



BUSINESS PAPER

GENERAL MEETING

**Wednesday 10 August 2022
at 6:30PM**



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AGENDA AND SUMMARY OF RECOMMENDATIONS

PRESENT

NATIONAL ANTHEM

OPENING PRAYER/S

Reverend James Mcfarlane of Hornsby Presbyterian Church, Hornsby opened the meeting in prayer.

ACKNOWLEDGEMENT OF RELIGIOUS DIVERSITY

Statement by the Chairperson:

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

ACKNOWLEDGEMENT OF COUNTRY

Statement by the Chairperson:

"Council recognises the Traditional Owners of the lands of Hornsby Shire, the Darug and GuriNgai peoples, and pays respect to their Ancestors and Elders past and present and to their Heritage. We acknowledge and uphold their intrinsic connections and continuing relationships to Country."

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

Councillors are reminded of their Oath or Affirmation of Office made under section 233A of the Act and their obligations under the Council's Code of Conduct to disclose and appropriately manage conflicts of interest.

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

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

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

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

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

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

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

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

explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.

CONFIRMATION OF MINUTES

THAT the Minutes of the General Meeting held on 13 July, 2022 be confirmed; a copy having been distributed to all Councillors.

PETITIONS

PRESENTATIONS

RESCISSION MOTIONS

MAYORAL MINUTES

Page Number 1

Item 1 MM10/22 PASSING OF MR BILL BRADLEY

RECOMMENDATION

THAT Council offers its sincere condolences to the family and friends of Mr Bill Bradley whose contribution to the community was significant.

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 3

Item 2 GM28/22 DEFERRED REPORT - CAR PARKING MANAGEMENT - BROOKLYN**RECOMMENDATION**

THAT:

1. Council endorse the recommendations listed in the attached deferred General Manager's Report No. GM24/22.
2. Council accept the submissions already received associated with Report No. GM24/22 and Report No. GM28/22 as submissions to be considered along with all submissions received during the exhibition period.
3. Council undertake consultation with the community for the Brooklyn Car parking management plan (as outlined in Report No. GM24/22) for a period of 8 weeks.
4. Following the exhibition period, a briefing be held with Councillors outlining community feedback and that subject to that feedback plans for implementation of any recommendations can be prepared.

CORPORATE SUPPORT DIVISION**Page Number 6****Item 3 CS39/22 LOCAL GOVERNMENT NSW - 2022 ANNUAL CONFERENCE - SUBMISSION OF MOTIONS AND DETERMINATION OF VOTING DELEGATES****RECOMMENDATION**

THAT:

1. Motions dealing with; Amendments to the Companion Animals Act and Protection of Native Wildlife as detailed in Director's Report No. CS39/22, be submitted for consideration at the 2022 Local Government NSW (LGNSW) Annual Conference.
2. Council determine which nine Councillors will be voting delegates at the 2022 LGNSW Annual Conference.
3. Registrations for attendance at the 2022 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 14**Item 4 CS58/22 CLASSIFICATION OF PUBLIC LAND - ROAD WIDENING AT HORNSBY AND ASQUITH**

RECOMMENDATION

THAT pursuant to Section 31 of the Local Government Act 1993, Lot 2 DP 1281589, Lot 1 DP 1281566 and Lots 2 & 4 DP 1261538 being land acquired for road widening at Hornsby and Asquith be classified as "Operational Land" and dedicated as Public Road.

Page Number 17**Item 5 CS59/22 COUNCILLOR EXPENSES AND FACILITIES POLICY - REPORTING REQUIRED BY SECTION 15 OF THE POLICY****RECOMMENDATION**

THAT Council note that details regarding the provision of Councillor expenses and facilities for the period from 1 July 2021 to 30 June 2022 have been tabled in accordance with the Councillors' Expenses and Facilities Policy.

Page Number 24**Item 6 CS60/22 INVESTMENTS AND BORROWINGS (PRE-AUDIT) FOR 2021/2022 - STATUS FOR THE PERIOD ENDING 30 JUNE 2022****RECOMMENDATION**

That the contents of Director's Report No. CS60/22 be received and noted.

COMMUNITY AND ENVIRONMENT DIVISION**Page Number 27****Item 7 CE13/22 HORNSBY ABORIGINAL & TORRES STRAIT ISLANDER CONSULTATIVE COMMITTEE MEMBERSHIP****RECOMMENDATION**

THAT:

1. Council appoint the 14 voluntary community members listed in Director's Report No. CE13/22 as members of the Hornsby Aboriginal & Torres Islander Consultative Committee for the current term of Council.
2. Council amend the Hornsby Aboriginal and Torres Strait Islander Consultative Committee Charter as shown in Attachment 1 to Director's Report No. CE13/22.
3. All applicants be advised of Council's resolution.
4. Council share information with and collaborate on programs or initiatives where appropriate with unsuccessful candidates.

PLANNING AND COMPLIANCE DIVISION**Page Number 31****Item 8 PC18/22 HERITAGE ADVISORY COMMITTEE MEMBERSHIP****RECOMMENDATION**

THAT:

1. Council invite the following volunteers to participate on the Hornsby Shire Council Heritage Advisory Committee for the current term of Council:
 - a) Ms Anne Conway, Mr David White, and Ms Miriam Moloney as technical specialists.
 - b) Ms Mari Metzke and Mr Rod Best as community representatives.
 - c) Mr Robert Browne and Ms Rhonda Ramsey as alternates for community members in the event of a vacancy.
2. All applicants be advised of Council's resolution.
3. Council adopt the Heritage Advisory Committee Charter attached to Director's Report No. PC18/22.

Page Number 36**Item 9 PC19/22 REPORT ON SUBMISSIONS - HOUSEKEEPING DEVELOPMENT CONTROL PLAN AMENDMENTS****RECOMMENDATION**

THAT:

1. Council approve the draft amendments to the Hornsby Development Control Plan 2013, as amended and attached to Director's Report No. PC19/22.
2. Notification of the approval of the amendments be published on Council's website.
3. The submitter and City of Parramatta Council be advised of Council's decision.

INFRASTRUCTURE AND MAJOR PROJECTS DIVISION

Nil

CONFIDENTIAL ITEMS**Item 10 CS61/22 FURTHER REPORT - LAND AND PROPERTY MATTER**

This report should be dealt with in confidential session, under Section 10A (2) (c) of the Local Government Act, 1993. This report contains information that would, if

disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

Item 11 CS62/22 FURTHER REPORT - PROPOSAL TO CREATE A DRAINAGE EASEMENT OVER COMMUNITY LAND AT PENNANT HILLS

This report should be dealt with in confidential session, under Section 10A (2) (c) of the Local Government Act, 1993. This report contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

Item 12 GM26/22 EXPRESSION OF INTEREST - PROVISION OF RENEWABLE ENERGY INFRASTRUCTURE

This report should be dealt with in confidential session, under Section 10A (2) (c) of the Local Government Act, 1993. This report contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

PUBLIC FORUM – NON AGENDA ITEMS

QUESTIONS WITH NOTICE

MAYOR'S NOTES

Page Number 42

Item 13 MN7/22 MAYOR'S NOTES FROM 01 JULY 2022 TO 31 JULY 2022

NOTICES OF MOTION

Page Number 43

Item 14 NOM3/22 PROGRESSING ABORIGINAL RECONCILIATION IN HORNSBY SHIRE

COUNCILLOR MCINTOSH TO MOVE

THAT:

1. Council schedule an informal workshop to discuss the development of a Reconciliation Action Plan and the creation of a fixed term, Identified Aboriginal or Torres Strait Islander position to facilitate the development and implementation of a RAP and to support Council and HATSICC with broader Aboriginal policy issues.
2. HATSICC representatives be consulted and invited to participate in these discussions.

