Islander Consultative Committee. Subject to Council's endorsement of

the draft strategies for public exhibition, Council's advisory committees would be tasked with reviewing and providing expert feedback to Council on the draft strategies. These committees would have an ongoing role in assisting Council with the implementation of the strategies, following community consultation and once adopted by Council in their final versions.

Beyond Council's advisory committees, and to further engage with the community it is proposed that the draft strategies would be publicly exhibited for a period of 42 days. Notification of the public exhibition would be through the following channels:

- Advertisement on Council's website – Have Your Say
- Advertisement on Future Hornsby website
- Council's eNewsletter – October edition
- Emails to Future Hornsby database (users who registered for updates on the Sustainability or "all topics" under the Accelerated LEP Review), Bushcare and sustainability database
- Social Media (Facebook, LinkedIn and Localised)
- Advertising and Mayor's message - Bush Telegraph, Galston & Glenorie News, Dural Roundup, Hornsby Kuring-gai Post and Living Heritage
- Online Webinar via Zoom – presentation of material and the ability for the wider community to ask questions on the draft strategies

BUDGET

The \$2.5 million *Accelerated LEP Review Program* funding was utilised for the development of the draft strategies and associated community consultation.

This report recommends that Council places on public exhibition the following draft strategies: -

- Draft Sustainable Hornsby 2040
- Draft Biodiversity Conservation Strategy
- Draft Urban Forest Strategy
- Draft Water Sensitive Hornsby Strategy
- Draft Climate Wise Hornsby Plan

The draft strategies outline an aspirational, long-term, sustainable vision for the Hornsby community over the coming 20 years and identify a range of actions and tasks for Council to implement. In many cases, these are new actions additional to Council's current provision of services and require additional resources to be allocated, existing resources to be reallocated or most likely a combination of both.

As the draft strategies are high-level documents, detailed costings and funding sources have yet to be developed for each task and action. Nevertheless, a high-level approximation for each (assuming maintenance of the current scope and extent of Council's programs and services) indicates that to progress the actions identified within a five-year period would require approximately \$1.9M for the draft Biodiversity Conservation Strategy; \$840,000 for the draft Urban Forest Strategy; \$880,000 for the draft Water Sensitive Hornsby Strategy (a portion of which might be funded through the Catchments Remediation Rate); and \$2.4M for the draft Climate Wise Hornsby Strategy (which includes approximately \$1.7M for corporate actions which will have a payback period of five years).

Following public exhibition should Council proceed to adopt the strategies as policy, the strategies would allow existing staff resources to be re-prioritised with the potential to reduce the cost associated with some actions.

The costs above are necessarily high-level estimates to aid an understanding of the implications for Council and further scoping will be required to accurately identify the cost of each action. It is also noted that some items relate to investigations that may generate subsequent actions in their own right.

Council has a strong track record of financial responsibility. A quadruple bottom line approach, including financial sustainability considerations, when making decisions and committing to new projects and programs is critical. One of the key questions to be posed during the engagement period is the priority of actions both within and across the various strategies, to aid Council's final decisions regarding the adoption of strategies and which directions to pursue in the first instance.

Implementation of actions contained within the draft strategies would occur through the development of Council's next Delivery Program, annual budget and Operational Plan. Implementation would be subject to the strategic priorities of Council, the availability and allocation of resources by Council.

Community response to the draft strategies will be an important contribution to Council's final decisions on budget and resource allocation.

To accelerate delivery of the strategies, Council will seek alternative funding pathways such as applying for grants and working in collaboration with partners. Formal adoption of strategies is often a precursor to successful funding applications from providers such as the NSW and Australian government.

POLICY

Once adopted in their final form, the draft strategies would set a vision for Council as it seeks to improve environmental sustainability of the Shire. Adopted priorities and actions would be incorporated into future amendments to the Local Strategic Planning Statement and new Community Strategic Plan.

CONCLUSION

This report presents the draft Sustainable Hornsby 2040 Strategy and the underlying specialist strategies of the draft Biodiversity Conservation Strategy, draft Urban Forest Strategy, draft Water Sensitive Hornsby Strategy and draft Climate Wise Plan.

The draft strategies provide a vision, principles and recommendations for managing our natural environment and embedding sustainability to ensure a sustainable, liveable, productive and collaborative Shire.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Strategy Manager – Julie Ryland - who can be contacted on 9847 6773.

STEPHEN FEDOROW
Director - Community and Environment
Community and Environment Division

STEVEN HEAD
General Manager
Office of the General Manager

ITEM 2

Attachments:

1.  Draft Sustainable Hornsby 2040 Strategy
2.  Draft Biodiversity Conservation Strategy
3.  Draft Urban Forest Strategy
4.  Draft Water Sensitive Hornsby Strategy
5.  Draft Climate Wise Hornsby Plan

File Reference: F2018/00162#10-002

Document Number: D07971256

3 PERFORMANCE REPORT JUNE 2020 - DELIVERY PROGRAM 2019-21 AND QUARTERLY BUDGET REVIEW STATEMENT

EXECUTIVE SUMMARY

- Council is required to review its budget each quarter. At the same time the Local Government Act 1993 states that half yearly progress reports should be provided to Council on the principal activities detailed in its Delivery Program.
- In this regard, the June 2020 Performance Report showing progress of the Delivery Program 2019-21 including the 2019/20 Operational Plan and Budget is attached for Council's consideration.
- Based on an inflow and outflow of funds as at 30 June 2020, the actual result for 2019/20 is a surplus of \$67K, which is \$1,440K less than the surplus of \$1,507K in Council's 2019/20 Revised Budget. However, this is after allowing for \$2,006K that has been transferred to the 2020/21 Annual Budget to help offset the financial impact of COVID-19 next year. \$2,450K has also been set aside to undertake unbudgeted infrastructure remediation work at several Council facilities, including \$1,800K towards the remediation of Galston Aquatic Centre.
- Progress against the adopted Delivery Program including the 2019/20 Operational Plan and Budget, and the operational performance of the organisation has been in line with the service delivery standards adopted by Council.

RECOMMENDATION

THAT:

1. The June 2020 Performance Report showing progress of the Delivery Program 2019-21 including the 2019/20 Operational Plan and Budget be received and noted.
2. The Quarterly Budget Review Statement for the period ending June 2020 be received and noted.

PURPOSE

The purpose of this Report is to present for Council's consideration the June 2020 Performance Report showing progress of the Delivery Program 2019-21 including the 2019/20 Operational Plan and Budget, as required under s404 (5) of the Local Government Act 1993. Details within the Performance Report cover the twelve months from 1 July 2019 to 30 June 2020.

The Performance Report includes Council's Consolidated Budget Summary as at June 2020.

BACKGROUND

On 13 June 2018, Council adopted a three-year Delivery Program 2018-21 including the Operational Plan and Budget 2018/19. The Delivery Program and Operational Plan set out the manner in which Council intends to deliver services and measure performance. The Office of Local Government requires that the Delivery Program and one-year Operational Plan be reviewed annually. On 12 June 2019, Council adopted the Delivery Program 2019-21 including the 2019/20 Operational Plan and Budget. This Performance Report provides updates on progress of actions within that document.

To address the risks posed by the COVID-19 pandemic, NSW Council elections proposed for September 2020 have been postponed 12 months (see OLG Circular No. 20-10 / 25 March 2020), thereby extending the current term of office for Council to four years. A new 2020-2022 Delivery Program was adopted by Council on 10 June 2020.

In line with Office of Local Government requirements, a Quarterly Budget Review Statement (QBRS) must be submitted for Council's consideration at the end of each quarter (except the June quarter). The Statement must be based on key financial indicators and the estimate of income and expenditure set out in Council's Operational Plan for the relevant year. To streamline reporting the QBRS will be linked to the half yearly performance report for each December and June period.

DISCUSSION

The COVID-19 pandemic, and the resulting social distancing and mass gathering restrictions, has meant that Hornsby Council is experiencing ongoing business disruptions impacting its ability to carry out services as normal. The ongoing consequences of COVID-19 have impacted on the ability of staff to progress some of the Key Initiatives and Capital Projects in the Delivery Program 2019-21 including the Operational Plan 2019/20. We have had to rethink how we work, where we work and how we maintain our services and facilities for our community.

Council quickly transitioned from face to face to an online environment for essential operations including customer service, development applications and Council meetings; we delivered library books to members who could no longer come to us, as well as free vegetable seedlings and plants to our green-fingered residents; and we entertained music lovers with our Friday Night Vibes sessions on Facebook.

While departments across Council were making and supporting these transitions, they were still busy delivering on our operational commitments to our community. Pleasingly, 88 per cent of actions within the Delivery Program 2019-21 and Operational Plan 2019/20 have been completed or are on track. Progress on a further 7 per cent were impacted solely by COVID-19, which would have put us ahead of last's year achievement of 92 per cent.

The attached Performance Report contains commentary to describe the issues and challenges hindering progress and includes identifying icons for those Services, Key Initiatives and Capital Projects affected by COVID-19.

Updates in respect of the progress of projects of significant dollar value or of community interest are noted below:

- Hornsby Park – From Quarry to Park – this project involves the redevelopment of the abandoned Hornsby Quarry and adjacent Old Man’s Valley on the western side of Hornsby into open space for recreation purposes. A Development Application (DA) for bulk earthworks and site rehabilitation was lodged in early 2019. Based on submissions received on the DA, a Response to Submissions (RTS) package was prepared and exhibited in late 2019, with exhibition concluding in January 2020. The Sydney North Planning Panel, at its May meeting, decided to defer the DA subject to the development and exhibition of further documentation. This additional documentation has now been prepared and is currently on exhibition. Subject to approval of the DA, bulk earthworks and site rehabilitation will commence in the first quarter of 2021. Master planning for the final park embellishments is underway and due for completion in 2020, with a community engagement process to follow.

The total expenditure on the next stage of the project to 30 June 2020 is \$3.701 million. Currently \$50 million of funding is available from the NSW Government’s Stronger Communities Fund provided in June 2018. Further funding is available from development contributions subject to the priority allocated to projects in accordance with development contributions on hand.

- Westleigh Park Development – A conceptual master plan for the Westleigh Park site has been completed based on the site having an active sport focus. A draft Plan of Management (POM) for the site is nearing completion. Negotiations with Sydney Water has secured “in principle” support for an extension of Sefton Road through their Thornleigh Reservoir site. Community engagement will be undertaken on the conceptual master plan, likely in late 2020.

The total project expenditure to 30 June 2020 (excluding the acquisition costs of \$21 million funded by development contributions) on this project is \$0.703 million. Currently \$40 million of funding is available, provided in June 2018 from the NSW Government’s Stronger Communities Fund. Further funding is available from development contributions subject to the priority allocated to projects in accordance with development contributions on hand.

- Storey Park – a new facility has been constructed on the former Asquith Community Centre site. The facility includes multi-purpose rooms that will be ideal for a wide range of events and activities and park facilities. The total expenditure to 30 June 2020 on this project is \$6.209 million out of a budget of \$6.308 million, funded by development contributions and proceeds from the sale of assets rationalised in previous years. Council held Australia Day 2020 celebrations at the newly constructed facility on 26 January 2020.

- 25,000 Trees by 2020 – Council committed to planting 25,000 new trees by December 2020 to invest in the environment for future generations. At 30 June 2020 over 25,000 trees have been planted, which represents the largest and fastest tree planting program in Australia. 40,995 other plants have also been planted during community planting days in support of the program.

Because of the success of the program, Council has recommitted to a ‘greening our shire’ tree planting program with the aim of planting 30,000 trees by 2021.

The expenditure incurred to 30 June 2020 is \$1.327 million out of a budget of \$2.5 million largely funded from development contributions.

- Public Domain - Concept design options for Peats Ferry Road and Galston Road main street projects were prepared and presented to Council with preferred concept options adopted. The aim of the projects is to improve streetscape amenity through the planting of advanced trees, landscaped garden beds, footpaths, shared paths, seating and signage. The cost estimate for the Peats Ferry Road project from Hookhams Corner to Wattle Street is approximately \$9 million with funding being sourced from developer contributions and the budget is expected to sufficiently cover increased costs from completing works at night. Detailed design for the Peats Ferry Road project from Hookhams Corner to Wattle Street is currently underway with sign-off of an alternative concept for the section between Lodge and Hyacinth Streets required prior to completion of design and subsequent engagement. Construction for this project is anticipated to commence later in 2020.

The total expenditure to 30 June 2020 on this project is \$0.706 million out of a budget of \$9.5 million, funded from development contributions.

- Galston Aquatic Centre – A development application has been approved for the replacement of the roof structure over the Galston Aquatic Centre.

The development application contains two parts – essential works for the replacement of the existing roof over the indoor 25 metre pool facility and a design for a new roof structure over the Learn-to-Swim facility, which could be undertaken at a later stage subject to funding.

Council has approved a budget of \$3 million for the replacement roof over the 25-metre indoor pool. However, the cost is now estimated at \$5.6 million due to Disability Discrimination Act requirements and fire, structural and other non-compliance matters. This report notes that a further \$1.8 million of funding has been identified within the 2019/20 Annual Budget that will increase funds available for this project to \$4.8 million. Funding for the shortfall of \$0.8 million is to be identified from savings or project substitution within Council's Infrastructure & Recreation Division with the details to be reported to Council as part of the September 2020/21 Quarterly Budget Review.

- Hornsby Library - The 2019/20 Annual Budget included a capital expenditure budget of \$2.7 million for the refurbishment of Hornsby Library funded from development contributions. Detailed plans have been developed for the refurbishment and a Development Application approved for the work. Costs to bring the building up to current standards have resulted in an increase in cost to \$4.7 million. There is no net impact to Council's budget as the increase will be funded from external grants. An application for a Construction Certificate is currently being prepared alongside the completion of detailed design work in advance of calling tenders for the works during September of this year.
- Local Strategic Planning Statement - Council has adopted a Hornsby Local Strategic Planning Statement (draft LSPS) that sets out a 20-year vision for land use; the special character and values that are to be preserved; shared community values; and how Hornsby Shire Council will manage growth and change. The draft LSPS provides an understanding of the current planning context for Hornsby Shire under the themes of Liveable, Sustainable, Productive and Collaborative. It examines how expected changes in our population over the next 20 years will influence how we provide for our community. The planning priorities identified within the draft LSPS will help guide land use decisions and earmark changes to our local land use plans, strategies and policies over the next 20 years. The LSPS came into effect when it was published in March 2020.

Other operational achievements are contained in the Performance Report attachment to this Report, however it is significant to note that 65 capital projects have been completed during the year with expenditure of \$26.6 million. These include completion and opening of a long-planned-for \$6.3 million community facility and park at Storey Park, Asquith, as well as 19 footpaths, one shared path, eight playground upgrades, 12 sporting facility upgrades (e.g. fencing, floodlighting, synthetic cricket wickets), four new stormwater quality improvement devices and five bushland track upgrades.

BUDGET

This Review includes the full year results for 2019/20, comparing actual expenditure, income and funding sources against the budget. Based on this inflow and outflow of funds as at 30 June 2020, the actual result for 2019/20 is a surplus of \$67K. This result is satisfactory in maintaining financial benchmark indicators in respect to liquidity. Included in this surplus result is an amount of \$4.456 million that has been set aside to restricted assets to assist in funding remedial and capital projects in 20/21. The details around the restricted asset transfers are:

- \$2.006M – as noted in General Managers Report GM12/20 – Adoption of Councils 2020-2022 Delivery Program including the Operational Plan 2020/21 to set aside the anticipated surplus in 2019/20 to enable the retention of the 2020/21 capital works program that went on public exhibition. This was required due to the anticipated temporary decline in revenue over 2020/21 from the impacts of COVID-19.
- \$650K – required to undertake remediation work at several Council facilities.
- \$1.8M – as noted in General Managers Report GM8/19 – Adoption of Councils 2019-2021 Delivery Program including the Operational Plan 2019/20 the Galston Aquatic Centre remediation works were estimated at \$3M, however based on updated forecasts this amount is anticipated to be \$5.6M partly due to fire, structural, DDA and other non-compliance matters. An increased allocation has been transferred to provide additional funding. A further \$800K is still required with options being assessed and will be reported to Council as part of the September 20/21 Quarterly Budget Review.