SUPPLEMENTARY AGENDA

MATTERS OF URGENCY

1 PASSING OF MR BILL BRADLEY

Council joins with many people in celebrating the life of much-respected Hornsby resident Mr Bill Bradley who passed away recently.

Bill was born in the suburb of Belrose in 1935 and grew up in Ermington. He contracted polio at the age of 14 and became a quadriplegic. He spent well over 65 years volunteering and being a community activist. Bill had a rich and long life which was well lived. He was a proud founder of Hornsby Connect and through his work with this group, became Hornsby Westfield's Local Hero for 2019. Typical of Bill, his response to receiving the award was *"... but the title hero doesn't sit well with me because I consider myself just a spokesperson for a team of dedicated volunteers."*

Bill was a role model, mentor, teacher, advocate, and friend for many people with a disability throughout Australia and overseas. He was a member of the Young Leos and the fundraising committee for Hornsby Ku-ring-gai Hospital and worked with the homeless. He was a keen sportsman and a world champion paralympic bowls player, as well as husband of Clover and a father of two. He always liked to tell the following story of how he met Clover - *"I was an elevator attendant at the McDowells Store in Hornsby and one day Clover hopped into my elevator and I realised there and then she was the love of my life"*.

Bill was actively involved in rugby league from an early age. The Men of League presented him with a branded polo shirt and cap in recognition of his long service to rugby league, to disabled sports and the community at large. He was also an Olympic Torch Bearer at the 2000 Sydney Olympic Games and represented Australia in 2007 at the International Federation of Disabled Sailing Qualifying Trials for the Paralympic Games in Canada.

Bill worked with Council for many years and was an active supporter of the original Access Committee. Over the last 18 months he was a member of the Advisory Panel working on the new Disability Inclusion Action Plan. He was aware of the changes around disability and how inclusion had become important. Bill was always challenging communities' negative views on disability and was keen to reduce stigma around disability. Through his work with the local disability community, Council nominated Bill for the Lesley Hall Award for Lifetime Achievement which is for an individual who has both experienced a disability and worked to improve life for others with a disability.

Discussing his disability Bill would say *"Sure, disabilities make it difficult or impossible to perform tasks that others take for granted but I am happy to note that not only have I overcome life's challenges; I have truly succeeded."* Such a statement is a great reflection of Bill's life. Bill's passing has been met with an outpouring of tributes from many across the community and his loss will be felt keenly by all those who knew him.

We are all poorer for the loss of Bill Bradley and I, on behalf of Council, wish to pass on our heartfelt condolences to his wife Clover, the entire extended Bradley family and their many friends.

RECOMMENDATION

THAT Council offers its sincere condolences to the family and friends of Mr Bill Bradley whose contribution to the community was significant.

The Honourable Cr PHILIP RUDDOCK

Mayor

Attachments:

There are no attachments for this report.

File Reference: F2004/05878

Document Number: D08453170

ITEM 1

2 DEFERRED REPORT - CAR PARKING MANAGEMENT - BROOKLYN

EXECUTIVE SUMMARY

- At the July 2022 General Meeting, Council resolved to defer consideration of Report No. GM24/22 Car Parking Management – Brooklyn to the 10 August 2022 General Meeting due to difficulties the community faced associated with the flood event on the Hawkesbury River that month. In deferring consideration of the report, the deferral resolution also required the consideration of an exhibition period of 8 weeks when the report was returned to Council for consideration. The recommendations of this report have been amended accordingly.
- Since the July General Meeting, Council has received a significant amount of correspondence from the community providing feedback on Report No. GM24/22 – which has not yet been adopted for exhibition. Pending the adoption of the recommendations contained within this report, it is recommended that Council accept the correspondence received by the community to date as feedback to be considered during the exhibition period.
- This report recommends that the contents and recommendations associated with Report No. GM24/22 (attached) be placed on public exhibition.

RECOMMENDATION

THAT:

1. Council endorse the recommendations listed in the attached deferred General Manager's Report No. GM24/22.
2. Council accept the submissions already received associated with Report No. GM24/22 and Report No. GM28/22 as submissions to be considered along with all submissions received during the exhibition period.
3. Council undertake consultation with the community for the Brooklyn Car parking management plan (as outlined in Report No. GM24/22) for a period of 8 weeks.
4. Following the exhibition period, a briefing be held with Councillors outlining community feedback and that subject to that feedback plans for implementation of any recommendations can be prepared.

PURPOSE

The purpose of this Report is for Council to consider deferred Report No GM24/22 – Car Parking Management - Brooklyn.

BACKGROUND

At the July 2022 General Meeting, Council considered General Manager's Report No. GM24/22 and resolved that Council:

1. Defer consideration of General Manager's Report No. GM24/22 Car Parking Management – Brooklyn, to the 10 August 2022 General Meeting due to difficulties our community face arising from the recent flooding event.
2. Consider a consultation period of eight weeks when it considers the Report to ensure that progress on parking issues can be made in a timely manner.

DISCUSSION

Discussion items were outlined in Report No. GM24/22.

One minor correction is required to the data presented in Report No. GM24/22. The date of the data set which references the percentage of visitation to Brooklyn from vehicles garaged elsewhere in the Hornsby Shire was referred to incorrectly as being sourced in 2021. The correct date of data collection is 2019. This data was collected before COVID restrictions were in place.

It is noted that various data sources from across a variety of years have been utilised in assessing the parking usage in Brooklyn. No one data source was relied upon. These data sources tend to be collated differently – depending upon whether suburb or postcode level data has been provided. The data used in the Car Parking Management Study, for example, revealed that “65.17% of parkers' trip origins in Brooklyn were located within the Hornsby LGA with 34.83% in other surrounding LGA's”.

CONSULTATION

This report asks Council to place recommended car parking management actions for Brooklyn on public exhibition. It also recommends that the submissions received by Council in the lead up to and subsequent to the July General Meeting in respect of Report No. GM24/22 be accepted as submissions once the recommendations contained in this report are endorsed for public exhibition.

BUDGET

Budgetary implications were outlined in Report No. GM24/22.

POLICY

Policy implications were outlined in Report No. GM24/22

CONCLUSION

Conclusions for this report were outlined in Report No. GM24/22

RESPONSIBLE OFFICER

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

JULIE RYLAND
Strategy Manager - Strategy and Place
Office of the General Manager

STEVEN HEAD
General Manager
Office of the General Manager

ITEM 2

Attachments:

1.  Deferred - Report No. GM24/22

File Reference: F2019/00117

Document Number: D08456353

3 LOCAL GOVERNMENT NSW - 2022 ANNUAL CONFERENCE - SUBMISSION OF MOTIONS AND DETERMINATION OF VOTING DELEGATES

EXECUTIVE SUMMARY

- The 2022 Annual Conference of Local Government NSW (LGNSW) is scheduled to be held at The Crowne Plaza Hunter Valley, from Sunday 23 to Tuesday 25 October 2022.
- The Conference provides the opportunity for Council delegates to network and be involved in discussions and consideration of motions about matters which affect local government across NSW.
- In considering the submission of motion/s by Council, regard has been given to resolutions made by Council over the past 12 months, discussions between Councillors and members of the Executive Committee (ExCo), 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 three motions be submitted by Council for consideration at the Conference.
- Council is entitled to nine voting delegates at the 2022 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.

RECOMMENDATION

THAT:

1. Motions dealing with; Amendments to the Companion Animals Act and Protection of Native Wildlife as detailed in Director's Report No. CS39/22, be submitted for consideration at the 2022 Local Government NSW (LGNSW) Annual Conference.
2. Council determine which nine Councillors will be voting delegates at the 2022 LGNSW Annual Conference.
3. Registrations for attendance at the 2022 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 2022 LGNSW Annual Conference and for Council to determine its voting delegates for the Conference.

BACKGROUND

The 2022 LGNSW Annual Conference was scheduled to be held at The Crowne Plaza, Hunter Valley, from Sunday 23 to Tuesday 25 October 2022.

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.

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 2022 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 2022 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 Monday 4 July 2022 to Monday 29 August 2022 via the online portal to allow for assessment of motions and distribution of the Business Paper before Conference.

Based on the feedback received and requests from Councillors, it is proposed that the following three motions be submitted by Council for consideration at the 2022 Annual Conference:

Motion 1.

Category: Environment

Title: Amendment to the Companion Animals Act

Motion Wording:

That Local Government NSW lobby the NSW Government to amend the Companion Animal Act 1998, in consultation with councils, to introduce best practice domestic cat containment requirements to keep cats secured at home in consideration of the associated resource implications of introducing such changes.

Background

Pet cats, despite their valued role as companion animals, are a major threat to native wildlife. Research by the Threatened Species Recovery Hub of the Australian Government's National Environmental Science Program reports that, on average, each roaming pet cat kills 186 animals per year including reptiles, birds and mammals. Collectively pet cats kill 390 million animals per year in Australia which is more animals killed, than by feral cats.

The research found that cats have played a leading role in most of Australia's 34 mammal extinctions since 1788 and are a big reason why populations of at least 123 other threatened native species are declining. Notwithstanding these impacts, 4 out of 10 people did not realise that their pet cat was roaming at night. Most residential areas in Hornsby Shire are located in close proximity to bushland reserves or National Parks and domestic cats with natural hunting instincts are able to roam freely in these areas, posing a threat to our native wildlife.

Keeping cats securely contained at home is the only way to prevent them from killing Australia's native animals.

Additionally, our neighbourhoods and gardens provide important habitat for birds, reptiles and mammals. Many residents delight in having wildlife visit and live around their homes, due to the safe and predator free environment many residential properties can offer. Allowing pet cats to roam, impacts the ability of other residents to enjoy this aspect of urban living.

The introduction of requirements to keep cats at home also has significant emotional and financial benefits for cat owners such as reducing threat of injury, disease and death, allowing beloved cats to live a longer, healthier life. Keeping cats safe indoors or in an outdoor enclosure, alleviates the possibility of them being hit by a car, injury through fighting with other animals, catching life threatening diseases, or being poisoned by local toxic plants.

The Companion Animals Act 1998 does not currently contain requirements for cats to be secured at home and council officers can only take action if a cat is a nuisance, interfering with the well-being of a neighbour or damaging property. However, other States such as the ACT, SA and Victoria have introduced legislation to address cat containment or provide powers to councils to make local laws to prohibit or regulate the presence of cats.

It is appropriate to explore opportunities for the introduction of cat containment legislation in consultation with our communities to ensure the environmental impacts of domestic cats is managed in a sensitive and responsible way. It is acknowledged that any proposed changes may have resource implications for councils and therefore, councils should be consulted as part of the process along with opportunities for community awareness and education programs to ensure cat owners are aware of their responsibilities.

Motion 2.

Category: Environment

Title: Amendment to the Companion Animals Act

Motion Wording:

That Local Government NSW lobby the NSW Government to amend the Companion Animal Act 1998 to enable councils to euthanise feral cats in accordance with a policy adopted by the relevant council.

Background

Council has an adopted Feral Cat Policy that does not require a feral cat to be held for any set length of time prior to their euthanasia. Council's Policy details that an unowned cat is able to be deemed feral by a qualified Veterinarian through its appearance, behaviour and lack of an identifiable microchip.

However, on 4 March 2022, amendments to the Companion Animal Act 1998 came into force including new requirements for councils to take additional actions prior to destroying a seized or surrendered animal (including feral cats). The changes require councils to give notice to at least 2 rehoming organisations that the seized/surrendered animal is available for rehoming, advertise that the seized/surrendered animal is available for rehoming, and follow new record-keeping requirements of the actions a council took to attempt to rehome the animal.

There is an exemption to the new changes where an animal, in the opinion of a veterinary practitioner, is so severely injured, so diseased or in such a physical condition that it is cruel to keep the animal

alive. Councils should consult with veterinarians to determine whether an animal falls into this category and it is for a veterinary practitioner to make this determination. The legislated changes do not permit a veterinarian to deem a cat feral by way of its behaviour or appearance and in the event that the assessing veterinarian cannot or will not deem the unowned cat as 'feral', council is required to seek to rehome the 'undomesticated' animal.

These new rehoming requirements have been introduced without consultation with councils and relevant agencies including the RSPCA and place an increased demand on veterinary services as well as corresponding resourcing implication for councils. These additional costs to councils include staff resources involved in seeking to rehome cats and increased financial costs associated with the holding of animals throughout the process.

These changes have come at a time when complaints reported to Council regarding feral cats have exponentially increased by 28% since 2019. In 2021/2022, more than 200 roaming cats were trapped by Council, with approximately 50% of these deemed feral/undomesticated and the remaining returned to their owners.

Council has the ability to hold 3 animals at any one time in its holding facility in Thornleigh. However, this facility is used in an interim capacity in instances where residents are making arrangements to collect their animals, or where animals are collected outside of business hours and are unable to be taken to a veterinarian or Animal Shelter. Council is currently consulting animal shelters in the locality to ascertain their capacity levels. Feedback from the RSPCA and some facility operators has confirmed they are no longer taking cats at their facilities.

The resource implications of the new changes including limited options for shelters to hold cats may act as a disincentive for councils to proactively trap feral cats. This will have associated impacts for the environment as feral cats are a major threat to biodiversity and have caused the extinction of several species of native Australian mammals and birds.

In response to these issues, it is understood that the NSW Office of Local Government is currently conducting a review of rehoming practices, involving consultations with councils. Council officers have registered to be part of the review which will include an overview of the current rehoming legislation and consider improvements to the efficiency of the required current operations.

However, these legislative changes are in force now and impacting councils' resources with associated impacts for the environment. Therefore, legislation should be amended to enable councils to euthanise feral cats in accordance with a policy adopted by the relevant council.

Motion 3.

Category: Environment

Title: Protection of Native Wildlife

Motion Wording:

That Local Government NSW lobbies the NSW Government to:

1. Amend the laws to require a Fauna Management Plan to be submitted for development involving significant vegetation clearing.
2. Introduce a consistent, enforceable standard across NSW for the preparation of Fauna Management Plans. Such a standard should include requirements for:

- Pre-clearance surveys to be carried out to establish which species are present on the site, including identification of any threatened and native species.
 - The identification of suitable nearby areas where wildlife could possibly be relocated.
 - The provision of possum, glider and bat boxes sufficiently in advance of vegetation clearing to allow wildlife time to discover the boxes and become familiar with them.
 - Compliance with the NSW Code of Practice for Injured, Sick and Orphaned Protected Fauna and the licencing requirements contained in the Biodiversity Conservation Act 2016.
 - Best practice for wildlife handling and care (including contact with local wildlife rescue groups).
 - Reporting of injured or killed fauna to the NSW Department of Planning, Industry and Environment to enable the data to be used in statewide biodiversity monitoring programs.
3. Update the NSW Code of Practice for Injured, Sick and Orphaned Protected Fauna and provide greater clarity on wildlife licencing associated with the NSW Biodiversity Conservation Act.