It is noted that a number of Special Rate Variation (SRV) funded capital projects were deferred (as noted in Director's Report CS11/20 -2019/20 Budget - March 2020 Quarter Review) to help offset the financial decline in revenue due to COVID-19. The SRV funds deferred will be reinstated within the 2021/22 financial year to ensure compliance with the approval granted for these special rate funds.

Reimbursement for Storm Expenditure

Severe storms during 2018 in the Hornsby Shire resulted in extensive clean-up costs being incurred by Council. The storms were declared a natural disaster by the NSW Government with Council receiving formal confirmation for reimbursement of \$460K from the Office of Emergency Management in June 2019. At this stage the amount of \$460K has not been received from the Office of Emergency Management along with no formal advice about a further claim of \$400K that Council was seeking associated with this storm.

Council Officers have pursued the receipt of these funds with the NSW Public Works Advisory Agency and have been advised that a processing time of this length is to be expected. Explanation was provided that any payment to Council is dependent upon funds first being transferred from Resilience NSW (formerly the Office of Emergency Management) to the NSW Public Works Advisory which results in lengthy wait times.

Council incurred further costs during severe storms in February 2020, which was also declared a natural disaster by the NSW Government. A claim for \$708K to recoup costs incurred during the clean-up of this storm has also been submitted for formal approval.

Preparation of Annual Financial Statements including Performance Indicators

In response to the COVID-19 pandemic the Office of Local Government (OLG) has granted a one-month extension to Councils to prepare their 30 June 2020 Financial Statements, which must be submitted to the OLG by 31 December 2020 instead of by 30 November 2020.

The preparation of Council's 30 June 2020 Financial Statements is in progress in line with the extended deadline, including the preparation of Council's 30 June 2020 ratios and Performance Indicators that are usually included within this report. This information will be presented to Council when the Financial Statements are referred to audit at the 14 October 2020 General Meeting.

POLICY

There are no policy implications associated with this Report.

CONCLUSION

Council's consideration of this Report ensures that relevant statutory requirements have been met. The June 2020 Performance Report and quarterly budget review demonstrate that Council remains in a strong position to deliver local services and facilities in a financially responsible manner.

RESPONSIBLE OFFICER

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

GLEN MAGUS
Director - Corporate Support
Corporate Support Division

STEVEN HEAD
General Manager
Office of the General Manager

Attachments:

1.  Consolidated Budget Report 30 June 2020
2.  Performance Report - June 2020

File Reference: F2017/00322
Document Number: D07972013

4 DRAFT HORNSBY SHIRE COUNCIL CAR PARKING MANAGEMENT STUDY

EXECUTIVE SUMMARY

- Provision for car parking is a recurring and often controversial issue for planning of major activity centres in Hornsby Local Government Area (LGA). Lack of adequate parking facilities has been identified by the community as a priority in social surveys undertaken by Council and continues to be one of the major challenges facing our community.
- In July 2018 Council commenced a review of current car parking management practices in the Hornsby Shire and developed the draft Hornsby Shire Car Parking Management Study.
- The draft Hornsby Shire Car Parking Management Study reviewed 17 precincts and provides a summary of key findings and recommendations to improve parking management. Parking management includes shared and reciprocal parking, parking pricing and regulations, parking user information, and pedestrian improvements. The challenge for the Shire is to find a balance between adequate parking supply and demand to ensure the long-term vitality of its Town Centres and destinations, whilst facilitating a change towards active and public transportation.
- Some of the initiatives and recommended car parking management strategies will require further investigations, community engagement and consent of third parties including TfNSW and the Local Traffic Committee. In instances where further investigations and consultation with other parties are required, a higher priority will be given to these matters to ensure that an agreement or solution is determined before advancing the recommendation.

RECOMMENDATION

THAT:

1. Council adopt the Hornsby Shire Car Parking Management Study as a technical document to provide overall car parking policy direction and recommendations for Council over a 10-year horizon in accordance with General Manager's Report No. GM21/20.
2. Council undertake engagement with stakeholders, where appropriate, to build community and stakeholder support in advance of implementation of any recommendation in the Hornsby Shire Car Parking Management Study within a precinct.

PURPOSE

The purpose of this Report is to present the key findings and recommendations of the draft Hornsby Shire Council Car Parking Management Study for Council adoption. The draft Car Parking Management Study sets out the challenges, objectives, principles and policies to proactively manage parking needs across the Shire.

BACKGROUND

In 2004 Council developed the Hornsby Shire Integrated Land Use and Transport Strategy (ILUTS). The ILUTS outlines the current and planned transport system within the Shire and its objective is to relieve traffic pressure on the road network.

One of the key actions within the ILUTS was the development of a Car Parking Management Plan. The ILUTS states *“Parking is a critical part of an integrated transport system. It has a significant influence on car use in that, if parking is not available at the destination, car use is minimised. The aim of a parking policy is to balance the supply of, and demand for parking spaces with the objective of minimising additional traffic generation through restraining car use, while ensuring the economic viability of each centre is maintained.”*

To identify the current state of parking within the Shire a scoping report was developed to build on the ILUTS which identified Hornsby Town Centre and the environs of Waitara Station and Hornsby Hospital as priority activity centres requiring urgent review. This was later expanded to include 14 other activity centres including Berowra, Brooklyn, Berowra Waters, Asquith, Beecroft, Cheltenham, Pennant Hills, Thornleigh, Cherrybrook town centre, Cherrybrook Metro precinct, Fagan Park, Galston Village and Salisbury Road and Leighton Place industrial precinct and formed the basis for the development of the draft Hornsby Shire Car Parking Management Study.

Lack of adequate parking facilities and a sustainable transport system has been identified by the community as a priority in successive surveys undertaken by Council. Council is aware that car parking management cannot be looked at in isolation and there is increasing recognition that sustainable Town Centres require a balanced multi-modal transport system. The challenge for the Shire is to find a balance between adequate parking supply and demand to ensure the long-term vitality of Town Centres and the environmental, social and economic necessity towards more efficient use of infrastructure.

DISCUSSION

Provision for car parking is a recurring and often controversial issue for planning of major activity centres in Hornsby Local Government Area (LGA). In July 2018, The Australian Road Research Board (ARRB) was appointed by Council to undertake a review of current car parking management practices and develop evidence-based strategies that would balance the supply and demand of car parking in Hornsby Shire.

The objectives of the Hornsby Shire Car Parking Management Study are to:

- Provide car parking policy direction and recommendations for Council over a 10-year horizon.
- Allow improved management of parking in and around activity centres.
- Enable parking to be used more efficiently to encourage sustainable transport options.
- Identify car parking management actions required in the short, medium and long term.

The study methodology and approach recognised that parking issues cannot be dealt with in isolation from the broader issues of car use and transport, and that parking is an essential element of the

overall transportation system and not a stand-alone service. The methodology used for the development of the Hornsby Shire Car Parking Management Study included:

- Identification of local issues that impact the provision and management of car parking.
- Examination of the existing parking situation with supply, occupancies and parking trends, which included undertaking surveys of the Hornsby Town Centre, Hornsby Hospital, Waitara, Berowra, Brooklyn, Berowra Waters, Asquith, Beecroft, Cheltenham, Pennant Hills, Thornleigh, Cherrybrook Shopping Centre and Cherrybrook Metro, Normanhurst, Fagan Park, Galston Village and Salisbury Road and Leighton Place Industrial precincts.
- Determining the future parking needs for Hornsby Town Centre based on envisaged development.
- A review of current car parking management practices.
- Preparation of options and recommendations for the future needs of on-street and off-street parking.
- The development of recommendations for implementation.

Summary of Current Parking Supply and Utilisation

The survey results indicate that many of Council's high demand parking areas such as Hornsby Town Centre, Hornsby Hospital, Waitara and Brooklyn are operating well above the 85% benchmark. It is considered best practice to review parking management controls when the average peak-hour parking demand exceeds 85%. The parking utilisation surveys were undertaken during late 2019 prior to COVID-19 and therefore do not capture any changes to travel patterns and parking supply and utilisation as a result of the COVID pandemic.

The trip origin survey results indicate that most drivers parking in Hornsby LGA are Shire residents. Generally, less than 30% of parkers are from outside Hornsby LGA. A high proportion of these drivers were noted to use the railway commuter car parks.

Observations and results of parking utilisation in key activity centres are summarised below:

- Hornsby Town Centre has about 7,040 parking bays. The centre experiences competing parking demands from Hornsby Station, Westfield Shopping Centre and many other businesses and retail outlets. 79% of the 7,049 parking bays are unrestricted and on-street parking accounts for 66% of the parking supply. On-street occupancy peaks at over 90% and off-street parking at just under 90%. Many road segments yielded occupancy rates of higher than 85%.
- Hornsby Hospital Precinct has 1,200 parking bays of which 75% are unrestricted. 84% of bays are on-street with peak occupancy above 90% and off-street peak occupancy of 92%. The current parking demands, primarily hospital staff, impede on residential areas where there is a lack of on-street parking controls. Short and medium-term parking demand increases for the parking located near James Park during sporting seasons, however it is typically occupied with long term hospital staff.
- Waitara has a railway station and nearby small businesses with a total of 1,796 parking bays of which 68% of the bays are unrestricted. 92% of the parking is on-street with peak occupancy above 90% and off-street peak occupancy at 100%. There is a shortfall in off-street resident parking supply to satisfy demand. There is a lack of parking management with current parking demands impacting parking in residential areas. Many residential towers

provide only one parking space per residence and second vehicles are parked on-street occupying highly desirable town centre parking bays.

- Berowra is largely residential, with a small retail precinct and adjacent to a station which currently serves as a major rail hub with insufficient off-street parking. Many commuters park on the Pacific Highway. 73% of the 902 parking bays in the core area are unrestricted. Half of the parking is on-street with peak occupancy of 63% and off-street peak occupancy of 99%. Council does not have the power to change on-street parking restrictions within 1km from Berowra Railway Station as it is a declared station. The on-street parking is poorly utilised due to the lack of time restrictions and wayfinding signage. Rail commuters park unsafely along the Pacific Highway due to the fully occupied commuter car park at the station. Council can consult with TfNSW to seek amendments to the parking restrictions within this area.
- Brooklyn is a tourist destination with a major focus on boating and fishing. It has 660 parking bays in the core area of which 87% are unrestricted. 64% of the parking is on-street with peak occupancy of 89% and off-street peak occupancy of 100%. There are a limited range of parking controls on-street in Brooklyn town centre and a large demand on weekends by tourists and visitors with boat trailers. River Settlement residents also utilise high demand tourist and visitor parking in Brooklyn to park their vehicles long term. There is a lack of parking supply and lack of enforcement in the area.
- Berowra Waters Activity Centre is focused on boating and has 620 parking bays of which 92% are unrestricted. 43% of parking is on-street with peak occupancy of 38% and off-street peak occupancy of 59%. There are no controlled parking limits for on-street parking and the demand for parking is not satisfied by the limited Council owned off-street parking supply. This is exacerbated by the underutilisation of the Bay Rd upper deck single car park.
- Pennant Hills Town Centre includes shopping centres, a library, a railway station and a school creating competing parking demands. 62% of the 2,028 parking bays are unrestricted. 75% of parking is on-street with peak occupancy of 81% and off-street a peak occupancy of 87%. Varying levels of parking demand is experienced throughout the town centre with commuter carparks operating at capacity throughout the week. Numerous time restrictions apply within short distance of each other, resulting in confusion for drivers and an overabundance of signage.
- Cherrybrook Metro Precinct only major source of parking demand comes from the metro station. It has 1,703 parking bays of which 79% are unrestricted. 66% of parking is on-street with peak occupancy recorded at 61% and off-street peak occupancy of 98%.

General Strategies for Managing Car Parking

The outcome of the Hornsby Shire Car Parking Management Study has identified initiatives and strategies that are needed to achieve short, medium and long-term goals for managing parking demand generated by visitors, employees and commuters. These include:

- Regulating the parking needs of various user groups vehicle types - favouring higher value user groups such as service vehicles, deliveries, customers and access for people with disabilities.
- Encouraging remote parking by offering benefits to employees to encourage them to use alternatives to a car.
- Pedestrian improvements.

- Reducing free parking spaces to push long-stay car parking to more remote locations.

Recommended Car Parking Management Measures

Key study recommendations are outlined below.

Existing on-street and off-street parking supply

- Explore opportunities to maximise the use of existing supply before introducing new measures.
- Time limited parking restrictions should be altered and expanded to provide consistent and appropriate parking opportunities and maximise the availability of supply.

Resident Parking

Most residences in the Shire except for River Settlements have adequate off-street parking.

Interim Actions

- Tighter parking controls should be implemented to manage on-street parking affected by long-stay parker overspill. Council should consider options and viability of introducing visitor passes, parking vouchers or a parking token system for local residents in areas where the demand for on-street parking exceeds supply.

Short – Medium Term Actions

- Develop detailed Precinct Street Parking Plans. The Precinct Street Parking Plans may identify the need for a Parking Permit Scheme to address local parking management concerns where tighter parking controls are not able to resolve parking concerns.
- Review the requirements for a Resident Parking Scheme in 12 – 24 months in key precinct areas inclusive of Cherrybrook Metro, Waitara, Hornsby Hospital and Hornsby Town Centre precincts. This would be undertaken as part of the development of the Precinct Street Parking Plans.
- Consider implementing a trial Resident Parking Permit Scheme in conjunction with Pay Parking subject to the outcome of community consultation. Locations where Resident Parking Schemes could be trialled include Waitara, Cherrybrook Metro Precinct and Hornsby Hospital.

Commuter Parking

- Provision of commuter parking should not be a priority for Council when considering the appropriate use of parking infrastructure in a central activity area.
- Lobby TfNSW to provide appropriate commuter parking supply in appropriate locations and commensurate with current and forecast levels of demand.
- Investigate appropriate opportunities to provide additional commuter car parking funded by State Government at major railway stations such as Hornsby, Berowra and Cherrybrook Metro where supply does not impact on good town centre design. Commuter car parks should be located on the periphery of town centres and not located within the core centre.
- Lobby TfNSW to improve peak hour public transport frequency and connecting bus services to the major transport nodes.

Pay Parking

- Implement pay parking as a demand management tool to encourage transportation mode choice subject to community consultation and approval of the local traffic committee.

Parking Ratios

- Adopt new sustainable car parking ratios with mandatory maximum and minimum parking requirements in major town centre core areas to achieve an appropriate level of parking supply.
- Offer special dispensation or discounted parking supply in major town centres on a case by case basis to developers that are willing to incorporate sustainable transport options as part of their developments e.g. car share schemes and green travel plans.

Bundled Parking

- Lobby proprietors of adjacent commercial/retail developments to unbundle their parking so that it can be shared by a larger group of shops and businesses. This will provide more availability of spaces for customers and clients. It creates a more cohesive parking environment than segregated car parks in an area where there is a short supply of parking.

Cash in Lieu Contribution for Car Parking

- Investigate a new method of calculating the cash-in-lieu fee for car parking in major activity areas such as Hornsby Town Centre that considers the true cost of providing off-street multi-level car parks.

Enforcement and Technology

- Incorporate technology into on-street and off-street parking policy to improve enforcement and compliance including the provision of real-time parking management data.

Car Share Scheme

- Implement the Car Share Policy and facilitate the introduction of dedicated on-street parking (pods) in various centres throughout Hornsby Shire for private car share scheme providers.

Electric Vehicle (EV) Charging Stations on Public Land

- Implement the Electric Vehicle (EV) Charging Stations on Public Land Policy and facilitate installation of dedicated on-street EV charging points in various centres throughout Hornsby Shire.

Employee and Visitor Parking

- Provision of employee and visitor parking for private developments should not be a priority for Council when considering the appropriate use of parking infrastructure.
- Employee and visitor parking for new developments should continue being provided on site in accordance with the Hornsby Shire Development Control Plan (DCP).
- Development sites in Hornsby Town Centre that are not able to provide the required DCP quantum of parking spaces should continue to pay a cash-in-lieu fee that will be used to construct a public car park where this deficit will be provided.
- Liaise and work with local businesses and encourage them to develop sustainable travel plans for employees e.g. green travel plans inclusive of car share and carpooling options.

- Liaise and work with local businesses and encourage employees in centres that have good access to public transport to consider switching to more sustainable modes of travel
- Offer special discounted parking supply for new developments in major town centres on a case by case basis to developers that are willing to incorporate sustainable transport options as part of their developments.