Background

The NSW State of the Environment Report notes that 64% of native mammals in NSW have had long-term decreases in range and that the overall diversity and richness of native species and communities in NSW remains under threat of further decline. Declines in population of many species have been under way for decades or longer but have largely gone unrecorded. The report noted the pressures affecting the largest number of threatened species in NSW were found to be native vegetation clearing and permanent habitat loss (87%) followed by invasive pest and weed species (70%).

The NSW Biodiversity Outlook Report further noted that without effective management, 50% of listed threatened species in NSW are likely to become extinct within 100 years.

Land planning instruments, which direct development outcomes, are implemented based on the principals of avoiding, minimising and mitigating impacts to vegetation and wildlife. Under the Biodiversity Conservation Act and Regulations in 2018, all native fauna (excluding the Dingo) are protected, so any impacts on native fauna requires approval or a licence to do so. Both an approval and a licence granted to (potentially) impact on native fauna will have certain conditions placed on those actions.

Despite these principles and the provisions of the Biodiversity Conservation Act, there are no requirements in place requiring a Fauna Management Plan for all developments involving vegetation clearing in NSW; nor consistent, enforceable standards for the preparation of a Fauna Management Plan.

Once development consent is issued (which can still result in the removal of vegetation on a development site), it is possible that harm may occur to native wildlife that use this vegetation for habitat when it is removed.

Ensuring best practice care for injured wildlife is a concern for the community and it is therefore important that consistent, enforceable standards are introduced for the preparation of Fauna Management Plans. Such a standard should include requirements for:

- Pre-clearance surveys to be carried out to establish which species are present on the site, including identification of any threatened and native species.
- The identification of suitable nearby areas where wildlife could possibly be relocated.
- The provision of possum, glider and bat boxes sufficiently in advance of vegetation clearing to allow wildlife time to discover the boxes and become familiar with them.
- Compliance with the NSW Code of Practice for Injured, Sick and Orphaned Protected Fauna and the licencing requirements contained in the Biodiversity Conservation Act 2016.
- Best practice for wildlife handling and care (including contact with local wildlife rescue groups).
- Reporting of injured or killed fauna to the NSW Department of Planning, Industry and Environment to enable the data to be used in biodiversity monitoring.

The Code of Practice for Injured, Sick and Orphaned Protected Fauna (Office of Environment and Heritage, June 2011) was prepared for people who are authorised to rehabilitate and release protected fauna in order to protect the welfare of fauna in their care and was developed to support licences issued under the National Parks and Wildlife Act 1974 to rehabilitate and release sick, injured and orphaned protected fauna.

Following the introduction of the Biodiversity Conservation Act and Regulations, in 2018 the NSW Government consulted on proposed changes to wildlife licencing by introducing a new risk-based approach where:

- Low-risk activities would be exempt from regulation.
- Moderate-risk activities would be regulated by enforceable codes of practice.
- High-risk activities would continue to be licenced.
- Activities not permitted under exemptions, codes or licencing would remain prohibited.

Whilst public consultation on the proposed changes closed in July 2018 and it is understood that changes would be made progressively from 2019, however there is a distinct lack of information regarding next steps. Little appears to have changed and there is much ambiguity regarding whether the Code of Practice for Injured, Sick and Orphaned Native Fauna would formally apply, and in what circumstances.

Updating the Code of Practice and providing greater clarity on wildlife licencing associated with the Biodiversity Conservation Act is urgently required. This is needed to ensure that on development sites where there is vegetation clearing, that harm to injured wildlife will be minimised and best practice standards for wildlife handling and care (including links to local wildlife rescue groups) are implemented.

Voting Delegates

Voting at this year's Conference will on motions during the Conference Business Sessions only as the election for Office Bearers and the Board (Board election) was held last year. In this regard, LGNSW have advised that Hornsby Shire Council is entitled to nine voting delegates. It is envisaged that the Councillor not nominated as a voting delegate will still be entitled to attend the Conference as an observer. Voting delegates are required to be advised to the LGNSW by 10 October 2022.

Registrations to attend the conference are due by 10 October 2022, however Early Bird Registrations are being offered if registration and payment is made by 17 August 2022.

BUDGET

Funds have been allocated in the 2022/23 budget for attendance by Councillors and relevant staff at the 2022 LGNSW Annual Conference.

POLICY

Councillor attendance at the 2022 LGNSW Annual Conference is in accordance with the Councillors' Expenses and Facilities Policy.

CONCLUSION

The 2022 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, two motions dealing with; Amendments to the Companion Animals Act 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 2022 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 – Stephen Colburt, who can be contacted on 9847 6761.

STEPHEN COLBURT
Manager, Governance and Customer Service
Corporate Support Division

GLEN MAGUS
Director - Corporate Support
Corporate Support Division

Attachments:

There are no attachments for this report.

File Reference: F2022/00123
Document Number: D08399948

4 CLASSIFICATION OF PUBLIC LAND - ROAD WIDENING AT HORNSBY AND ASQUITH

EXECUTIVE SUMMARY

- On 13 October 2021 Council approved the purchase of road widening at Hornsby and Asquith.
- There were four separate parcels of land required to create splay corners at intersections.
- In each report, Council approved a public notice of the intention to classify the road widening as "Operational Land". This is required for dedication of the land as public road.
- The required public notice has been exhibited and no objections were received.
- Council is requested to approve the classification and road dedication.

RECOMMENDATION

THAT pursuant to Section 31 of the Local Government Act 1993, Lot 2 DP 1281589, Lot 1 DP 1281566 and Lots 2 & 4 DP 1261538 being land acquired for road widening at Hornsby and Asquith be classified as "Operational Land" and dedicated as Public Road.

PURPOSE

The purpose of this Report is to seek Council approval to the classification of land acquired for road widening at Hornsby and Asquith as “Operational Land” and dedication of the land as Public Road.

BACKGROUND

At the 13 October 2021 Ordinary Meeting, Council considered four confidential Director’s reports detailing commercial terms negotiated for the acquisition of road widening as detailed below:

Report No	Lot Description	Purpose	Area	Property Address
CS69/21	Lot 4 DP 1281538	Splay Corner	14.4m ²	Part 1A Baldwin Avenue, Asquith
CS72/21	Lot 2 DP 1281589	Splay Corner	5.0m ²	Part 319-323 Peats Ferry Road, Asquith
CS76/21	Lot 1 DP 1281566	Splay Corner	3.948m ²	Part 16 Galston Road, Hornsby
CS79/21	Lot 2 DP 1281538	Splay Corner	25.0m ²	Part 178 Sherbrook Road, Asquith

Council approved the purchases and also authorised a public notice of Council’s intention to classify each section of road widening as “Operational Land”.

DISCUSSION

The Local Government Act 1993 requires that, apart from public roads which are held under the Roads Act, all land owned by Council must be classified as either “Community” or “Operational” Land.

“Community Land” is typically public parks, sportsgrounds, drainage reserves and natural bushland held by Council on behalf of the residents and ratepayers. There are restrictions preventing Council from selling these properties or entering leases longer than 5 years without public consultation.

By comparison, these matters need not be considered by Council when dealing with “Operational Land” which is typically properties held for future strategic development such as business/retail sites and car parks. Subject to authorising resolutions, Council is able to sell or lease these properties.

Section 31(2) of the Local Government Act 1993 requires Council to classify land within three months of purchase or the property is deemed to be “Community Land”. However, Section 47F then restricts Council’s ability to dedicate “Community Land” as a public road.

For that reason, Council’s resolutions on 13 October 2021 proposed classification of the road widening as “Operational Land”.

Section 34 of the Act requires Council to give at least 28 days public notice of a proposed resolution to classify a property “Operational Land”. The required public notice was given on Council’s website to comply with this requirement. Plans of the land were also on public exhibition during this period.

One written request for further information was received during the public notice period and answered to the satisfaction of the resident. No objections were received.

Council is now able to classify the road widening as “Operational Land” so that each parcel can be dedicated as public road.

BUDGET

There are no budgetary implications associated with this Report.

POLICY

There are no policy implications associated with this Report.

CONCLUSION

Classification of the road widening as “Operational Land” will permit dedication of the splay corners as public road.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Property Asset Manager, Stewart Bates who can be contacted on 9847-6725.





STEWART BATES

Property Asset Manager - Land and Property
Services
Corporate Support Division

GLEN MAGUS

Director - Corporate Support
Corporate Support Division

Attachments:

1.  Location Plan - 1A Baldwin Avenue, Asquith
2.  Location Plan - 319-323 Peats Ferry Road, Asquith
3.  Location Plan - 16 Galston Road, Hornsby
4.  Location Plan - 178 Sherbrook Road, Asquith

File Reference: F2020/00345

Document Number: D08447337

5 COUNCILLOR EXPENSES AND FACILITIES POLICY - REPORTING REQUIRED BY SECTION 15 OF THE POLICY

EXECUTIVE SUMMARY

- The Councillors' Expenses and Facilities Policy, which is modelled on the Office of Local Government's Better Practice Template, requires that a report on the provision of facilities and payment of expenses to Councillors is to be tabled at a Council Meeting at six monthly intervals.
- Council last considered the required report at the General Meeting of 23 February 2022.
- This report covers the 12-month period from 1 July 2021 to 30 June 2022. Details are provided of expenditure grouped according to specific categories, summarised by individual Councillor and as a total for all Councillors.
- It is recommended that Council note the contents of the Report.

RECOMMENDATION

THAT Council note that details regarding the provision of Councillor expenses and facilities for the period from 1 July 2021 to 30 June 2022 have been tabled in accordance with the Councillors' Expenses and Facilities Policy.

PURPOSE

The purpose of this Report is to comply with Clause 15 of the Councillors' Expenses and Facilities Policy which requires regular reporting of the details of expenses incurred, and cost of facilities provided, for each Councillor. The Report is to include expenditure grouped according to specific categories, summarised by individual Councillor and as a total for all Councillors.

BACKGROUND

The Councillors' Expenses and Facilities Policy requires that a report on the provision of expenses and facilities to Councillors be tabled at a Council Meeting at regular intervals. The relevant Clause states:

15.1 Council will report on the provision of expenses and facilities to councillors as required in the act and regulations.

15.2 Detailed reports on the provision of expenses and facilities to councillors will be publicly tabled at a council meeting every six months and published in full on council's website. These reports will include expenditure summarised by individual councillor and as a total for all councillors.

Council last considered a report on Councillors' Expenses and Facilities at the 23 February 2022 General Meeting (Report No. CS13/22). In accordance with Section 15 of the Policy reporting takes place on a six-monthly basis. This Report includes expenses incurred in the 12-month period from 1 July 2021 to 30 June 2022.

The main categories of expenses facilities are summarised in the table below. The Councillors – Expenses and Facilities Policy was reviewed at the 11 May General Meeting, as part of Director's Report No. CS4/22, the table below shows the amounts which apply to the financial year 2021/2022.

General travel expenses (other than travel associated with Conferences and Professional Development)	\$5,250 total for all Councillors	Per year
Interstate, overseas and long-distance intrastate travel expenses	\$0	Per year
Accommodation and meals	As per the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, adjusted annually	Per meal/night
Professional development (includes associated travel and subsistence where applicable)	\$31,500 total for all Councillors	Per year
Conferences and seminars	\$36,700 total for all Councillors	Per year

(includes associated travel and subsistence where applicable)	(Increased to \$51,700 in the years where the LGNSW Conference is held outside the Sydney metropolitan region.)	
ICT expenses	\$4,750 per Councillor	Per year (first year of election)
	\$2,650 per Councillor	Per year (following years of election)
Carer expenses	\$2,100 per Councillor	Per year
Home office expenses (equipment and facilities other than stationery)	\$350 per Councillor	Per year
Stationery	\$3,150 total for all Councillors	Per year
Postage stamps	Provided by Council	Not relevant
Christmas or festive cards	\$1500 for the Mayor \$500 total for all other Councillors	Per year
Access to facilities in a Councillor common room	Provided to all Councillors	Not relevant
Council vehicle and fuel card	Provided to the Mayor	Not relevant
One reserved parking space at Council offices One shared parking space at Council offices	Provided to the Mayor Shared by all Councillors	Not relevant
Furnished office	Provided to the Mayor	Not relevant
Number of exclusive staff supporting Mayor and Councillors	Provided to the Mayor and Councillors	Two
Spousal attendance at conferences	\$1,050 for the Mayor \$550 per Councillor	Per year
Attendance at non-Council functions	\$1,050 for the Mayor \$550 per Councillor	Per year

ITEM 5

DISCUSSION

When Council last reviewed its Councillors' Expenses and Facilities Policy in May 2022, it was required to ensure that the Policy was in line with, and modelled on, the "Councillor Expenses and Facilities Policy – Better Practice Template" issued by the Office of Local Government (OLG).

To ensure greater accountability across councils, and public availability of information regarding expenditure on councillor expenses and facilities, the OLG's Better Practice Template, and subsequently Council's adopted Policy, incorporates a requirement to record expenditure for each individual Councillor, as well as a total for all Councillors, across the categories detailed in the above table. This reporting is required to occur at six monthly intervals and is generally provided to Council in August and February each year.

[N.B. The reporting requirements of the Councillors Expenses and Facilities Policy are in addition to, and provide greater detail than, those which are required by Section 217 of the Local Government (General) Regulation to be included in Council's Annual Report.]

Council officers have established appropriate administrative procedures to ensure that the relevant information is captured in a manner which satisfies the reporting requirements of the Policy.

The table below provides the required information for the 12-month period from 1 July 2021 to 30 June 2022. As the Local Government Elections were held on the 4 December 2021 the table includes Councillors from the previous Council term along with current Councillors. Where an explanation or clarification is required about particular expenditures (marked with a * and ** in the table), comments are provided in the text following the table.