Improved Way Finding and Smart Technology

- Review wayfinding signage in all town centres and improve it to guide drivers to the off-street car parks.
- Enhance way finding by providing information for parking on the internet covering all precincts, with pricing, time restrictions, locations of car parks and if possible real time availability to assist users to find a vacant bay, reducing the time wasted in searching for a car park.

Education

Broader environmental, economic and social impacts of parking are rarely understood or appreciated by the community. The Study has recommended that Council should:

- Develop and implement on-going community education and information campaign programs focusing among other sustainability issues the implications of current parking practices.

The education program could include stakeholders such as local residents, developers, retailers, tenants, Council staff, business and community groups and schools etc.

CONSULTATION

Community Engagement Plan

The draft Hornsby Shire Car Parking Management Study details numerous key findings and recommendations to improve car parking management across the Shire. The impact of these findings and recommendations range from Shire wide to specific precinct/suburb level matters. A Community Engagement Plan has been developed (refer Attachment 4) which provides a high-level summary of the communication and engagement tools that will be utilised to facilitate community participation.

Engagement will focus on working with the community to explore options to improve car parking management concerns at a Shire wide-level and will include the utilisation of communication and engagement tools such as surveys, website, social media.

For car parking recommendations that are precinct focused detailed Communication Engagement Plans will be developed for progressing each recommendation in consultation with Councillors. Communication and engagement tools which may be utilised that maximise the opportunities for the community to participate in the development of Precinct Street Parking Plans, may include pop-up stalls, fact sheets, open houses and digital engagement.

BUDGET

This report recommends that Council adopts the draft Hornsby Shire Car Parking Management Study which includes key findings and recommendations. The draft Hornsby Shire Car Parking Management Study provides overall car parking policy direction and recommendations for Council over a 10-year horizon.

In many cases, these are new actions additional to Council's current provision of services and requires additional resources to be allocated, existing resources to be reallocated or most likely a combination of both.

As the draft Study is a high-level document, detailed costings and funding sources have yet to be developed for each task. Investigation and scoping will be needed to accurately identify the cost of each key finding and recommendation.

Council has a strong track record of financial responsibility. A quadruple bottom line approach, including financial sustainability considerations, when making decisions and committing to new projects and programs is critical.

Implementation of actions contained within the draft Car Parking Management Study would occur through the development of Council's next Delivery Program, annual budget and Operational Plan. Implementation would be subject to the strategic priorities of Council, the availability and allocation of resources by Council, and in many cases, supported by a business case.

To accelerate delivery of the Study, Council will seek alternative funding pathways such as applying for grants and working in collaboration with partners. The formal adoption of this Study will support future funding applications from providers such as the NSW and Australian government.

POLICY

There are no policy implications associated with this Report.

CONCLUSION

To ensure best practice car parking management solutions for the seventeen precincts within the Shire and to the guide the implementation of parking supply and control in the coming years it is recommended that Council adopt the Hornsby Shire Car Parking Management Study.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Strategy Manager – Julie Ryland - who can be contacted on 9847 6773.

STEVEN HEAD

General Manager

Office of the General Manager

Attachments:

1. Car Parking Management Study Part A - Summary of Key Findings and Recommendations



2. Car Parking Management Study Part B - Study Report



3. Car Parking Management Study Part C - SWOT Analyses



4. Communications and Engagement Framework - Summary



File Reference: F2007/01499-001

Document Number: D07974950

ITEM 4

5 ENVIRONMENTAL SUSTAINABILITY ADVISORY COMMITTEE - MEMBERSHIP VACANCY

EXECUTIVE SUMMARY

- At the 11 December General Meeting Council endorsed the establishment of an Environmental Sustainability Advisory Committee and adopted a Charter for the Committee as provided in Attachment 1 to General Manager's Report No. GM17/19.
- Expressions of Interest for community representatives occurred between 3 December 2019 and 7 February 2020. 55 applications were received from community representatives.
- Applications were assessed, and seven community representatives were appointed to the Environmental Sustainability Advisory Committee. Since the establishment of the committee one community representative has had to leave resulting in a vacancy.
- In accordance with the Committee Charter the appointment of a new member is to be determined by Council.

RECOMMENDATION

THAT Council endorse Inaara Jindani as a community representative to sit on the Environmental Sustainability Advisory Committee for the remainder of this term of Council.

PURPOSE

The purpose of this Report is to seek endorsement for the replacement of a community representative on the Environmental Sustainability Advisory Committee following a vacancy.

BACKGROUND

At the 11 December General Meeting Council endorsed the establishment of an Environmental Sustainability Advisory Committee and adopted a Charter for the Committee.

Council called for Expressions of Interest between 3 December 2019 and 7 February 2020 through the following channels:

- Website.
- Email to residents who had previously attended a sustainability, waste or bushland event.
- Email to existing members of the Bushland Management Advisory Committee and the former Waste Working Group.
- Enews.
- Advertisement in Hornsby Advocate, Hills Shire Times and Northern District Times.
- Inclusion in the Mayors column in the Bush Telegraph and Monthly Chronicle.
- Facebook.
- LinkedIn.

Council received an overwhelming response with 55 community nominations. Applications were assessed, and seven community representatives were appointed to the Environmental Sustainability Advisory Committee. Since the establishment of the committee one community representative has had to leave resulting in a vacancy.

DISCUSSION

In accordance with the Committee Charter the recruitment of new or replacement of full members will involve calling for nominations and the determination of nominations will be made by Council.

As nominations occurred within the past six months and only two Committee Meetings have been held it is proposed that the replacement community representative be selected from the original nominations which were evaluated against the following criteria:

- Ability to provide strategic advice on sustainability matters.
- Ability to provide advice on a range of sustainability issues.
- Ability to liaise with the wider community – links to community.
- Skills and experience.

Shortlisted applicants were also reviewed to ensure a balance of male to female, age and locality.

In accordance with the previous evaluation of nominees it is recommended that Inaara Jindani be endorsed as the community representative on the Environmental Sustainability Advisory Committee.

BUDGET

There are no budgetary implications associated with this Report.

POLICY

There are no policy implications associated with this Report.

CONCLUSION

It is proposed that Inaara Jindani be endorsed by Council as a full committee member of the Environmental Sustainability Advisory Committee as she has demonstrated that her knowledge on a range of sustainability matters and her skills and experience will add value to the future consideration of matters by the Committee.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Strategy Manager – Julie Ryland who can be contacted on 9847 6773.

STEVEN HEAD
General Manager
Office of the General Manager

Attachments:

There are no attachments for this report.

File Reference: F2004/09491-006
Document Number: D07977111

6 NSW MODEL CODE OF CONDUCT AND PROCEDURES - AMENDMENTS

EXECUTIVE SUMMARY

- The Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW have been amended in response to the decision by the Supreme Court in the matter of *Cornish v Secretary, Department of Planning, Industry and Environment [2019] NSWSC 1134* which had resulted in limiting the options available when taking disciplinary action against councillors for breaches of their codes of conduct.
- Amendments have also been made to the Model Code of Conduct for Local Councils in NSW.
- The new Model Code of Conduct and Procedures have been prescribed under the Local Government (General) Regulation 2005.
- Although the amendments are minor in nature, Council is required to adopt an amended Code of Conduct and procedures based on the prescribed Model Code of Conduct and Procedures.

RECOMMENDATION

THAT the wording contained within the 2020 Model Code of Conduct for Local Councils in NSW and 2020 Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW as prescribed under the Local Government (General) Regulation 2005 be adopted and incorporated into the Hornsby Shire Council Code/s of Conduct and Procedure documents respectively, with the exception that the cap on the value of gifts that may be accepted in Part 6 of the Model Code be set at \$50.

PURPOSE

The purpose of this report is to recommend that the amendments to the NSW Model Code of Conduct and Model Procedures recently prescribed in the Local Government (General) Regulation 2005, be included in Hornsby Shire Council Code of Conduct and Procedures for the Administration of the Code of Conduct.

BACKGROUND

The Office of Local Government (OLG) issued Circular No. 19-25 on 2 October 2019 advising councils of the decision by the Supreme Court in the matter of *Cornish v Secretary, Department of Planning, Industry and Environment [2019] NSWSC 1134*.

The Supreme Court had held that, notwithstanding the penalties available to councils for code of conduct breaches by councillors under the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW* (the Procedures), the only disciplinary power available to councils under the *Local Government Act 1993* for code of conduct breaches by councillors, is the power to formally censure conferred under section 440G.

As such, the majority of options for resolving disciplinary matters in the Model Procedures were no longer available.

These amendments now align the Model Code and Procedures with the Supreme Court decision.

DISCUSSION

Amendments to the Model Code of Conduct

The Model Code of Conduct has been amended to:

- Remove as a breach, failure to comply with a council resolution requiring action in relation to a code of conduct breach (because it is now redundant).
- Update the language used to describe the various heads of discrimination in clause 3.6 to reflect more contemporary standards.
- Include in the definition of council committee and council committee members, members of audit, risk and improvement committees (ARICs) in anticipation of the commencement of the requirement for all councils to appoint an ARIC following the next local government elections.

Amendments have also been made to the gifts and benefits provisions of the Model Code of Conduct in response to feedback from some councils. The amendments:

- Lift the \$50 cap on the value of gifts that may be accepted to \$100.
- Clarify that items with a value of \$10 or less are not “gifts or benefits” for the purposes of the Model Code of Conduct and do not need to be disclosed.
- Clarify that benefits and facilities provided by councils (as opposed to third parties) to staff and councillors are not “gifts or benefits” for the purposes of the Model Code of Conduct.
- Remove the cap on the value of meals and refreshments that may be accepted by council officials in conjunction with the performance of their official duties.

Councils are not obliged to amend their codes of conduct to lift the cap on the value of gifts that may be accepted if they do not wish to. It is open to councils to retain the existing \$50 cap or to impose

another cap that is lower than \$100. In this respect, it is recommended that Council continue to maintain the \$50 cap.

Amendments to the Procedures

Consistent with the Supreme Court's decision, councils have the following options when taking disciplinary action against councillors for breaches of the code of conduct under the new Procedures:

- That a councillor be formally censured for the breach under section 440G of the *Local Government Act 1993* (the Act), or
- That a councillor be formally censured for a breach under section 440G and the matter referred to OLG for further disciplinary action under the misconduct provisions of the Act.

The process for censuring councillors for breaches of the code of conduct has been significantly strengthened to ensure councillors are made publicly accountable to their electors for their conduct. When censuring councillors, councils are required to specify in their resolution the grounds on which the councillor is being censured by disclosing the investigator's findings and determination and any other grounds that the council considers may be relevant or appropriate.

Councillors may seek to avoid public censure for breaches of the code of conduct by voluntarily agreeing to undergo training or counselling, to apologise for their conduct or to give undertakings not to repeat their conduct before the investigator finalises their report to the council. Investigators can finalise their investigations without a report to the council where they consider these to be an appropriate outcome to the matter they are investigating. However, it will remain open to investigators to finalise their report and to recommend censure where they consider this is appropriate and warranted.

The process for referral by councils of code of conduct breaches by councillors to the OLG for further disciplinary action under the misconduct provisions of the Act has also been streamlined. Investigators are required to consult with OLG before recommending the referral of matters to ensure the conduct in question is sufficiently serious to warrant disciplinary action for misconduct and that there is sufficient evidence of the breach to allow OLG to take further disciplinary action.

Other amendments have been made to the Procedures to:

- Allow panels of conduct reviewers to be appointed without a resolution of the council.
- Allow the referral of investigators' reports to OLG for action under the misconduct provisions of the Act where the council will not have a quorum to deal with the matter.

Adoption of Amendments

The Model Code and Procedures published by the OLG are required to be adopted in full by all councils. Each council may enhance or strengthen the standards set out in these Model documents however, any additional provisions which are less onerous will be invalid. As Council has most recently conducted a thorough review of the Code of Conduct and Procedures in April 2019, no further amendments are recommended over and above what was included last year. Accordingly, the recommendation is only seeking to accept the amended wording of the 2020 Model documents as these amendments will transfer automatically into the existing Code of Conduct and Procedure documents. The Model Documents provided by the OLG with track-changes are ATTACHED.

BUDGET

There are no budgetary implications associated with this Report.

POLICY

There are no policy implications associated with this Report other than the changes to the Code of Conduct and Procedures.

CONCLUSION

Council's consideration of this Report satisfies the requirements of the Local Government Act 1993 and Local Government (General) Regulation 2005, as amended regarding the review and adoption of the Model Code of Conduct and Procedures as prescribed.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Risk & Audit Manager – Scott Allen - who can be contacted on 9847-6609.

STEVEN HEAD

General Manager

Office of the General Manager

Attachments:

1.  Model Code of Conduct 2020
2.  Procedures for the Administration of the Model Code of Conduct 2020

File Reference: F2005/00156

Document Number: D07979086

LOCAL GOVERNMENT NSW - 2020 ANNUAL CONFERENCE - SUBMISSION OF MOTIONS AND DETERMINATION OF VOTING DELEGATES

EXECUTIVE SUMMARY

- The 2020 Annual Conference of Local Government NSW (LGNSW) was scheduled to be held at The Crowne Plaza Hunter Valley, from Sunday 22 to Tuesday 24 November 2020. However, due to COVID-19 and the necessary associated restrictions, it will now be held as a virtual Conference.
- The Conference traditionally provides the opportunity for Council delegates to network and be involved in discussions and consideration of motions about matters which affect local government across NSW. Submissions will still be provided to the Conference in its amended format.
- In considering the submission of motion/s by Council, regard has been given to resolutions made by Council over the past 12 months, discussions between Councillors and members of the Executive Committee (ExCo), discussions at NSROC and recommendations emanating from ExCo members in respect of matters for which their Divisions are responsible. Based on the feedback received, it is proposed that two motions be submitted by Council for consideration at the Conference.
- Council is entitled to nine voting delegates at the 2020 Conference for voting on motions. As a consequence, Council will need to determine by resolution which Councillors will be voting delegates, noting that non-voting Councillors have historically been entitled to attend as an observer at the Conference. It is expected that this observer attendance will still be allowable, although details have not yet been provided as to how this will be managed in the amended Conference format.

RECOMMENDATION

THAT:

1. Motions dealing with; 1. Amendment to The Companion Animal Act 1998 to Prohibit Cats Roaming and 2. Amendment to Clause 263 of the Environmental Planning and Assessment Regulation 2000 as detailed in Director's Report No. CS20/20, be submitted for consideration at the 2020 Local Government NSW (LGNSW) Annual Conference.
2. Council determine which nine Councillors will be voting delegates at the 2020 LGNSW Annual Conference.
3. Registrations for attendance at the 2020 LGNSW Annual Conference be confirmed for the voting delegates determined in point 2. above, together with the remaining Councillor who will be attending the Conference as an observer.

PURPOSE

The purpose of this Report is to provide an opportunity for Council to submit matters for consideration and debate at the 2020 LGNSW Annual Conference and for Council to determine its voting delegates for the Conference.

BACKGROUND

The 2020 LGNSW Annual Conference was scheduled to be held at The Crowne Plaza, Hunter Valley, from Sunday 22 to Tuesday 24 November 2020. However, due to COVID-19 and the associated necessary restrictions, the Conference will be presented in an on-line half day format on Monday 23 November. Further details regarding the amended format of the Conference had not been received at the time of writing this Report. Councillors will be kept informed as new information comes to hand.

The Conference traditionally provides the opportunity for Council delegates to network and be involved in discussions and consideration of motions about matters which affect local government across NSW. LGNSW have encouraged councils to continue to support the Conference in its amended format so that local government areas are still able to unite and use a collective voice to highlight issues that are of importance to local communities and to emphasise where action is needed.

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

1. Industrial relations and employment.
2. Governance and accountability.
3. Economic.
4. Infrastructure and planning.
5. Social and Community.
6. Environment.

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

1. Are consistent with the objects of the Association (see Rule 4 of the Association's rules1).
2. Relate to Local Government in NSW and/or across Australia.
3. Concern or are likely to concern Local Government as a sector.
4. Seek to advance the Local Government policy agenda of the Association and/or improve governance of the Association.
5. Have a lawful purpose (a motion does not have a lawful purpose if its implementation would require or encourage non-compliance with prevailing laws).
6. Are clearly worded and unambiguous in nature.
7. Do not express preference for one or several members over one or several other members.