Expense or Facility July 2021 - June 2022															
	General travel (other than associated with Conferences + Professional Development)	Interstate, overseas + long distance intrastate travel expenses	Accomm + meals (When not associated with a Conference etc)	Professional development (Incl associated accom & travel)	Conferences & seminars (Incl associated Travel & Accom)	ICT - Computer / Ipad Only	Mobile Phone + Data Plan (incl Internet etc for Computer)	Carer expenses	Home office expenses	Stationery	Postage stamps	Christmas or festive cards	Spousal attendance at conferences Name Badges	Attendance at non-Council functions	Totals
Bail	36	-	-	-	1,579	2,823	-	-	-	158	-	-	72	-	4,667
Greenwood	-	-	-	-	2,035	2,006	1,113	-	-	158	-	-	72	-	5,383
Heyde	305	-	-	-	200	-	119	-	-	158	-	-	-	-	782
McClelland	-	-	-	150	2,898	3,768	-	-	-	158	-	-	72	-	7,046
McIntosh	-	-	-	-	1,200	2,198	1,070	-	-	158	-	-	92	-	4,718
Pillamarri	-	-	-	-	1,941	4,287	-	-	-	158	-	-	72	-	6,457
Ruddock	-	-	-	-	1,955	-	2,459	-	-	158	-	*2000	-	-	6,572
Salitra	371	-	-	-	1,503	3,415	33	-	-	158	-	-	72	-	5,551
Tilbury	-	-	-	-	1,810	**4,149	**1,682	-	-	158	-	-	-	-	7,799
Waddell	225	-	-	-	1,980	2,928	1,294	-	-	158	-	-	-	-	6,584
Marr	392	-	-	-	440	-	85	-	-	-	-	-	-	-	916
Browne	-	-	-	-	-	-	270	-	-	-	-	-	-	-	270
Nicita	-	-	-	-	-	-	85	-	-	-	-	-	-	-	85
Del Gallego	203	-	-	-	-	-	498	-	-	-	-	-	-	-	700
Hutchence	-	-	-	-	-	-	477	-	-	-	-	-	-	-	477
Total	1,530	-	-	150	17,540	25,575	9,185	-	-	1,580	-	2,000	449	-	58,010

Notes:

- * In supporting the expenditure of \$2,000 on Christmas and Festive cards, it was recognised that the sending of the cards by the Mayor represented, festive greetings on behalf of all Councillors, the General Manager and staff across the organisation and is within the total budget allocation the Mayor and Councillors combined.
- ** Councillor Tilbury was re-elected to Council at the 4 December 2021 Local Government election, the ICT – Computer/iPad and Mobile Phone/Internet expenses are the total of the previous term of Council expenses combined with the new allocation for the current term of Council.

It is noted that expenses incurred during the reporting period fall significantly under the allocation for each category, and in total, as well as in comparison to the previous reporting periods. This is due largely to COVID-19 and the subsequent restrictions on gatherings and general interaction with staff and members of the community. However, conferences and training, including the LGNSW Annual Conference, have returned to in person meetings.

BUDGET

The categorisation and reporting of expenditure in respect of councillors' expenses and facilities in the manner required and presented within this Report assists with the monitoring of expenses for that provision within Council's adopted budget. The overall total expenses reported for the 12-month period from July 2021 to June 2022 of \$58,010 is considerably less than the total budget provision for the financial year. All expenses have been approved as required by the General Manager or other staff under delegation.

POLICY

The Report meets the requirements of the provisions of Section 15 of Council's Councillors' Expenses and Facilities Policy.

CONCLUSION

The Councillors' Expenses and Facilities Policy requires details of expenditure and the provisions of facilities to Councillors, summarised by individual Councillor and expense category, as well as a total for all Councillors, to be presented to Council at an open meeting. The expenditure by Councillors for the period July 2021 to June 2022 is well within the budget provision and requirements of the Policy. This Report provides the relevant information as required by the Policy and ensures all statutory requirements are met.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Manager, Governance and Customer Service Branch – Stephen Colburt - who can be contacted on 9847 6761.

STEPHEN COLBURT
Manager, Governance and Customer Service
Corporate Support Division

GLEN MAGUS
Director - Corporate Support
Corporate Support Division

Attachments:

There are no attachments for this report.

File Reference: F2004/09552-02

Document Number: D08448018

ITEM 5

6 INVESTMENTS AND BORROWINGS (PRE-AUDIT) FOR 2021/2022 - STATUS FOR THE PERIOD ENDING 30 JUNE 2022

EXECUTIVE SUMMARY

- This Report provides details of Council's investment performance for the period ending 30 June 2022 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 made 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 requirements of 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 a negative annualised return for June 2022 of -0.89% which includes a yield of -26.60% from TCorp Managed Funds.
- There is a 2021/22 financial year to date return of 0.49% which includes a yield of -6.43% from TCorp Managed Funds. This relates to accumulated investment income of \$1,509,929 which includes an unrealised loss of -\$1,444,510 from TCorp Managed Funds.

RECOMMENDATION

That the contents of Director's Report No. CS60/22 be received and noted.

PURPOSE

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

BACKGROUND

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

DISCUSSION

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

Council's investment performance for the month ending 30 June 2022 is detailed in the attached document. In summary, the portfolio achieved a negative annualised return for June 2022 of -0.89%. On a financial year to date basis the portfolio achieved an annualised return of 0.49% which includes a yield of -6.43% from TCorp Managed Funds.

In respect of Council borrowings, the interest rate payable on the outstanding loan taken out in June 2013 (the last time that Council borrowed), based on the principal balances outstanding, is 5.89%. The Borrowings Schedule as of 30 June 2022 is also attached for Council's information.

BUDGET

Budgeted investment income for the year is \$3,855,180 with an average budgeted monthly income of \$321,265. The net investment loss for the month ended 30 June 2022 was -\$199,711 which includes an unrealised loss of -\$541,381 from TCorp Managed Funds.

Budgeted investment income year to date at 30 June 2022 was \$3,855,180. Total investment income year to date at 30 June 2022 is \$1,509,929 which includes a year-to-date net unrealised loss of -\$1,444,510 from TCorp Managed Funds. It is noted that the budget excludes an unrealised capital loss from Floating Rate Notes of -\$1,078,907 at 30 June 2022. This capital loss will reverse in full over the term of the Floating Rate Notes and Council will redeem the purchase price paid upon maturity.

Approximately 55.63% of the investment income received by Council relates to externally restricted funds (e.g. Stronger Communities Grant funding and 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 uncertainty over domestic and global economic conditions. It is noted that this product has a 7-year investment horizon and will, therefore, reflect marked to market valuations monthly. Advice provided by Council's independent investment advisor, Prudential Investment Services, is to hold this investment for the 7-year timeframe as originally planned. This is due to the anticipated net positive performance returns that will be gained over the long term for this investment.

CONCLUSION

The investment of Council funds and the extent of its borrowings as of 30 June 2022 is detailed in the documents attached to this Report. Council's consideration of the Report and its attachments ensures that the relevant legislative requirements and Council protocols have been met in respect of those investments and borrowings.



RESPONSIBLE OFFICER

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

DUNCAN CHELL
Chief Financial Officer
Corporate Support Division

GLEN MAGUS
Director - Corporate Support
Corporate Support Division

Attachments:

1.  HSC Borrowings Schedule June 2022 (Pre-audit)
2.  HSC Investment Summary Report June 2022 (Pre-audit)

File Reference: F2004/06987-02
Document Number: D08448029

7 HORNSBY ABORIGINAL & TORRES STRAIT ISLANDER CONSULTATIVE COMMITTEE MEMBERSHIP

EXECUTIVE SUMMARY

- At the Council Meeting 13 April 2022 Council endorsed the recommendation of report GM9/22, *Councillor Representation on external and internal Committees* that Council advertise for expressions of interest for community representatives to become members of the Hornsby Aboriginal and Torres Strait Islander Consultative Committee.
- Advisory committees such as the Hornsby Aboriginal and Torres Strait Islander Consultative Committee have delegated authority to make recommendations but not formal decisions.
- Expressions of interests were placed across social media, hard copy newspapers and Council's website for a period of 28 days and closed on 17 June 2022. The submissions have been evaluated against the Hornsby Aboriginal and Torres Strait Islander Consultative Committee Charter and in discussions with local Traditional Custodians.
- At an Informal Workshop in 2022 Councillors were provided with an overview of community nominations to the Hornsby Aboriginal and Torres Strait Islander Consultative Committee. Councillor feedback supported the expansion of the committee membership from 12 to 14 voluntary community members; and formally identifying Hornsby Area Residents for Reconciliation as an organisation that would have a position on the committee.
- It is recommended that Council invites the 14 community members identified in the table included in this Report to participate on the Committee as voluntary community representatives.