Motions which do not advance the local government policy agenda will not be included in the Business Paper. Therefore, a motion will not be included if it is: operational, rather than strategic; a matter which could be actioned by LGNSW without going to Conference; not local government

business; focused on a local issue only; or if the motion is consistent with longstanding actions of LGNSW.

Motions for the 2020 Conference are to be submitted online and must include the following details:

- Motion category.
- Title.
- Motion (a sentence or two which states the issue and the call to action).
- Background note (a paragraph or two to explain the context and importance of the issue to the local government sector).
- Indicate if the motion conflicts with one or more of the Fundamental Principles.
- Evidence of council support for the motion.

Fundamental Principles Conflict

Fundamental Principles are the overarching principles that direct LGNSW's response to broad matters of importance to the local government sector. These Fundamental Principles are endorsed (or amended) by LGNSW members at the Annual Conference. Motions submitted to the 2020 Conference are to indicate whether the motion conflicts with any of LGNSW's Fundamental Principles.

DISCUSSION

Motions

In considering the development of draft motion/s, regard has been given to resolutions made by Council over the past 12 months, discussions between Councillors and members of the Executive Committee (ExCo), discussions at NSROC and recommendations emanating from ExCo members in respect of matters for which their Divisions are responsible. Motions for debate at Conference can be lodged from Friday 17 July to Monday 28 September 2020 via the online portal to allow for assessment of motions and distribution of the Business Paper before Conference.

Based on the feedback received, it is proposed that the following two motions be submitted by Council for consideration at the 2020 Annual Conference:

Motion 1.

Category: Environment

Title: Amendment to The Companion Animal Act 1998 to Prohibit Cats Roaming

Motion Wording

THAT LGNSW lobby the NSW Government to amend the Companion Animal Act 1998 to prohibit cats from roaming onto public places and private property.

Background

The cat population continues to increase and as a result there is a significant decline in our native wildlife. Extensive research has been completed to demonstrate the detrimental effect roaming cats have on our native wildlife. The Australian Threatened Species Strategy estimates that Australia has between 2.1 and 6.3 million feral cats and the Australian Wildlife Conservancy states that each feral cat kills between 5 -35 animals a day. This gives a minimum estimate of 10.5 million native animals killed daily by feral cats. It is known that feral cats and domestic cats have contributed to over 20

mammal extinctions, as well as threatening the survival of at least another 124 native Australian animals at risk of extinction.

Recent legislative changes including the introduction of an annual permit for cats not desexed by 4 months and a reduction in registration fees for cats desexed by 4 months will not prevent cats roaming public and private premises and/or the management of feral cats.

Research indicates that a significant proportion of cat owners allow their cats to roam freely. Prohibiting cats from roaming would increase cat safety and minimise nuisance and native predation by cats, which is an aim of the Australian Cat Action Plan.

The Companion Animal Act 1998 must to be amended to provide council officers with legislative powers to prevent cats roaming to significantly contribute to curbing the rate of native animal extinction.

Motion 2.

Category: Infrastructure and Planning

Title: Amendment to Clause 263 of the Environmental Planning and Assessment Regulation 2000

Motion Wording

That clause 263 of the Environmental Planning and Assessment Regulation 2000 be amended to include the following additional clause (7) - A council may impose a compliance levy of 0.2% of the Capital Investment Value of a proposed development with a minimum levy of \$75 payable on all development and complying development applications upon lodgement of an application in the NSW planning portal.

Background

Following the introduction of private certification into the market place, there is a community expectation and legal responsibility under the EP&A Act that councils will continue to investigate and, where appropriate, take enforcement action for a wide range of land use planning compliance matters, including:

- Non-compliance with conditions of development consent.
- Variations from the approved plans.
- Pollution incidents.
- Poorly-maintained structures to prevent soil erosion.
- Poorly maintained tree protection barriers.
- Roads and paths blocked by trucks or skip bins.
- Hoardings and cranes.
- Development that does not comply with a consent.
- Building disputes.

The cost of councils providing officers to investigate and resolve these types of issues is significant and cannot be recovered by issuing cost compliance notices, fines or court action. To ensure that the

regulatory regime that follows the approval process is properly monitored, it is appropriate that a compliance levy of 0.2% of the Capital Investment Value (CIV) of a proposed development be charged on each development application with a minimum levy of \$75 on all applications. This fee would generally cover full cost recovery for council compliance work.

The charging of a levy is the most cost effective way of ensuring strong regulation is achieved. Issuing cost compliance notices, fines and initiating court action to recover costs involves additional administration resources, which cannot be recovered.

Voting Delegates

At this year's Conference there will only be voting on motions at Conference Business Sessions as the election for Office Bearers and the Board (Board election) was held at last year's conference. In this regard, LGNSW have advised that Hornsby Shire Council is entitled to nine voting delegates. It is envisaged that Councillors not nominated as voting delegates will still be entitled to attend the Conference as observers, although it has not yet been determined how this will be managed in the on-line format. Voting delegates are required to be advised to the LGNSW by 3 November 2020. Registrations to attend the conference are due by 11 November 2020, however Early Bird Registrations are being offered if registration and payment is made by 25 September 2020.

BUDGET

Funds have been allocated in the 2020/21 budget for attendance by Councillors and relevant staff at the 2020 LGNSW Annual Conference. However, because of the amended on-line format of the Conference it is expected that associated costs such as accommodation, meals etc, will be significantly less than in previous years.

POLICY

Councillor attendance at the 2020 LGNSW Annual Conference is in accordance with the Councillors' Expenses and Facilities Policy.

CONCLUSION

The 2020 LGNSW Annual Conference provides the opportunity for Council delegates to network and be involved in discussions and consideration of motions about matters which affect local government across NSW. In this regard, motions dealing with; 1. Amendment to The Companion Animal Act 1998 to Prohibit Cats Roaming and 2. Amendment to Clause 263 of the Environmental Planning and Assessment Regulation 2000 are proposed to be submitted by Council for consideration at the Conference. As LGNSW has advised that Council is entitled to nine voting delegates at the 2020 Conference for voting on motions, Council is required to determine which Councillors are to be formally nominated as Council's voting delegates at the Conference.

RESPONSIBLE OFFICER

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

ROBYN ABICAIR
Manager - Governance and Customer Service
Corporate Support Division

GLEN MAGUS
Director - Corporate Support
Corporate Support Division

ITEM 7

Attachments:

There are no attachments for this report.

File Reference: F2020/00183

Document Number: D07949107

8 ELECTION OF DEPUTY MAYOR

EXECUTIVE SUMMARY

- In accordance with Section 231 of the Local Government Act, Councillors may elect a person from among their number to be the Deputy Mayor, with the term of such office being either equal to that of the Mayoral term or for a shorter period.
- This Report provides details about the role of a Deputy Mayor and the choices that Council has about the period and method of election to such office.
- If Council decides to elect a Deputy Mayor, it will need to determine the term for which the Deputy Mayor will serve and the method of voting to be used for electing the Deputy Mayor. It will also need to appoint the General Manager (or his delegate) to conduct the election.

RECOMMENDATION

THAT:

1. Council determine if it wishes to elect a Deputy Mayor.
2. If a Deputy Mayor is to be elected, Council:
 - a) Determine the period for which the Deputy Mayor is to be elected.
 - b) Determine if the election of the Deputy Mayor is to be by preferential ballot, ordinary ballot or open voting.
 - c) Request the Returning Officer to conduct the election, using the election method determined in b) above.
3. If a Deputy Mayoral election is held, the ballot papers (if any) be destroyed following the declaration of the election.

PURPOSE

The purpose of this Report is to provide Council with the opportunity to consider whether or not it wishes to elect a Deputy Mayor. The Report includes information about the role of the Deputy Mayor and the different methods of voting which can be used to elect a Deputy Mayor.

BACKGROUND

In accordance with Section 231 of the Local Government Act, Councillors may elect a person from among their number to be the Deputy Mayor, with such term of office being either equal to that of the Mayoral term or for a shorter period.

Prior to the March 2004 local government elections, Hornsby Council's Mayor was elected annually by the Councillors. It was also Council's practice to annually elect a Deputy Mayor. At the 2004 election, the method of electing Hornsby's Mayor was changed to be by the residents/ratepayers across the Shire for the term of the elected Council, i.e. a popularly elected Mayor rather than by the elected Councillors on an annual basis.

Although Councillors no longer have the responsibility of electing the Mayor, it is still necessary for Council to decide whether or not to elect a Deputy Mayor and, if so, to determine the period of the term to be served by the Deputy Mayor. Council's latest decision in this regard was at the General Meeting held on 18 September 2019, when it considered Deputy General Manager's Report No. CS29/19 and elected Councillor Hutchence as Deputy Mayor for the period to September 2020.

DISCUSSION

The Role of Deputy Mayor

The Deputy Mayor may exercise any function of the Mayor, at the request of the Mayor, if the Mayor is prevented by illness, absence or otherwise from exercising the function, or if there is a casual vacancy in the office of Mayor. If there was to be a casual vacancy in the office of Mayor up until 18 months prior to the date specified for the next ordinary election, a by-election for the position of Mayor would need to be conducted in accordance with a timetable set by the Local Government Act. If the vacancy occurred within 18 months of the next ordinary election, the vacancy would be filled by the NSW Governor appointing a Councillor nominated by the Council to be the Mayor. The Deputy Mayor would usually fulfil the duties of Mayor during the above periods until a new Mayor was elected or appointed.

Period of Election of the Deputy Mayor

Under Section 231 of the Local Government Act, Councillors may elect a Deputy Mayor for the same period as the Mayoral term or for a shorter period. As Council's Mayor is popularly elected, the current Mayoral term is until the next local government elections, currently scheduled for September 2021. Council may, therefore, determine that a Deputy Mayor be elected for the period until September 2021 or for some shorter period e.g. six months. The practice at Hornsby Council has been to elect a Deputy Mayor for a 12-month period.

Method of Election

If a Deputy Mayor is to be elected, the method of election is in accordance with Schedule 7 of the Local Government (General) Regulation 2005. A Councillor may be nominated without notice for election as Deputy Mayor provided the nomination is made in writing by two or more Councillors (one of whom may be the nominee) and the nominee consents to the nomination in writing. The nomination is to be delivered or sent to the Returning Officer. A nomination form in respect of a Deputy Mayoral Election is included as an attachment to this Report.

If only one Councillor is nominated for election as Deputy Mayor, that Councillor is elected. If more than one Councillor is nominated, an election shall be held at which the General Manager (or his nominee) is the Returning Officer. The Council must resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting. Historically Council has used the open voting method to elect the Deputy Mayor. To ensure probity of the election process, the counting of votes where necessary is undertaken in the presence of the Returning Officer and at least one other staff member.

It should be noted that any recommendation on the method of election (if any) is dependant to some extent on the number of candidates – see below.

Preferential Ballot

Preferential ballot would only normally be used if there are three or more candidates. Under this system, Councillors indicate their order of preference for all candidates. If a candidate receives more than half the first preference votes (i.e. an absolute majority), he or she is declared elected. If no candidate has an absolute majority, the candidate with the lowest number of votes is excluded and his or her preferences are allocated to the other candidates and so on, until one candidate has more than half the votes. A preference for each candidate standing for election must be indicated on a ballot paper, or the ballot paper will be declared invalid.

Ordinary Ballot

Ordinary ballot would normally apply where there are two or more candidates and Council decides to proceed by secret ballot. If there are only two candidates, the candidate with the higher number of votes is elected. If the two candidates are tied, the one elected is chosen by lot. If there are three or more candidates, the candidate with the lowest number of votes is excluded and a fresh vote is taken and so on, until there are only two candidates. A final vote between the two candidates is then taken and the candidate with the higher number of votes is declared elected. If at any stage during a count up until two candidates are remaining, there is a tie on the lowest number of votes, the one excluded is chosen by lot.

Open Voting

Open voting uses the same system as ordinary ballot, except that voting is by a show of hands or similar means and not by secret ballot. This method of voting has previously been the preferred practice for Hornsby Council.

Choosing by Lot

To choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the Returning Officer; folded, to prevent the names being seen; mixed and then drawn at random by the Returning Officer. The candidate whose name is on the drawn slip is chosen.

Appointment of Scrutineers and Inspection of Ballot Papers and Progress of Count

Council has previously sought legal advice about the ability of Councillors to inspect ballot papers and the progress of the count as well as the ability of election candidates to appoint scrutineers. In summary, the advice was that candidates are not entitled to appoint scrutineers; an inspection of the ballot papers should not be permitted; the progress of the count should not be revealed; and the ballot papers (if any) for the Deputy Mayoral election should be destroyed after the election has been declared.

BUDGET

There are no budgetary implications associated with this Report.

POLICY

There are no policy implications associated with this Report.

CONCLUSION

Council needs to consider the contents of this Report and determine whether or not it wishes to elect a Deputy Mayor. If it does decide to elect a Deputy Mayor, Council will also need to determine the term of office and method of voting to be used to elect the Deputy Mayor. It will also need to request the General Manager, or his nominee, to conduct the election.

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

Director - Corporate Support
Corporate Support Division

Attachments:

1.  Nomination Form - Deputy Mayor - September 2020

File Reference: F2004/07075

Document Number: D07966346

9 SCHEDULE OF COUNCIL MEETINGS AND ORDER OF BUSINESS TO APPLY AT THOSE MEETINGS - OCTOBER 2020 TO SEPTEMBER 2021

EXECUTIVE SUMMARY

- In accordance with Clauses 3.2 and 8.1 of the Code of Meeting Practice, Council annually determines a schedule of meeting dates for the following year and the order of business to apply at those meetings.
- It is proposed that the practice of holding one General Meeting per month be maintained for 2020/21, with that Meeting to be held on the second Wednesday of each month (excluding January); and that Workshop Meetings and informal Councillor Workshop/Briefings continue to be held on other Wednesdays of the month, with appropriate notice being provided as required.
- It is also proposed that the existing order of business be maintained for 2020/21.

RECOMMENDATION

THAT Council adopt:

1. The schedule of ordinary Council meetings for the period October 2020 to September 2021 as set out in Attachment 1 of Director's Report No. CS24/20.
2. The order of business for the ordinary Council meetings to be held in the period October 2020 to September 2021 as set out in Attachment 2 of Director's Report No. CS24/20.

PURPOSE

The purpose of this Report is to recommend a proposed schedule of ordinary Meeting dates for the period October 2020 to September 2021, and the order of business to apply at those meetings.

BACKGROUND

Council last considered its schedule of meetings and order of business at those meetings at the 18 September 2019 General Meeting – refer Deputy General Manager's Report No. CS30/19. At the Meeting, Council decided to maintain the practice of holding one General Meeting per month with that Meeting to be held on the second Wednesday of each month (excluding January) and that Workshop Meetings and informal Councillor Workshops/Briefing sessions continue to be held as required, and with appropriate notice being provided, on the first, third, fourth and/or fifth Wednesdays of each month (except January).

DISCUSSION

Schedule of Meetings

In accordance with Clauses 3.2 and 8.1 of the Code of Meeting Practice, Council annually determines a schedule of ordinary Meeting dates for the following year and the order of business to apply at those meetings. Such determinations generally occur in September of each year, at the same meeting at which the Deputy Mayor is elected.

Section 3.2(a) of Council's Code of Meeting Practice states the following in respect of ordinary Meetings:

3.2(a) Ordinary Meetings of Council are defined as:

General Meetings which are held at 6.30pm on the second Wednesday of each month (excluding January) to consider all relevant matters.

Workshop Meetings which are held at 6.30pm on the first, third, fourth and/or fifth Wednesdays of each month as required (excluding January) to consider all relevant matters, especially those where a presentation by Council staff or an external person or organisation is required.

Whilst Workshop Meetings have been held irregularly over the last few Council terms, they have been a valuable resource for previous Councils, particularly where a matter to be dealt with was quite complex and a presentation by a consultant to Council and members of the public were deemed to be useful in the decision-making process. It is noted that informal Councillor Workshops/Briefings (where matters of interest are discussed but no decisions are able to be made) are held as required, generally on Wednesdays where a General or Workshop Meeting has not been scheduled.

A proposed schedule of General Meeting and Workshop Meeting dates for the period from October 2020 to September 2021 has now been drafted and is attached to this Report. The draft schedule of Meetings maintains the existing structure of one General Meeting per month which considers both planning and other matters, as well as providing for Workshop Meetings and informal Councillor Workshops/Briefings as required. Meeting dates which fall within school holiday periods have been marked with an asterisk* in the attached schedule. In addition, it should be noted that the meeting scheduled for September 2021 falls four days immediately after the Local Government Election, due to be held on 4 September 2021 and may be postponed or cancelled.