RECOMMENDATION

THAT:

1. Council appoint the 14 voluntary community members listed in Director's Report No. CE13/22 as members of the Hornsby Aboriginal & Torres Islander Consultative Committee for the current term of Council.
2. Council amend the Hornsby Aboriginal and Torres Strait Islander Consultative Committee Charter as shown in Attachment 1 to Director's Report No. CE13/22.
3. All applicants be advised of Council's resolution.
4. Council share information with and collaborate on programs or initiatives where appropriate with unsuccessful candidates.

PURPOSE

The purpose of this Report is to seek Council's endorsement for the community representative positions on the Hornsby Aboriginal and Torres Strait Islander Consultative Committee (HATSICC).

BACKGROUND

At the 13 April 2022 Ordinary Meeting, Council considered Director's Report No. GM9/22 *Councillor Representation on external and internal Committees* and resolved in part to advertise for expressions of interest for community representatives to become members of HATSICC.

HATSICC's primary purpose is to:

- Provide a vital link between Hornsby Shire Council and the Aboriginal and Torres Strait Islander peoples in the Hornsby LGA, respecting Aboriginal and Torres Strait Islander peoples right to self-determination and community empowerment.
- To provide advice, input and feedback in Hornsby Shire Council's business and affairs relating to Aboriginal and Torres Strait Islander people within the LGA including appropriate approaches for consultation with the Aboriginal and Torres Strait Islander communities.
- To provide advice, input and feedback to Council's work to promote an increased knowledge and understanding of Aboriginal and Torres Strait Islander culture and society in the wider community.

HATSICC's charter provides for a maximum of 12 (twelve) community members and includes:

- Representatives of Hornsby's Traditional Custodians, the Darug and GuriNgai peoples.
- Aboriginal & Torres Strait Islander peoples who live work, study, or have a strong commitment to the LGA.
- Individuals or representatives of local community organisations with a demonstrated commitment, sensitivity to and understanding of issues relating to the local Aboriginal & Torres Islander peoples.

The charter also provides for up to six (6) Councillors on the Committee.

DISCUSSION

Expressions of interest for community members to HATSICC were placed during May/June in local newspapers and Council's website, Facebook page and news. Emails were also sent to the recent past community members of HATSICC inviting them to renominate for the Committee.

At the conclusion of the advertising period, Council received a very strong response with 21 community nominations for the Committee. 11 nominations were from the Aboriginal community, including Traditional Custodians from both the Darug and GuriNgai peoples and 10 non-Aboriginal individuals including representatives of relevant organisations.

An informal Workshop in July, Councillors were provided with an overview of community nominations to HATSICC. Given the very strong response and limited positions available on HATSICC, Councillor feedback supported preference being provided firstly to Aboriginal nominees, and then to nominees who represent groups/organisations whose primary purpose is to further reconciliation.

Councillors also asked that consideration be given to amending the HATSICC charter as shown in Attachment 1 to Director's Report No. CE13/22 to:

- Increase community membership from 12 to 14 community members (which would enable Council to accommodate membership of representatives of both the Hornsby Area Residents for Reconciliation and Reconciliation NSW).
- Increase Councillor membership from 6 to 7 Councillors (reflecting Councillor appointments made to the committee at the 13 April 2022 meeting).
- Formally identify Hornsby Area Residents for Reconciliation (HARR) as an organisation that would have a designated position on the Committee.

Taking into account this feedback, the following are recommended for membership to HATSICC.

Recommended Members of HATSICC (in alphabetical order)

1. Dorothy Babb	Represents Hornsby Area Residents for Reconciliation (HARR), long-standing member and works with Hornsby Library on promoting and arranging Aboriginal events.
2. Uncle Laurie Bimson	GuriNgai Elder and long-standing member of the committee. Previous Co-Chair of HATSICC.
3. Francis Cappellazzo	Wiradjuri man who has lived in the Hornsby Ku-Ring-Gai area for over 12 years.
4. Adam Cryer	Long term resident of the Shire and Aboriginal man who works for the Northern Sydney Local Health District Aboriginal Health Services.
5. Brandon Etto	Director, Strategic Support Directorate, Department of Planning & Environment in the Aboriginal Housing Office and a Darug/Gomerioi man.
6. Uncle Neil Evers	GuriNgai Elder and well known within the Shire for delivering Welcome to Countries
7. Aunty Ros Fogg	Local Darug Elder who was a member of the NSW Aboriginal Land Council
8. Lea Harlow	Aboriginal woman and Vice President and Secretary of Hornsby Aboriginal Education Consultative Group
9. Aunty Tracey Howie	GuriNgai Elder and long standing member of the committee
10. Aunty Samantha O'Brien	Wiradjuri Elder and long standing member of the committee
11. Aunty Sue Pinckham	Long standing member of the committee, ex Aboriginal Cultural Advisor at Macquarie University and a Birripi Elder.
12. Annette Salt	Represents Hornsby Area Residents for Reconciliation (HARR) and long-standing member of the committee
13. Mariko Smith	Long standing member of the committee, previous Co-Chair of HATSICC and a Yuin Woman
14. Tristan Tipps-Webster	Local resident and currently Chief Executive Officer at Reconciliation NSW. She previously worked at the Australian Human Rights Commission.

Recognising the strong community interest in HATSICC, it is also considered fitting that Council seek to share information and collaborate on programs or initiatives where appropriate with unsuccessful candidates.

CONSULTATION

In the preparation of this Report there was consultation local Traditional Custodians and the previous Co-Chair of HATSICC. An informal Councillor workshop was also held.

BUDGET

There are no budgetary implications arising from this Report.

POLICY

The filling of the voluntary community representative positions would meet the requirements of the Hornsby Aboriginal & Torres Strait Islander Consultative Committee charter.

CONCLUSION

Following the calling of expressions of interest for community membership to HATSICC, it is recommended that Council endorse 14 voluntary community members listed in Director's Report No. CE13/22 as members of the Hornsby Aboriginal and Torres Strait Islander Consultative Committee for the current term of Council.

It is also recommended that Council amend HATSICC's charter as shown in Attachment 1 to Director's Report No. CE13/22 to increase Community and Councillor membership and to formally identify Hornsby Area Residents for Reconciliation as an organisation with a designated position on HATSICC.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Acting Manager Community & Cultural Development – Neil Chippendale - who can be contacted on 9847 6523.

CHERYL ETHERIDGE
Manager - Library and Community Services
Community and Environment Division

STEPHEN FEDOROW
Director - Community and Environment
Community and Environment Division

Attachments:

1.  HATSICC Charter - Proposed Update - August 2022

File Reference: F2005/01147-002
Document Number: D08451875

8 HERITAGE ADVISORY COMMITTEE MEMBERSHIP

EXECUTIVE SUMMARY

- At its meeting on 13 April 2022, Council resolved to retain the Heritage Advisory Committee and to appoint Councillors McIntosh (Chair), Greenwood and McClelland as members and Councillors Salitra and Tilbury as alternates on the Committee.
- Council also resolved to undertake an expression of interest process to appoint new community and technical positions on the Committee for this Council term.
- Advertisements for the community and technical member positions were published in May/June 2022. Seven submissions were received and have been evaluated against criteria including relevant tertiary or professional experience in heritage matters and knowledge of local history.
- It is recommended that Council invite Ms Anne Conway, Mr David White, and Ms Miriam Moloney to participate on the Committee as technical specialists and Ms Mari Metzke and Mr Rod Best as community representatives given their membership of historical groups and research in the field. It is recommended that Mr Robert Browne and Ms Rhonda Ramsey be invited as alternates for community members in the event of a vacancy.
- An updated Charter for the Heritage Advisory Committee is attached to this report for adoption by Council, as required under Council's Advisory Committees Core Terms of Reference.