Order of Business

A proposed order of business to apply at General and Workshop Meetings for the period from October 2020 to September 2021 has been drafted and is attached to this Report. The draft order of business maintains the existing structure with no changes proposed.

BUDGET

There are no budgetary implications associated with this Report.

POLICY

This Report has been prepared in accordance with the requirements of Council's Code of Meeting Practice and the Local Government Act and Regulations.

CONCLUSION

The existing schedule of holding one monthly General Meeting (except for January) is working well and the Council Meetings process appears to be running smoothly and efficiently. No changes are proposed to the Meeting schedule, although it should be noted that the Local Government Elections are scheduled to be held on 4 September 2021, i.e. the Saturday immediately before the September 2021 General Meeting. No change to the order of business to be conducted at those meetings is proposed.

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
Director - Corporate Support
Corporate Support Division

Attachments:

1.  Schedule of Council Meetings 2020-2021
2.  Order of Business at Council Meetings 2020-2021

File Reference: F2004/07032

Document Number: D07966414

10 COUNCILLOR REPRESENTATION ON COMMITTEES, WORKING PARTIES AND OTHER RELEVANT GROUPS - OCTOBER 2020 TO SEPTEMBER 2021

EXECUTIVE SUMMARY

- Each year, Council reviews the need for Councillor representation on Committees, Working Parties and other relevant groups and makes a determination about the appointment of Councillors for the ensuing 12 months.
- This Report provides up to date information about each of the current Committees, Working Parties and other groups, and seeks a Council determination in respect of the appointment of Councillors for the period October 2020 to September 2021.

RECOMMENDATION

THAT Council review the list of Committees, Working Parties and other relevant groups included in the attachment to Director's Report No. CS25/20 and determine Councillor representation as appropriate for the period October 2020 to September 2021.

PURPOSE

The purpose of this Report is to provide the opportunity for Council to review Councillor representation on Committees, Working Parties and other relevant groups and appoint Councillor representatives, as considered appropriate, for the period October 2020 to September 2021.

BACKGROUND

At the 18 September 2019 General Meeting, Council considered Deputy General Manager's Report No. CS31/19 and appointed Councillor representatives to Committees, Working Parties and other relevant groups for the period October 2019 to September 2020. It was also determined that a review of Committees, Working Parties, and other relevant groups be conducted. That review was completed, and a Core Terms of Reference for Hornsby Shire Council Advisory Committees was developed, a copy of which is attached for information.

DISCUSSION

The list of Committees, Working Parties and other groups has been reviewed by the relevant Divisions and is included as an attachment to this Report. Where appropriate, a comment about the operation of the Committee, Working Party or group and/or whether Councillor Representation is still required has been provided by the Divisional Manager.

To assist Council in determining Councillor Representation for the 2020/21 period, the 2019/20 Councillor representatives on each Committee, Working Party and group are included in the column titled "Councillor Representation 2019/20" and a blank column has been left in respect of "Councillor Representation 2020/21".

Council will note that a column has been included which shows for each Committee, Working Party or group whether it is managed externally (i.e. where Council essentially simply nominates a representative/s to attend meetings) and those which have been established by Council (i.e. where Council has the ability to determine the protocol associated with operations and meetings). The table has been split so that the Committees/Working Parties are grouped under the heading of either "Council" or "External".

At the 18 September 2019 General Meeting Council adopted the attached Core Terms of Reference and agreed to progress a review of its Committees, Working Parties and other Groups. A number of informal Councillor Workshops/Briefings were subsequently held to discuss the future of the Committees, Working Parties and Groups, and the attached list incorporates decisions emanating from those Workshops/Briefings including the establishment of an Environmental

Sustainability Committee. Council now needs to determine relevant Councillor representation for the 2020/21 period, having regard to the attached list and Core Terms of Reference.

BUDGET

Any budgetary implications are detailed in the comment column of the attachment to this Report.

POLICY

There are no policy implications associated with this Report.

CONCLUSION

It is proposed that Council appoint representatives to all Committees, Working Parties and Groups shown in the table attached to this report.

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
Director - Corporate Support
Corporate Support Division

ITEM 10

Attachments:

1.  Councillor Representation on Committees
2.  Core Terms of Reference

File Reference: F2004/07056
Document Number: D07966440

11 INVESTMENTS AND BORROWINGS FOR 2020/21 - STATUS FOR PERIOD ENDING 31 JULY 2020

EXECUTIVE SUMMARY

- This Report provides details of Council's investment performance for the period ending 31 July 2020 as well as the extent of its borrowings at the end of the same period.
- Council invests funds that are not, for the time being, required for any other purpose. The investments must be in accordance with relevant legislative requirements and Council's policies and the Chief Financial Officer must report monthly to Council on the details of funds invested.
- All of Council's investments have been made in accordance with the Local Government Act, the Local Government (General) Regulation and Council's Investment of Surplus Funds Policy and Investment Strategy.
- In respect of Council's cash and term deposit investments, the portfolio achieved an annualised return for July 2020 of 2.99% which includes yields from unrealised gains from TCorp Managed Funds.

RECOMMENDATION

THAT the contents of Director's Report No. CS28/20 be received and noted.

PURPOSE

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

BACKGROUND

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

DISCUSSION

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

Council's investment performance for the month ending 31 July 2020 is detailed in the attached document. In summary, the portfolio achieved an annualised return for July 2020 of 2.99%.

In respect of Council borrowings, the weighted average interest rate payable on outstanding loans taken out from June 2011 to date, based on the principal balances outstanding, is 6.17%. The Borrowings Schedule as at 31 July 2020 is also attached for Council's information.

BUDGET

Budgeted investment income for the year is \$5,239,939 with an average budgeted monthly income of \$436,662. Net investment income for the month ended 31 July 2020 was \$533,972 which includes an unrealised gain from TCorp Managed Funds of \$179,074.

Approximately 29% of the investment income received by Council relates to externally restricted funds (e.g. Section 7.11 and Section 7.12 development contribution funds) and is required to be allocated to those funds. All investments have been made in accordance with the Local Government Act, the Local Government (General) Regulation and Council's Investment of Surplus Funds Policy and Investment Strategy.

The returns from TCorp Managed Funds are presently experiencing significant market volatility due to the Covid-19 Pandemic. It is noted that this product has a 7-year investment horizon and will therefore reflect marked to market valuations on a monthly basis. Advice from Council's Independent Investment Advisor, Prudential Investment Services, is to hold this investment for the 7-year timeframe originally planned. This is due to the anticipated net positive performance returns that will be gained over the long term for this investment.

CONCLUSION

The investment of Council funds and the extent of its borrowings as at 31 July 2020 are detailed in the documents attached to this Report. Council's consideration of the Report and its attachments ensures that the relevant legislative requirements and Council protocols have been met in respect of those investments and borrowings.

RESPONSIBLE OFFICER

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

DUNCAN CHELL
Chief Financial Officer
Corporate Support Division

GLEN MAGUS
Director - Corporate Support
Corporate Support Division

ITEM 11

Attachments:

1.  Schedule of Borrowings as at 31 July 2020
2.  Investment Summary report

File Reference: F2004/06987-02
Document Number: D07972043

12 HORNSBY RURAL LANDS STUDY

EXECUTIVE SUMMARY

- At its meeting on 10 October 2018, Council endorsed the Accelerated Local Environmental Plan (LEP) Review Program which includes the preparation of a Rural Lands Study. On 8 May 2019, Council endorsed the selection of consultants SGS Economics and Planning in partnership with RMCG to prepare the Study.
- The Rural Lands Study has been undertaken in accordance with the objectives and actions of the North District Plan to undertake place-based planning for protecting and enhancing the values of the Metropolitan Rural Area.
- Community consultation was conducted in late 2019 as part of the preliminary stages of the Study to obtain feedback on draft landscape areas and character descriptions for the place-based approach. The feedback received from the community is outlined in a Feedback Summary Report published on Council's website and has been considered by the consultant as work on the Study has progressed.
- The final Study outputs, including a draft Background report and draft Rural Lands Strategy and have now been prepared. The Background Report includes the technical review and evidence base and the Strategy document includes a draft vision, principles and recommendations for managing rural lands.
- The Strategy aims to provide a strategic direction for rural lands and is intended to inform amendments to the Hornsby Local Strategic Planning Statement and planning controls including the Hornsby Local Environmental Plan and Development Control Plan.
- It is recommended that Council endorse the draft Rural Lands Strategy and Background Report for public exhibition.

RECOMMENDATION

THAT:

1. The draft Rural Lands Study (incorporating the Strategy and Background Report) be placed on public exhibition for a period of six weeks in accordance with the consultation strategy outlined in Director's Report No. PL17/20.
2. Following exhibition, a report on submissions be presented to Council for its consideration.

PURPOSE

The purpose of this Report is to present a draft Rural Lands Study for endorsement for exhibition, as part of the Accelerated LEP Review Program.

BACKGROUND

In March 2018, the North District Plan was released by the Greater Sydney Commission which provides a 20-year plan to manage growth while enhancing the liveability, sustainability and productivity of the North District.

In 2018, the Greater Sydney Commission (GSC) released a number of District Plans. The 'Our Greater Sydney 2056 - North District Plan, 2018' (North District Plan) was released in April 2018. The Plan sets strategic directions for Northern District councils to manage future growth and associated social, environmental and economic issues.

The rural lands of Hornsby Shire are identified in the North District Plan as part of the Metropolitan Rural Area (MRA) and contain a mixture of productive agricultural land, extractive industries, rural residential development, rural villages, scenic rural landscapes, native vegetation and biodiversity corridors.

At its meeting on 10 October 2018, Council endorsed the commencement of several technical studies under the (then) Department of Planning and Environment's Accelerated LEP Review Program. Under the Program, Council has been receiving \$2.5m (paid in instalments) to complete a range of technical studies, including the preparation of a Local Strategic Planning Statement.

At its meeting on 8 May 2019, Council endorsed the engagement of SGS Economics and Planning to prepare a Rural Lands Study. The purpose of the Rural Lands Study is to set the strategic direction for managing rural lands into the future.

Council's Local Strategic Planning Statement was adopted in February 2020 and published on the NSW Planning Portal in March 2020. The LEP Review technical studies are at various stages of completion and will inform future amendments to Council's planning instruments.

This report presents a draft Hornsby Rural Lands Study 2020 for endorsement for exhibition.

DISCUSSION

Council has obligations under the North District Plan to align its planning policies with the actions and responsibilities outlined in the Plan.

The North District Plan includes Planning Priority N18: Better Managing Rural Areas. The objective of this Planning Priority is to ensure the environmental, social and economic values of rural areas are protected and enhanced. The actions of the North District Plan applicable to rural areas are:

Action 69 Maintain or enhance the values of the Metropolitan Rural Area using place-based planning to deliver targeted environmental, social and economic outcomes.

Action 70 Limit urban development to within the Urban Area.

The purpose of the Rural Lands Study is to consider the future of the rural areas in the context of the actions and responsibilities in the North District Plan.

At the commencement of the project, a project brief for the Hornsby Shire Rural Lands Study was prepared in consultation with representatives of the Greater Sydney Commission (GSC) to ensure the scope of works aligned with the intent of the North District Plan. The input from the GSC assisted in developing the scope of works and the place-based approach for completing the Study.

Now that the Study is nearing completion, Council officers recently met with the North District Commissioner and the Environment Commissioner from the GSC to present an overview of the approach, including identification of draft landscape areas, the 2019 community consultation, areas of analysis and preliminary findings. Initial feedback was positive, and the Greater Sydney Commission has been provided a copy of the draft Strategy and background report for consideration and will be formally consulted during the exhibition process.

Rural Lands Study Documents

The Rural Lands Study comprises four output documents as follows:

- *Landscape Areas Report* - published on the Future Hornsby website in September 2019 for the purpose of consulting with the community on the appropriateness of the landscape area boundaries and character statements.
- *Community Feedback Summary Report* - published on the Future Hornsby website in December 2019 and *summarises* the feedback received from the 2019 community consultation.
- *Rural Lands Study Background Report* - currently in draft form (copy attached), the *Background Report* includes the technical analysis and evidence to support the Rural Lands Strategy.
- *Rural Lands Strategy* - currently in draft form (copy attached), the Rural Lands Strategy document contains a vision, principles and recommendations for managing rural lands.

The draft Background report and draft Rural Lands Strategy are intended for public exhibition following Council endorsement.

Principles and Recommendations

The draft Rural Lands Strategy document includes a vision, principles and recommendations for managing rural areas. The Strategy also details the amendments made to landscape area boundaries and character descriptions following the 2019 community consultation.

The Principles for managing rural lands are the basis upon which recommendations have been made and will guide future decision making for rural areas. Some of the key principles include:

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

The Strategy document includes detailed recommendations for each landscape area, recommendations for villages and general recommendations for the rural areas as a whole. Some

recommendations, if adopted by Council, could be implemented immediately and other would require further investigation. The key recommendations are summarised as follows:

- Increase opportunities for value adding activities on sites where agriculture is occurring, such as restaurants and cafés, function centres, artisan food and drink premises, markets and garden centres where a nexus with agriculture is demonstrated and where rural character is maintained.
- Increase opportunities for additional land uses in the SP3 Tourist zone in Wisemens Ferry to expand tourism, including kiosks, markets and plant nurseries.
- Pursue a proposal for secondary dwellings in rural areas to be permitted up to a maximum square metres (160m²) size, regardless of the size of the principal dwelling.
- Include the area of any vehicular access handle in lot size calculations for subdivision applications in rural areas.
- Allow roadside stalls to sell items from the site and the local area (rather than be restricted to adjoining properties).
- Introduce a new LEP clause 5.16 from the Standard Instrument that requires land use conflicts with established land uses to be addressed in applications for rural subdivisions and dwellings.
- Investigate areas around the villages of the Galston, Dural and Glenorie to accommodate some additional housing in areas which are identified indicatively in the Strategy, considering potential lots sizes ranging from 5,000m² to 10,000m² (0.5ha – 1ha), the application of the E4 Environmental Living zone and the principles for establishing village boundaries set out in the Strategy.
- Investigate certain areas identified indicatively in the Strategy in parts of Sandstone Ridge Plateau and Northern Ridgeline for possible reduction from the current 10ha minimum lot size requirement to a minimum lot size of 2ha where there is less bushfire risk and other environmental constraints.

The recommendations (following further investigation where indicated) would involve amendments to the Local Strategic Planning Statement, Hornsby Local Environmental Plan 2013 and the Hornsby Development Controls Plan 2013. The process for implementing the recommendations including undertaking further investigations is outlined in Chapter 6 of the Strategy.

CONSULTATION

2019 Community Consultation

Community consultation was undertaken as part of the preliminary stages of the Rural Lands Study in October and November 2019. The purpose of this engagement was to obtain feedback on the appropriateness of the draft landscape areas and character descriptions. This consultation also sought community input on the values, issues and opportunities of each landscape area, as well as the rural area as a whole. The draft Landscape Areas report was published on Council's website in September 2019 for the purpose of consulting with the community. An online survey and community workshops were held in Galston and Glenorie during the consultation period.

The feedback received during the community consultation is outlined in the Community Feedback Summary report, published on the Future Hornsby website in December 2019. The feedback from the community has been considered by the consultant team as work on the Study progressed.

2020 Exhibition of Rural Lands Study

Following Council endorsement for exhibition, the draft Rural Lands Strategy and Background Report would complete the suite of documents comprising the Rural Lands Study and would be placed on public exhibition for a period of six weeks and advertised through the following channels:

- Advertisement on Council's website noticeboard – Have Your Say.
- Advertisement on Future Hornsby website.
- Council's eNewsletter.
- Council's Facebook Page.
- Advertising and Mayor's message – Bush Telegraph, Galston and Glenorie News, Dural Roundup and Hornsby and Kuring-Gai Post.
- Letters to all property owners in the rural areas.
- Letters/Email to all people who have registered for updates on the Rural Lands Study or 'all topics' under the Accelerated LEP Review.
- Letters and/or emails to people who participated in any of the following engagement activities during the 2019 community consultation (and provided contact details):
 - Completed the online survey.
 - Attended a community workshop.
 - Made a submission on the Rural Lands Study.
- Letters to external agencies including:
 - Greater Sydney Commission.
 - Department of Planning, Industry and Environment.
 - Adjoining Councils including The Hills Shire Council, Central Coast Council and Hawkesbury Council.
 - Sydney Peri Urban Network.
 - NSW Rural Fire Service.
 - NSW Sydney Water.
 - NSW Department of Primary Industries – Agriculture.
 - Agricultural industry groups.

Following exhibition, a report would be presented to Council summarizing the community feedback for consideration of next steps.

BUDGET

The costs associated with the preparation of the Rural Lands Study are covered under the Accelerated LEP Review funding.

Implementation of recommendations of the Strategy, including further investigations, would occur through the development of Council's next Delivery Program, annual budget and Operational Plan.

This would be subject to the strategic priorities of Council and the availability and allocation of resources by Council.

POLICY

The Rural Lands Study will set the strategic framework to manage rural lands into the future. Following exhibition and adoption by Council, the vision, principles and recommendations will be incorporated into the Local Strategic Planning Statement, the Hornsby Local Environmental Plan 2013, Hornsby Development Control Plan 2013 (once further investigations are completed where necessary).

CONCLUSION

This report presents a draft Rural Lands Strategy and the supporting draft Background Report as part of the Rural Lands Study prepared by SGS Economics and Planning in partnership with RMCG.

The Rural Lands Study aims to develop a strategic framework to guide future land use and the management of rural areas and ensure the environmental, social and economic values of rural areas are protected and enhanced in accordance with actions of the North District Plan.

The draft Strategy includes a vision, principles and recommendations for managing rural lands, whilst the supporting background report provides the evidence base to support the strategy. It is recommended that Council endorse the attached draft Rural Lands Strategy and draft Background Report for public exhibition.

RESPONSIBLE OFFICER

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

KATHERINE VICKERY
Manager - Strategic Landuse Planning
Planning and Compliance Division

JAMES FARRINGTON
Director - Planning and Compliance
Planning and Compliance Division

Attachments:

1.  Hornsby Shire Rural Lands Study - Draft Background Report - For Exhibition
2.  Hornsby Shire Draft Rural Lands Strategy - For Exhibition

File Reference: F2018/00162#04

Document Number: D07934586

13 EXHIBITION OF THE PROPOSED HOUSING DIVERSITY STATE ENVIRONMENTAL PLANNING POLICY

EXECUTIVE SUMMARY

- The Department of Planning, Industry and Environment (DPIE) is proposing to prepare a new Housing Diversity State Environmental Planning Policy (SEPP).
- Three existing housing-related SEPPs are being reviewed to ensure they are fit-for-purpose and reflect current conditions and community expectations for NSW residents.
- The proposed Housing Diversity SEPP would consolidate and update the three existing housing related State policies, introduce new land use terms to assist facilitate housing projects and amend planning provisions to provide greater certainty for all stakeholders.
- Three new definitions are proposed under the new SEPP for build-to-rent housing, purpose-built student housing and co-living housing, with applicable planning provisions.
- This report outlines the key amendments and provisions for the new SEPP which are contained in the exhibited Explanation of Intended Effect, discusses the implications for Hornsby Shire and notes areas of support and matters of concern.
- It is recommended that a submission in response to the proposed Housing Diversity SEPP be submitted to DPIE which outlines the matters raised in Director's Report No. PL19/20.

RECOMMENDATION

THAT a submission regarding the proposed Housing Diversity State Environmental Planning Policy be submitted to the Department of Planning, Industry and Environment outlining the issues raised in Director's Report No. PL19/20 including (but not limited to):

1. Support for the proposal to no longer mandate boarding houses as a permissible use in the R2 - Low Density Residential zone.
2. Raise concern in relation to the proposal to mandate build-to-rent housing in the R3 Medium Density zone and the B3 Commercial Core zone.
3. Raise concern with any proposal to amend State Environmental Planning Policy (Affordable Rental Housing) 2009 that would include rural secondary dwellings and provide a complying development pathway.

PURPOSE

The purpose of this Report is to present an overview of the proposed *Housing Diversity State Environmental Planning Policy (SEPP)*, its application for housing diversity within the Hornsby LGA and seek Council's endorsement for a submission to the DPIE in response to the proposed new SEPP.

BACKGROUND

Currently, the NSW Government has three SEPPs to facilitate the delivery of diverse housing types. These include *State Environmental Planning Policy (Affordable Rental Housing) 2009*, *State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004*, and *State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)*.

State Environmental Planning Policy (Affordable Rental Housing) 2009 facilitates the increased supply and diversity of affordable rental and social housing in NSW through expanded permissibility, floor space ratio bonuses and reduced car parking rates for various types of affordable rental housing.

State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004 aims to increase the supply and diversity of residences that meet the needs of seniors or people with a disability. The Seniors SEPP facilitates new seniors housing development by setting permissibility at the State level and providing less stringent planning requirements than would otherwise apply to other forms of housing. For more than a decade, Hornsby Council has raised concerns that the Seniors SEPP overrides Council's local planning controls.

State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes) allows all NSW local government areas to implement an affordable housing contribution scheme for a particular area.

These SEPPs have been in place for some time and the NSW Government has identified that, with a growing and ageing population coinciding with the impacts of the COVID-19 pandemic, the housing needs and preferences of the community have changed and will continue to change in the future.

The proposed Housing Diversity SEPP would consolidate and update the existing housing related State policies and its aim is to deliver a planning framework under a single instrument that will assist NSW's economic recovery following COVID-19, provide an adaptive format capable of meeting future requirements and facilitates the delivery of housing targets for the State's changing and growing population.

DISCUSSION

DPIE has publicly exhibited an Explanation of Intended Effect (EIE) for the proposed Housing Diversity SEPP, which aims to introduce new land use terms to assist facilitate housing projects and amend certain planning provisions to provide greater certainty for all stakeholders. This report presents an outline of the key components of the proposal as outlined in the EIE (copy attached) for a new Housing Diversity SEPP and the implications for Hornsby Shire.

1. Consolidation of existing housing related SEPPs

The new SEPP would consolidate the *Affordable Rental Housing SEPP*, the *Seniors SEPP* and *SEPP 70* to streamline the planning system by reducing the number of State policies.

Comment

Although it is difficult to determine potential implications arising from the new SEPP based solely on the EIE, the concept of reducing the number of State policies is supported. Streamlining three separate existing housing related SEPPs may provide greater clarity and understanding.

However, for more than a decade, Hornsby Council has raised concerns about State policies which override local planning controls, in particular the Seniors SEPP. Council already has concerns with the growth in housing needs and related infrastructure requirements and has been requested to prepare a Local Strategic Planning Statements and Housing Strategy to manage future growth and change. State policies which introduce further residential dwelling typologies and development pathways may exacerbate the perception of overdevelopment and reduce the benefits of local planning.

Recommendation

It is recommended that Council's submission outline support for the proposal to consolidate and streamline the planning system by reducing the number of State policies. Notwithstanding, the submission should also note that Council continues to lobby for the ability to plan locally, with local controls rather than one-size fits all State policies.

2. Introduction of New Housing Types

The EIE outlines three definitions for new housing types in the Standard Instrument LEP, including build-to-rent housing, purpose-built student housing and co-living developments.

DPIE indicates that these are being introduced to support new investment and address concerns with boarding houses including the lack of affordability of boarding house rooms. The boarding house definition would be amended to include a requirement that boarding house rooms are affordable (see below under 3.1 Boarding Houses). This would exclude purpose-built student housing and co-living developments as they are not truly "affordable" or managed by a community housing provider.

The EIE includes proposed definitions and planning provisions, permissibility requirements and development standards for the new housing types as follows:

2.1 Build-to-rent (BTR) housing

Build-to-rent housing is purpose-built high-density rental housing, situated close to transport and amenity, held in single ownership and professionally managed. It is designed to attract institutional investment with long-term leases. The building would not be able to be strata subdivided for the first 15 years (subdivision would be prohibited in the B3 – Commercial Core zone in perpetuity).

The EIE states that the NSW Government is seeking to provide more certainty for this type of development and encourage build-to-rent housing. It is suggested that this development type responds to the need for more rental housing during the recovery from COVID-19 and would generate more construction jobs.

The proposed definition for 'build-to-rent housing' is *"a building or place that contains at least 50 self-contained dwellings that are offered for long term private rent, is held within a single ownership, is operated by a single management entity, and includes on-site management."*

BTR housing is proposed to be mandated in the R3 – Medium Density Residential zone (where residential flat buildings are permitted), R4 – High Density Residential, B3 – Commercial Core and B4 – Mixed Use zones. Councils can decide the permissibility within other land use zones.

The development controls for BTR housing developments would include the following:

- Height and floor space ratio controls determined within Council's LEP.
- A minimum 0.5 car parking space per dwelling (or lower maximum parking rate if a Council's development control plan specifies).

- A minimum lease term, with no availability for short-term rental accommodation.

The EIE seeks feedback on appropriate provisions for BTR housing in regional areas, which may be of a smaller scale and could take the form of multi-dwelling housing or terraces rather than apartments.

Comment

Concern is raised with the proposal to mandate BTR housing as a permissible use in the R3 – Medium Density Residential zone. The EIE describes BTR as high density and the definition cites a minimum of 50 dwellings, which would not be compatible with an R3 Medium Density area. It is also unclear how Council would uphold its development standards for height and building envelope in any assessment of a permissible use which includes in its definition a minimum of 50 dwellings.

Concern is also raised with the proposal to mandate BTR housing as a permissible use in the B3 – Commercial Core zone. Introducing stand-alone residential accommodation as a permitted use could displace employment floorspace and make it difficult for councils to meet jobs targets set out in District Plans. Many councils, including Hornsby, have experienced similar issues with ‘serviced apartment’ style developments. The proposal to permit this type of development in the B3 zone does not adequately consider longer term implications on housing and employment markets, nor does it align with the preliminary recommendations of Council’s draft Employment Land Study, one of which is to achieve no net loss of commercial floorspace.

The EIE outlines that a consent authority would generally assess a BTR housing application against the design quality principles in the *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development* (SEPP 65). Concern is raised regarding the application of these design principles for this new form of development in the context of the local character and the planning controls in the Hornsby Development Control Plan.

BTR housing in accordance with the definition proposed and mandated in the R3 and R4 zones would impact on the character and landscape setting of Hornsby Shire. There are differences not only between Metropolitan Sydney and regional areas which the EIE acknowledges, but also within Metropolitan Sydney itself. Introduction of BTR housing as a one size fits all approach to inner, middle and outer ring suburbs does not respect their different characteristics.

Concern is also raised with the proposal for a minimum car parking rate of 0.5 spaces per dwelling which does not appear to be dependent on the size of the dwelling or the scale and adequacy of public transport in close proximity. This may result in on-street parking pressure within the vicinity of these developments.

The transition of BTR to a strata-subdivided apartment development after 15 years would undermine the intention and definition of this new type of residential accommodation. Subdivision of BTR housing should be prohibited in any zone in perpetuity.

Recommendation

It is recommended that Council’s submission object to the mandating of BTR housing in any land use zone, especially in outer-ring areas. The submission should also raise concerns regarding the integration and compatibility of the BTR definition with Council’s development standards and its strategies for employment land. A clear understanding of locational requirements and what is a well-located and accessible area should be requested to avoid impacts from increased on-street parking generation. Council’s submission should also seek prohibition of subdivision of BTR housing at any time in any zone.

2.2 Purpose-built student housing

Under the current planning framework, student housing does not have a separate definition and is developed under the boarding house provisions of the *Affordable Rental Housing SEPP*.

The EIE proposes to introduce a new definition for 'student housing' which would refer to "a building that provides accommodation and communal facilities principally for students enrolled to study at an education establishment during teaching periods and may incorporate some fully self-contained dwellings."

Student housing is not proposed to be mandated in any zones, as universities across the State have widely varying land use contexts. Therefore, councils would decide the permissibility for this use. The development standards for student housing developments would include the following:

- Height and floor space ratio controls determined within Council's LEP to maintain local character.
- No minimum car parking space requirement due to the expectation of close proximity to educational establishments.
- Non-discretionary minimum bicycle and motorcycle parking requirements.
- A minimum 10m² room size, with the option to reduce room sizes while also achieving adequate internal amenity through shared facilities.
- Requirements for indoor and outdoor communal areas depending on size and proximity to relevant education establishments.

The EIE states that DPIE may develop guidelines and would monitor the outcomes from the introduction of this new use to ensure the resulting developments are meeting the needs of residents and that local impacts are acceptable.

Comment

The proposal to allow councils to decide the permissibility for this use is supported. The SEPP should go further to apply locational criteria, such as within a set radius to a university campus or a railway station close to, or servicing, the campus.

The EIE states that no minimum car parking would be required for a student housing development. Although this would effectively serve non-vehicle owning international students, it fails to accommodate students that may be vehicle owners which may ultimately lead to on-street parking pressure within the vicinity of these developments.

The EIE does not outline design guidelines for purpose-built student housing. However, it is indicated that specific design guidelines are to be developed to address built form, amenity, storage, solar access, ventilation and privacy.

Recommendation

It is recommended that Council's submission outline support for allowing councils to decide the permissibility for student housing, suggest the inclusion of a locational requirement for LGAs that contain universities, tertiary education facilities or large railway stations close to campuses and the inclusion of minimum car parking rates to cater for students who may own vehicles.

2.3 Co-living Developments

As with student housing, co-living developments do not currently have a separate definition and are developed under the boarding house provisions of the *Affordable Rental Housing SEPP*, defined as 'new-generation boarding houses'.

The EIE proposes to introduce a new definition for co-living developments which would refer to "a building held in single ownership that provides tenants with a principal place of residence for 3 months or more, includes on-site management and a communal living room, may include other shared facilities, such as a communal bathroom, kitchen or laundry, and has at least 10 private rooms (some or all of which may have private kitchen and/or bathroom facilities) with each private room accommodating not more than two adults."

Co-living developments are proposed to be mandated in the R3 – Medium Density Residential zone (where residential flat buildings are permitted), R4 – High Density Residential and B4 – Mixed Use zones. Councils can decide the permissibility within other land use zones.

The development standards for co-living developments would include the following:

- Height and floor space ratio controls determined within Council's LEP to maintain local character.
- A non-discretionary minimum 0.5 car parking space requirement to allow councils to consider less parking when appropriate.
- A minimum 30-35m² room size to sit between boarding house and studio apartment room sizes.
- A minimum 20m² communal living space, plus 2m² per each room over 10 rooms.
- 4m² per room private open space.
- 25% of the site area for communal open space, or less if all dwellings exceed minimum private open space requirements.

The EIE states that DPIE may develop guidelines and would monitor the outcomes from the introduction of this new use to ensure the resulting developments are meeting the needs of residents and that local impacts are acceptable.

Comment

Mandating Co-living developments in the R3 and R4 zone is consistent with the current mandated permissibility of boarding houses. However, integration with the development controls in Council's LEP is not clearly demonstrated and concern is raised with how local character would be maintained. Concern is raised with amenity impacts associated with small room sizes and the resultant potential density in excess of infrastructure provision.

Concerns are raised with permitting co-living developments in business zones due to potential impacts on the commercial function of the zones and displacement of employment opportunities.

The EIE states one of the reasons for the introduction of the definition of Co-living developments is to allow this type housing with self-contained rooms with private bathroom and kitchenette facilities to occur without an affordability requirement to cater for demand and the growth in single person households. However, single person households may be vehicle owners and concern is raised with the proposal for a minimum car parking rate of 0.5 spaces per dwelling which does not appear to be dependent on the location of the development (i.e. within close proximity to a railway station).

Recommendation

It is recommended that Council's submission raise concerns with amenity impacts, low car parking rates which do not appear to be dependent on the location of the development (in proximity to transport) and request clarification on how local character would be maintained with the introduction of Co-living developments in the R3 and R4 zone.

3. Proposed amendments to the Affordable Rental Housing SEPP

Since the introduction of the Affordable Rental Housing SEPP, councils and communities have raised concerns about the boarding house provisions. Key concerns include the lack of affordability of boarding house rooms, the excessive scale and bulk of some boarding house developments and the compatibility of boarding house development with low-density residential areas. The proposed Housing Diversity SEPP seeks to address those concerns through a number of changes as follows:

3.1 Boarding houses

Permissibility

The EIE proposes that boarding houses would no longer be mandated in R2 - Low Density Residential zones, in response to concerns regarding compatibility of such development with low-density residential areas.

However, provisions would be included in the Housing Diversity SEPP to ensure that the NSW Land and Housing Corporation (LAHC) would be able to continue to develop boarding houses (limited to 12 rooms) on government-owned land in the R2 zone, regardless of permissibility within an LEP.

Definition

The EIE proposes that the definition of boarding house would be amended to require the building to be managed by a registered not-for-profit community housing provider (CHP) to ensure that they are affordable. DPIE is seeking feedback on whether to require rooms in new boarding houses to be rented at affordable rates for a minimum of 10 years, or in perpetuity.

Comment

The proposal to no longer mandate boarding houses as a permissible use in the R2 Low Density zone is welcomed and supported. Boarding houses are often incompatible with other development in the R2 Low Density Residential zone due to their bulk, scale and nature of use. However, the proposed provisions that would allow NSW LAHC to continue to develop boarding houses on government-owned land in the R2 zone would lead to the same planning issues and conflicts due to bulk, scale and nature of use.

The introduction of an affordability requirement and management by a community housing provider is supported. Given the purpose of boarding houses, the objectives of the Affordable Rental Housing SEPP and the need for affordable rental housing stock in Hornsby Shire, the affordability requirement should be in perpetuity.

Recommendation

It is recommended that Council's submission outline support for no longer mandating boarding houses as a permissible use in the R2 – Low Density Residential zone and suggest that the prohibition equally apply to the NSW LAHC. The submission should advocate that boarding houses be rented at affordable rates in perpetuity. Allowing boarding houses to revert back to market rates would undermine the intention of amending the definition to include affordability.

3.2 Secondary dwellings in rural zones

Currently, the Affordable Rental Housing SEPP permits secondary dwellings in urban areas. Secondary dwellings in rural zones are permitted under the HLEP 2013. The size of secondary dwellings is set under Clause 5.4(9) of the Standard Instrument as either 60m² or a percentage set by Council, whichever is the greater (Hornsby Council sets 33% as the percentage for rural areas).

In response to concerns from councils that the Standard Instrument clause does not have the flexibility to prescribe a different square metre size for urban and rural areas, the EIE proposes to amend the Affordable Rental Housing SEPP to allow councils the discretion to set a maximum size for secondary dwellings in rural areas.

Comment

The intent of the proposed SEPP to allow councils to set a maximum size for secondary dwellings in rural areas is welcomed and supported. However, it is unclear from the EIE how an amendment to the Affordable Rental Housing SEPP would give Council this discretion.

Concern would be raised if it were proposed that the Affordable Rental Housing SEPP be amended to apply to rural zones. Council supports a local place-based approach to planning and would not want rural secondary dwellings to be encompassed under a State policy rather than under Council's LEP and DCP controls. Objection should be raised to any amendment which also included a complying development pathway for rural secondary dwellings.

Approval of a secondary dwellings in rural areas as complying development is not appropriate and is better suited to the development application process. The DA process allows detailed consideration of servicing (waste water disposal areas for unsewered areas for instance), vehicular access (appropriate level of driveway construction), environmental impacts / constraints, as well as notification to adjoining properties.

An amendment to Clause 5.4(9) of the Standard Instrument would be a preferred approach to apply to secondary dwellings in both urban and rural areas with the discretion to set a square metre maximum instead of a percentage separately for urban and rural areas. This is consistent with the approach recommended in the Rural Land Study.

Recommendation

It is recommended that Council's submission raise concerns with any proposal to amend the Affordable Rental Housing SEPP to include rural secondary dwellings and provide a complying development pathway. Instead, an amendment to Standard Instrument Clause 5.4(9) should be supported to retain the ability to plan locally, with discretion to set a maximum size in square metres for the rural areas.

3.3 Group Homes

Currently, there is a complying development pathway for group homes. However, the EIE indicates there is uncertainty as to whether there is a complying development pathway for converting an existing dwelling into a group home. The new SEPP proposes to introduce a quicker and easier process to allow an existing dwelling to be used as a group home (presumably the exempt and complying development process).

Comment

Further clarity is required around the "quicker and easier process". There may be additional locational or site constraints that need to be considered to determine whether an existing dwelling is fit for purpose for a group home or potential impacts of traffic and amenity. There is no indication of the

appropriate assessment pathway, for example, where an existing heritage listed dwelling is proposed to be converted to a group home.

Recommendation

It is recommended that Council's submission raise concerns and request further clarity on the "quicker and easier process" for conversion of an existing dwelling to a group home. The conversion of heritage items should be excluded from any exempt of complying development pathway due to the requirement for adequate assessment of such a conversion and potential impacts on the heritage significance.

4. Proposed amendments to Seniors Housing SEPP provisions

Some of the recommendations of the Greater Sydney Commission (GSC) investigation into the challenges relating to seniors housing developments in rural areas are proposed to be incorporated into the Housing Diversity SEPP as follows:

4.1 Update definitions, provisions and Schedule 1

The definitions in the Seniors SEPP have not been updated in line with the Standard Instrument LEP, leading to inconsistency in interpretation and application. It is proposed that the definition of 'height', 'people with a disability' and 'AS 2890' are to be amended in line with the Standard Instrument LEP.

The Seniors SEPP does not apply to land identified in Schedule 1 – Environmentally Sensitive Land. Over time, since the introduction of the SEPP in 2004, some of the terms in Schedule 1 have become obsolete and others contested in Court. It is proposed to amend Schedule 1 to better align with current legislation and planning conditions.

The EIE proposes to amend the provisions for 'location and access to facilities' in the Seniors SEPP so that point-to-point transport, including taxis, hire cars and ride share services, cannot be used for the purpose of meeting the accessibility requirement.

Comment

The proposal to update definitions within the SEPP and the terminology in Schedule 1 are supported for clarity and consistency. The interpretation of land classified as 'environmentally sensitive land' has been a contentious area of the Seniors SEPP for a number of years and the subject of several development application and Land Environment Court (LEC) appeals and substantial cost to Council.

The Schedule should be reviewed with input from Council staff. A workshop with assessment planners would be appreciated once the Schedule has been redrafted. Council has had issues in the past with flood control lots and the Terrestrial Biodiversity Map in particular.

The proposal to amend the provisions for location and access to facilities are welcomed, to ensure that seniors developments are located appropriately in well serviced areas and do not rely on third party or point to point transport.

Recommendation

It is recommended that Council's submission outline support for the proposal to update definitions, Schedule 1 terminology and location and access provisions. Further, a workshop with assessment planners should be requested once Schedule 1 has been redrafted.

4.2 Application of local development standards

Currently, the Seniors SEPP allows development for the purpose of seniors housing to be carried out 'despite the provisions of any other environmental planning instrument'.

To provide clarity, it is proposed to amend the SEPP provisions so that development standards in an LEP prevail when there are any inconsistencies with the Seniors SEPP. Also, under this amendment, development standards in the Seniors SEPP could be varied using clause 4.6 of the Standard Instrument LEP, to a maximum of 20%.

Comment

As discussed above (under 1. Consolidation of existing housing related SEPPs) Council continues to lobby for the ability to plan locally and is supportive of any amendments which allow local controls to prevail rather than one-size fits all State policies.

Concern is raised with the proposal to allow development standards in the Seniors SEPP to be varied using Clause 4.6 of the Standard Instrument to a maximum of 20%. Although the use of a Clause 4.6 variation provides a certain degree of flexibility for developments, a 20% difference would not be considered a minor variation to existing development standards. Specifying a maximum 20% variation may lead to proposals designed to the maximum variation rather than attempting to design within development standards.

Further, Clause 4.6 variations have been the subject of numerous Court cases. The Department should review the effectiveness and interpretation of Clause 4.6 before finalising the proposed SEPP.

Recommendation

It is recommended that Council's submission outline support for any amendments which allow local controls to prevail rather than one-size fits all State policies and request clarification on the detail of how this would be achieved. The submission should object to the proposal to allow a maximum variation of 20% and request an immediate review into the effectiveness and interpretation of the application of Clause 4.6 variations.

Site Compatibility Certificates

The new SEPP proposes to extend how long a Site Compatibility Certificate (SCC) is valid for from 24 months to five years, provided that a development application is lodged within 12 months of the date on which the SCC is issued. It is suggested that this timeframe is required to allow the preparation and assessment of seniors housing proposals, and prevent the SCC lapsing before the DA has been determined.

Comment

A contributing factor for the expiration of an SCC before a DA is approved is the site-specific planning issues with seniors housing proposals in areas where seniors housing would otherwise be prohibited by local planning controls. The SCC process equates to a rezoning without a detailed assessment of site constraints, surrounding land use compatibility, alignment with the local and state strategic planning framework, Ministerial Directions, and community consultation.

The current process under the Seniors Housing SEPP does not adequately address these considerations as part of the SCC process and results in development applications being assessed on a site where the land use is not otherwise permitted. This can result in unsuitable development outcomes, especially in Council's rural areas. Although the Seniors SEPP has recently been amended to exclude SCCs in the Metropolitan Rural Area, they can still be applied for under other circumstances in urban areas.

Recommendation

It is recommended that Council's submission raise concerns with the SCC process and request it be aligned with the Planning Proposal process to ensure the suitability of the land use prior to lodgement of a DA.

5. Proposed amendments to social housing provisions for NSW Land and Housing Corporation (LAHC)

The EIE proposes to implement changes to planning provisions within the *Affordable Rental Housing SEPP* and the *Seniors SEPP* to facilitate the development of social housing by the NSW Land and Housing Corporation (LAHC). These provisions would align with wider Government priorities set out in Future Directions for Social Housing in NSW (Future Directions) and the draft Discussion Paper on the NSW Housing Strategy and include the following:

5.1 Self-assessment of dwellings by the LAHC

The existing *Affordable Rental Housing SEPP* provisions allow the LAHC to self-assess and deliver small scale redevelopments with up to 20 dwellings and a maximum height of 8.5 m (two storeys). However, the EIE proposes to increase the maximum number of self-assessable dwellings to 60, including all residential development permitted with consent under another environmental planning instrument, or under a local environment plan and facilitated under the Exempt and Complying Development Codes SEPP, with a maximum height of 8.5 m.

The EIE also proposes to update the required design guidelines, including the Seniors Living Policy: Urban Design Guidelines for Infill Development, as well as the LAHC's own design guidelines and standards, to better reflect the increased threshold for self-assessable dwellings.

Comment

Concern is raised with the proposal to increase the self-assessment cap, as the increase in density and the associated infrastructure implications are unlikely to be given full consideration under this process. The proposal will remove further planning responsibilities from councils and it is unclear how developments would achieve compliance with Council's desired built form outcomes.

Recommendation

It is recommended that Council's submission request consideration of the cumulative impacts of increased density and associated infrastructure implications that may result from the increased self-assessment threshold. Further, the submission should advocate for all LAHC self-assessments to adhere to council's Development Control Plans to maintain local character.

5.2 Car parking requirements for LAHC development

The EIE proposes to apply a minimum car parking rate of 0.5 spaces per dwelling for a development undertaken by or on behalf of LAHC, on government-owned land, and 0.2 spaces per room for boarding houses by social housing providers. These reduced parking rates would also apply to the private dwelling component of a seniors housing development under the Seniors SEPP on government-owned land.

Comment

As previously discussed, concern is raised with proposals for low minimum car parking rates in the absence of locational requirements (such as being within a radius of a train station) which generally results in on-street parking pressure within the vicinity of these developments.

Recommendation

It is recommended that Council's submission raise concerns with the likely increased on-street parking pressures generated by low car parking rates in areas not in close proximity to transport nodes.

5.3 Subdivision of Government-owned land

The EIE proposes to support the delivery of the Government's social housing program by allowing subdivision of Government-owned land without consent.

Comment

The EIE does not provide sufficient detail concerning the criteria for proposed subdivision without consent and a blanket approach for all Government-owned would not achieve the desired outcomes within varying land use zones.

Recommendation

It is recommended that Council's submission object to a blanket approach to Development without consent on Government-owned land and request further details concerning the proposed criteria for this type of development on Government-owned land.

5.4 Lift access exemption

The Seniors SEPP currently includes an exemption for development applications made by, or jointly with, a social housing provider requiring new self-contained dwellings for seniors housing located on or above the second floor to have lift access. The EIE proposes to amend the lift access exemption so it applies to all seniors housing delivered by or on behalf of LAHC, including dwellings not proposed as social housing.

Comment

Concern is raised to this exemption being provided as a cost saving measure at the expense of providing a fundamental accessibility requirement. The absence of a lift in a multi-storey development would reduce amenity, attractiveness and viability of developments for the market at which they are aimed.

The EIE also fails to clearly explain the reasons for this exemption applying to LAHC developments. Residents of a Government owned seniors housing development should not be subject to limited accessibility and amenity, given that the key tenants form part of the ageing population and mobility is, or can become, an issue.

Recommendation

It is recommended that Council's submission advocate for the retention of the existing lift access requirements for all types of multi-storey seniors housing developments, regardless of the developer or land owner.

6. Other issues

General concerns relating to various aspects of the proposed SEPP are discussed below and include design excellence and the application of development contributions for the provision of infrastructure to support development.

6.1 Design Excellence

Council is currently progressing amendments to the HLEP to strengthen its Design Excellence provisions. Design excellence is a key priority of the Hornsby Local Strategic Planning Statement. The issues raised with the proposed SEPP include concerns relating to compatibility with local character

and amenity. Although the need for affordable rental housing in Hornsby Shire is acknowledged, the SEPP provisions should not compromise the ability to achieve well designed buildings with sufficient setbacks, landscaping, communal living, open spaces and car parking.

Recommendation

It is recommended that Council's submission request that further refinements to development standards for the new housing typologies and specific design guidelines be drafted in consultation with councils to ensure design excellence is achieved.

6.2 Development Contributions

As discussed above (under 1. Consolidation of existing housing-related SEPPs) Council already has concerns with the growth in housing needs and related infrastructure requirements. The proposed SEPP would introduce further residential dwelling typologies and development pathways. However, there is no clarity on the application of development contributions and whether Section 7.11 or 7.12 contributions would be applicable to all types of developments and regardless of developer or landowner. For councils to provide necessary local infrastructure to support development, it is suggested that there should not be exemptions to the payment of development contributions, particularly due to the scale of some of the new housing typologies.

Recommendation

It is recommended that Council's submission request confirmation that the proposed SEPP would not permit exemptions to the payment of development contributions for development permitted under the SEPP which would generate infrastructure needs.

CONSULTATION

The Explanation of Intended Effect for the Housing Diversity SEPP is on exhibition until 9 September 2020. DPIE has been provided with an advance copy of Council's draft submission, subject to potential changes and/or endorsement by Council.

BUDGET

There are no budgetary implications associated with this Report.

POLICY

The EIE was prepared to set out the Department of Planning, Industry and Environment's proposal to prepare a new Housing Diversity SEPP to consolidate and update state level planning provisions for diverse and affordable housing types. DPIE advise that the proposed changes set out in the Explanation of Intended Effect will ensure that the residential development sector is well-placed to assist the economic recovery of NSW following the COVID-19 pandemic.

CONCLUSION

The EIE for the proposed Housing Diversity SEPP attached to this report outlines a proposal to consolidate and update the NSW Government's housing related policies, introduce new land use terms to help facilitate housing projects, and amend certain planning provisions to provide greater certainty for all stakeholders.

This report outlines the key changes and proposals outlined in the EIE and the implications for Hornsby Shire and notes areas of support and concern. The proposal to no longer mandate boarding houses as a permissible use in the R2 – Low Density Residential zone as part of the new SEPP is welcomed. However, there are areas of concern with the new SEPP as outlined above, including the

proposal to mandate build-to-rent housing in the R3 Medium Density zone and B3 Commercial core and any proposal to amend the Affordable Rental Housing SEPP that would include rural secondary dwellings and provide a complying development pathway.

It is recommended that a submission in response to the proposed Housing Diversity SEPP be submitted to DPIE which outlines the matters raised in this report.

RESPONSIBLE OFFICER

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

KATHERINE VICKERY
Manager - Strategic Landuse Planning
Planning and Compliance Division

JAMES FARRINGTON
Director - Planning and Compliance
Planning and Compliance Division

Attachments:

1.  Explanation of Intended Effect - Housing Diversity SEPP

File Reference: F2004/07599-02

Document Number: D07978652

14 NSW PUBLIC SPACES LEGACY PROGRAM

EXECUTIVE SUMMARY

- The State Government has launched the NSW Public Spaces Legacy Program as part of ongoing initiatives to provide economic and jobs stimulus in response to the COVID-19 pandemic.
- The Program offers a financial incentive for councils to accelerate assessment of development applications and rezonings. Funding of \$4 million would be made available to Council for an open space project where a 15% reduction in development application processing times is achieved.
- Should Council participate in the Program, open space projects would be brought forward from strategically identified future works schedules.
- To achieve the required reduction in assessment times, initiatives would focus on improvement of application quality through the ePlanning Portal; provision of one opportunity for submission of amended plans/additional information; greater adherence to requirements in Council's Community Participation Plan; and a focus of staff resources on technical referrals through reprioritisation and/or additional staff.
- As discussed at a Councillor Workshop, an expression of interest to participate in the Program was submitted by the due date of 28 August 2020. It is appropriate that Council formally endorse the making of the submission.

RECOMMENDATION

THAT Council:

1. Endorse participation in the NSW Public Spaces Legacy Program.
2. Acknowledge that to achieve the required reduction in assessment times, initiatives would focus on improvement of application quality through the ePlanning Portal; provision of one opportunity for submission of amended plans/additional information; greater adherence to requirements in Council's Community Participation Plan; and focus of staff resources on assessments.
3. Request that funding for Hornsby Shire be increased to \$4.75 million to be consistent with that offered to the other North District councils and as Hornsby Shire has a demonstrated shortfall of active open space.

PURPOSE

The purpose of this report is to provide an overview of the NSW Public Spaces Legacy Program, outline the implications of Council participation in the Accelerated Planning Process and to seek a resolution of Council to formally participate in the Program.

BACKGROUND

On 5 August 2020, the NSW Public Spaces Legacy Program was launched as part of ongoing initiatives by the State Government to protect the health of the community, provide economic and jobs stimulus in response to the COVID-19 pandemic. The Program offers a financial incentive for councils to accelerate their assessment of development applications and rezonings to create new development capacity and meet demand for housing and employment.

Funding for the planning, design, construction or land acquisition costs for new and existing public open space will be made available to councils that adopt a Local Acceleration Program, provided they can achieve improvements in assessment activity between 1 September 2020 and 30 June 2021.

The Program also ties to the broader Planning Reform Action Plan, where the NSW Government is committed to create a more timely, certain and transparent planning system. One of the key components of the Planning Reform Action Plan includes measures to reduce assessment times for planning proposals, regionally significant development applications and major projects.

At a Councillor Workshop on 19 August 2020, an outline of the Program was provided to Councillors. It was noted that councils were required to submit a plan to the Department by 28 August 2020 on how they will accelerate local projects and demonstrate improvement in assessment timeframes and outcomes. In addition, councils should include a list of public space projects they feel should be allocated funding through the Program should acceleration targets be achieved.

After discussion, it was noted that an expression of interest (EOI) would be submitted to participate in the Program and that a report presented to Council seeking a formal resolution of Council. It was also noted that further detail about potential projects would be reported to Council before submission of a final project outline to the Department. This report responds to the actions from the Workshop.

DISCUSSION

This report provides an outline of the Program, criteria for the nomination of open space projects for funding and requirements for accelerated assessment of planning decisions.

1. Structure of the Program and Eligibility

Under the Public Spaces Legacy Program, and in return for demonstrating commitment to acceleration of planning decisions, funding may be provided for projects that deliver new or upgraded public and open spaces. The stated objectives of the Program are to:

- Improve development assessment speeds and planning proposals (rezoning).
- Bring forward construction and the opportunity for jobs and economic activity in the short to medium term.
- Support investment in the creation of high-quality public and open spaces.
- Address critical open space shortfalls and improve the quality of existing public open spaces.

Councils have been categorised according to ABS Classifications of Local Government and Office of Local Government Groupings and can apply for an upper limit of funding identified by the

Government. Funding reflects the potential positive impact on the local economy and job creation arising from the assessment program.

Hornsby Council has been classified as a Metropolitan fringe council and may be eligible for funding up to \$4 million. However, all other councils in the North District are classified as Metropolitan developed councils and offered up to \$4.75 million. Furthermore, Council's Sports Ground Strategy identifies a shortfall of active open space both within the Shire and North District. Therefore, should Council resolve to formally participate in the Program, it would be appropriate to request that funding for Hornsby Shire be consistent with that offered to the other North District councils.

2. Assessment Criteria for Public Open Space

Funding from the Program supports the design and delivery of projects including open space and parklands; trails and linkages; civic plazas and town squares; and heritage works associated with any of these projects.

In nominating projects, Council must demonstrate strategic alignment to Council strategies such as the Local Strategic Planning Statement or other strategic documents; long term, open space network outcomes; or inclusive play spaces. Projects must support the delivery of the Premier's Priority to increase access to quality green public open space and align with the principles of Greener Places.

Of significance is that projects can include land acquisition to create new open space areas where Council has documented and published evidence of an existing deficiency in open space. Councils are also encouraged to submit projects that demonstrate innovative approaches to public open space which increases community access, inclusivity and flexible use.

In reviewing the criteria, Council's EOI notes that open space projects would be brought forward from strategically identified future works schedules in the Community and Environment Division including:

- Recreational pathway Works (circuit paths etc).
- Playground Works (play plan etc).
- Exercise Equipment.
- Bushland Tracks and Trails.
- Potential projects would be shared with Councillors before submission to the Department.

Prior to receiving the first round of funding under the Program, Council would be required to submit a detailed project proposal by 1 February 2021 including strategies for community engagement and capability to complete the project by 31 December 2022. Should Council be successful in its EOI process, a further report would be presented to Council seeking endorsement of the open space project details.

3. Assessment Criteria for Accelerated Planning

To be eligible for funding, councils must submit a plan to the Department on how they will accelerate local projects and demonstrate improvement in assessment timeframes and outcomes. The specific commitments required, and Council's response are outlined below:

3.1 Accelerate median assessment timeframe for development applications by 15% between 1 September 2020 and 30 June 2021

Council's current assessment procedures are consistent with statutory requirements and are legally sound. They continue to be refined in accordance with Council and State Government policy to accommodate the ongoing reform of the planning framework. Most recently,

assessment processes have been amended in response to the introduction of the ePlanning portal. Although Council has maintained a proven track record of timely assessment of development applications, a preliminary review of assessment practices has identified opportunities to seek to achieve the required reduction in process times under the Program. Strategies included in Council's EOI are summarised as follows:

Quality of Applications: The mandatory adoption of the NSW Planning Portal as the State Government based register for DA lodgement and determinations is expected to provide opportunity for process improvement. Officers now review applications online before they are accepted by Council.

Requests for Amended Plans/Additional Information: Applicants often submit multiple sets of amended plans in response to issues that arise in the assessment process leading to longer assessment times as officers review changes to plans. It is proposed to provide applicants one opportunity to submit additional information or amended plans within 21 days.

Advertising and Submissions: In accordance with Council's Community Participation Plan, consider extending exhibition periods where there is significant community interest, re-exhibit amended applications where the changes negatively affect surrounding properties, and encourage submissions to be made during the exhibition period to ensure they are included in the assessment of the application.

Internal referrals: Assessment of applications often requires referrals to other Branches within Council to provide specialist advice on matters including engineering, traffic, environmental compliance, trees, bushland and heritage. Reprioritisation of staff resources to focus on internal referrals and a review of referral criteria will assist in reduced assessment times. For some Branches, additional staff resources would be required.

3.2 Determine regionally significant development applications that have been in the planning system for more than 180 days by 31 December 2020

Council currently has 15 regionally significant development applications lodged and undetermined that require assessment and reporting to the Sydney North Regional Planning Panel. Of these applications, 10 are over 180 days since lodgement and include 2 applications previously deferred by the Panel, namely proposals for Hornsby Quarry and a Seniors Living development at Asquith. Other applications include a proposal subject to a Court appeal and 5 modifications to existing consents.

Although the determination of the applications will be subject to meeting scheduling of the Regional Panel, the assessment of each application will be completed to enable determination by the Panel by 31 December 2020.

3.3 Complete rezoning proposals that have been under assessment since July 2016 by June 2021

Council does not have any planning proposals in this category.

3.4 Update their local environmental plans to ensure there is 6-10 years of housing or employment supply capacity, by 30 June 2021

As demonstrated in both the Hornsby Local Strategic Planning Statement and the draft Housing Strategy, there is no projected housing supply gap for Hornsby Shire's 6-10-year housing target (indicative draft range) of 3,800 - 4,200 dwellings. Council's draft Housing Strategy indicates that remaining capacity in existing housing precincts, the development of

government land at Cherrybrook Station and the anticipated outcomes of the Hornsby Town Centre review will deliver a minimum of 3,976 new dwellings by 2026.

It is anticipated that a draft structure plan and supporting information for the Hornsby Town Centre will be presented to Council early next year for endorsement of an amended Planning Proposal for submission to DPIE by the end of March 2021 and exhibition.

In summary, availability of funding under the Program offers an opportunity to expedite the provision of much needed open space projects within the Shire. However, Council should balance the community benefits of access to such funding against the increased costs associated with Court Appeals if refusals increase; possible proponent and community angst associated with perceived restrictions on involvement in the assessment process; staff resources and reprioritisation away from other strategic planning and Operational Plan projects.

These considerations should not necessarily prevent Council from participating in the Program. However, active monitoring and reporting back to Council on the impacts of participation would be appropriate.

GOVERNANCE

Transparency and accountability in decision making is central to existing assessment practices. Council assessment staff are bound by Council's Code of Conduct, planning legislation and delegation limitations. To ensure that standards are not compromised in the pursuit of improved processing times, it is important that existing practices and delegations continue to be closely monitored.

The Planning Panel system identifies applications that are required to be determined by the Regional or Local Panel of independent experts. Further, a Development Advisory Panel operates within Council as an internal Panel comprising of three senior staff to review, and provide advice on, development applications and other related applications of local significance to be determined under delegation.

Should Council's EOI to participate in the Program be accepted, the Development Advisory Panel would monitor assessment performance and aim to provide consistency in assessment outcomes for development applications determined under delegation. Monthly reporting to Council's Executive Committee would also be undertaken.

BUDGET

The NSW Public Spaces Legacy Program would provide long-term value by funding \$4 million towards public open space. Accelerated planning assessments will result in additional financial pressures on development related budgets as additional staff resources would be required in some Branches and existing staff reprioritised away from other strategic planning and operational functions.

POLICY

There are no policy implications associated with this Report.

CONCLUSION

Funding is available from the State Government for councils that demonstrate a significant acceleration of their planning decision processes over the next 9 months. It is recommended that Council endorse submission of an expression of interest to receive the \$4 million on offer (or as much as \$4.75 million) for the provision of open space within the Shire. To be eligible for funding, it is also recommended that Council acknowledge the proposed mechanisms to improve processing times for development applications.

RESPONSIBLE OFFICER

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

JAMES FARRINGTON
Director - Planning and Compliance
Planning and Compliance Division

Attachments:

There are no attachments for this report.

File Reference: F2019/00118
Document Number: D07983259

ITEM 14

15 DUAL NAMING OF EXISTING COUNCIL SITES

COUNCILLOR MCINTOSH TO MOVE

THAT:

1. Council recognises recent suggestions from local residents together with the recommendations of our Hornsby Aboriginal and Torres Strait Islander Consultative Committee (HATSICC) for Council to consider new or dual naming of existing Council sites.
2. Council has a history of Aboriginal naming of new sites and facilities - as evidenced by the naming of Wellum Bulla Materials Handling Facility and Wallarobba Arts and Cultural Centre.
3. It is acknowledged that currently each request is dealt with on its individual merit, without the benefit of an over-arching strategy or protocol.
4. It is identified that it would be of benefit if Council developed and adopted a policy for assessing naming or dual naming suggestions, in consultation with HATSICC, traditional Aboriginal Elders and language/knowledge-holders and other local stakeholders and in accordance with the requirements of the Geographical Names Board.
5. The policy would be intended to provide Council with a process for dealing with application of appropriate Aboriginal words or names for the Aboriginal naming or dual naming of sites or facilities; define the role of Council, HATSICC and local Aboriginal community members in this process, and establish an enduring framework to acknowledge local Aboriginal culture and heritage.
6. A workshop be held with Councillors to discuss the process of developing a local Naming Policy, in accordance with the recent Geographical Names Board "Place Naming" Policy and how this could assist Council in assessing applications received by the community and in the Council naming of significant local sites, such as the Hornsby Quarry and Westleigh Parklands.

Note from Councillor

Recently Council and HATSICC has received representations from a local resident regarding a proposed renaming of our Council nursery to an Aboriginal name.

HATSICC considered this suggestion at its recent meeting and resolved the following recommendation to Council:

"The Committee agree to recommend that Council supports this proposal and acts upon it, with suggested traditional Aboriginal language words for names.

The Committee to also ask Council to consider renaming or dual naming other Council

facilities such as Nurseries, Council Depots, Community Centres, and outdoor spaces, etc., with local Aboriginal language names”.

This suggestion seeks Council's consideration of this specific proposal along with other possible future naming as well.

In considering this it is important that Council considers both its own policy and position on this matter, together with the latest information from the Geographical Names Board, which has recently released their "Place Naming" Policy specifically addressing recognition and use of Aboriginal names.

The view of the Geographical Names Board regarding Aboriginal recognition is clear:

“The names we give to places convey their significance through a sense of history, identity and connection between people and a place. The land is seamless with spirituality and identity for Aboriginal people. A key manifestation of this connection are the names given to features on the land that relate to the ancestors, histories, law and lore of its people.

For Aboriginal people connection with 'Country' is intrinsically connected to identity. Country is the area where an Aboriginal community is connected by language, cultural practices and long held relationships between people and the land. Countries are said to own people whereas for non-Aboriginal people land is owned through a range of legal titles. Country and people are inseparable for Aboriginal communities.

This policy is designed to encourage and promote recognition of Aboriginal place names and to foster the more frequent and official use of these names, particularly for places where the names have not been assigned as geographical names. The policy also provides, where it is possible, for the reinstatement of an Aboriginal place name through the dual naming process.

The NSW Government is committed to continuing the recognition of our Aboriginal cultural heritage by registering the original place names used by Aboriginal people to identify geographical features. Where a feature is identified by a non-Aboriginal name and that name is well established, an Aboriginal name put forward for the feature can be assigned as a dual name and sit alongside the existing non-Aboriginal name.”

In keeping with the policy of the Geographical Names Board, and the suggestions made by local residents, Council could take a very proactive and positive step in our local community by adopting simple naming principles for all new places, sites and facilities. By doing so, Council would be continuing our well-recognised local practice of acknowledging our local Aboriginal heritage and ensuring it is recognised and celebrated where possible.

Future naming of important sites known currently as the Hornsby Quarry and Westleigh Parklands are important opportunities for Council to demonstrate these commitments. Developing a Council policy now to guide this will provide important guiding principles and will outline the role of our local HATSICC Committee and the role of local Aboriginal groups.

Attachments:

There are no attachments for this report.

File Reference: F2005/01147-002

Document Number: D07988737

16 DECISIONS OF COUNCIL

COUNCILLOR TILBURY TO MOVE

THAT an Informal Workshop of Councillors be arranged to allow discussion of methods that Councillors should employ to ensure that the views of particular individuals or groups with minimal local representation are given the appropriate weighting in the making of informed and balanced decisions.

Note from Councillor

I have become increasingly concerned that a number of Council's recent decisions, some of which have included significant policy positions, have been based disproportionately on the views of particular individuals or groups with minimal local representation.

In an effort to ensure that all decisions of Council are made in the best interests of the entire Hornsby Shire community, I seek the support of my fellow Councillors to arrange an Informal Workshop to discuss my concerns.

My expectations for an Informal Workshop are that prior to Councillor questions and discussion about the matter, the General Manager and relevant senior staff be provided with an opportunity to explain and highlight to Councillors how Council's existing policies and procedures including our Engagement Strategy and Code of Meeting Practice, as well as internal/external Guidelines such as the ICAC Guidelines regarding Lobbying of Councillors, provide the basis for sound and balanced decision-making.

Attachments:

There are no attachments for this report.

File Reference: F2020/00029

Document Number: D07988930