RECOMMENDATION

THAT:

1. Council invite the following volunteers to participate on the Hornsby Shire Council Heritage Advisory Committee for the current term of Council:
 - a) Ms Anne Conway, Mr David White, and Ms Miriam Moloney as technical specialists.
 - b) Ms Mari Metzke and Mr Rod Best as community representatives.
 - c) Mr Robert Browne and Ms Rhonda Ramsey as alternates for community members in the event of a vacancy.
2. All applicants be advised of Council's resolution.
3. Council adopt the Heritage Advisory Committee Charter attached to Director's Report No. PC18/22.

PURPOSE

The purpose of this report is to seek Council's endorsement of nominees for the voluntary technical specialist and community representative positions on the Hornsby Heritage Advisory Committee (HAC).

BACKGROUND

Council's Heritage Advisory Committee was formed in January 1994. Members of the Committee are volunteers who provide input into strategic heritage matters, including Heritage Reviews, education, and promotion of heritage conservation.

The Committee Constitution (now known as Charter) requires a minimum of nine members namely:

- *Four (4) nominated Councillors; All other Councillors can be ex officio members of the Committee but will not be entitled to vote other than in the absence of the Councillors who are members of the Committee.*
- *A minimum of three (3) and maximum of four (4) technical specialists from the architectural/planning or other related professions with expertise in heritage.*
- *Two (2) community representatives with a minimum of one representative from Hornsby Shire Historical Society.*

Council staff provide technical and administrative support to the Committee.

The term of the former Committee ended with the December 2021 Council elections. At its meeting on 13 April 2022, Council resolved to retain the Heritage Advisory Committee and to appoint Councillors McIntosh (Chair), Greenwood and McClelland as members and Councillors Salitra and Tilbury as alternates on the Committee.

Council also resolved to undertake an expression of interest process to appoint new community and technical positions on the Committee for this Council term. The voluntary technical and community positions on the HAC were advertised on Council's social media and local media publications in May/June 2022.

The nominations received were discussed at a Workshop with Councillors on 6 July 2022 and it was generally agreed that a report be presented to Council to seek formal endorsement of the preferred Community Committee members.

DISCUSSION

This report evaluates expressions of interest received for the advertised voluntary technical specialist and community representative positions.

Expressions of Interest

Advertisement of the voluntary membership positions were placed in local newspapers and Council's website and social media. Letters were also sent to the recent past HAC community members. The advertisements were published in May/June 2022 and submissions for the positions closed on 17 June 2022.

Council received seven applications for membership on the Committee, including four former members. A summary of the expressions of interest is provided below in alphabetical order.

Applicant	Summary of Experience	Community / Technical

<i>Mr Rod Best</i>	Lawyer and local historian. Book published on the history of Beecroft. Books and articles published on Australian social history. Current member of local community groups including Chair, Beecroft Cheltenham History Group and President, Beecroft Cheltenham Civic Trust. Current Director, Fellowship of First Fleeters.	Community
<i>Mr Robert Browne</i>	Career in banking and accountancy professions. Former Hornsby Councillor and served as Mayor and Deputy Mayor. Current member of the Convict Trail Project and Hornsby War Memorial Hall Board. Previous Chair and Councillor member of Council's HAC.	Community
<i>Ms Anne Conway</i>	Tertiary qualifications in Zoology, Psychology, Anthropology, Environmental Studies and member (CPP) of Planning Institute of Australia. Background in environmental planning and heritage matters. Has worked in senior technical positions in several government organisations, including Manager of Heritage Assessment within the then Department of Urban Affairs and Planning and has also served on the NSW Heritage Council. Previous technical member of Council's HAC.	Technical
<i>Ms Mari Metzke</i>	Extensive historical background, including working for the Royal Australian Historical Society, State Records, National Archives and National Trust Cemeteries Committees. Current member of the Hornsby Historical Society and Chair of the Convict Trail Project. Previous community member of Council's HAC.	Community/ Hornsby Historical Society
<i>Ms Miriam Moloney</i>	Tertiary qualifications in Anthropology and Comparative Sociology. Career in social and family welfare, including policy management, commemorating the past, places, experiences, reuse of buildings, consultation, and memorials. Current member of the Brooklyn Community Association. Past member of the Hornsby Historical Society.	Technical
<i>Ms Rhonda Ramsey</i>	Owner of the heritage item 'Mt Orient' in Berrilee. Background in education and research, with a keen interest in the history of Hornsby Shire and Mt Orient.	Community
<i>Mr David White</i>	Tertiary qualifications in architecture. Director of a local architectural practice specialising in heritage projects. Member of the Executive Committee for the Beecroft/Cheltenham Civic Trust. Previous technical representative on Council's HAC.	Technical

As discussed above, the Committee's Charter requires a minimum of nine members namely:

- Four nominated Councillors.
- A minimum of three and a maximum of four technical specialists from the architectural/planning or other related profession with expertise in heritage.

- Two community representatives with a minimum of one representative from Hornsby Shire Historical Society.

Based on this structure, the evaluation and recommended appointments to the technical and community positions is summarised below.

Technical Representation

Applications for the technical representative category were received from three candidates. Of these, two are recent former members of the HAC. Ms Anne Conway and Mr David White have relevant architectural/heritage conservation backgrounds, with one currently working in the development industry.

Ms Miriam Moloney is also considered a suitable candidate as a technical representative due to her qualifications and skills in social, community and cultural disciplines. Social history and heritage are important components of the Shire's heritage of which Ms Moloney's professional and community consultation skills would contribute.

At the Councillor Workshop on 6 July 2022, Councillors generally agreed that all three applicants would be appropriate technical members on the Committee.

Community Representation

Applications for the community representative category have been received from four candidates, including recent past members. Ms Metzke has participated on the Committee since its inception in 1994 and has proven to be a valuable and reliable member. Given her background, and membership of the Hornsby Historical Society, Ms Metzke is ideally suited for community membership representation on the Committee.

At the Councillor Workshop on 6 July 2022, Councillors noted that Mr Rod Best has undertaken extensive research in the field, published books and articles on Australian social heritage and is a current membership of historical groups and accordingly, would be an appropriate Committee member.

Councillors generally agreed that Mr Robert Browne and Ms Rhonda Ramsey would be appropriate alternates in the event of a vacancy for the community members given their interest and understanding of heritage matters. Alternates would be invited to attend a Committee meeting and would be provided a copy of the relevant agenda papers where an appointed member is unable to attend.

BUDGET

There are no budgetary implications associated with this Report.

POLICY

Council's Advisory Committees Core Terms of Reference was adopted by Council on 18 September 2019. This is the overarching document for all Council Committees, Working Parties and Groups and each Committee should have their own Charter, which is specific to their particular roles and responsibilities, to be read in conjunction with the Core Terms of Reference. A HAC Charter is attached to this report for endorsement by Council. It has been prepared based on the former HAC Constitution, with parts which are now in Council's Core Terms of Reference removed.

The filling of the voluntary technical and community member positions would meet the requirements of the HAC Charter.

CONCLUSION

At its meeting on 13 April 2022, Council resolved to retain the Heritage Advisory Committee and to undertake an expression of interest process to appoint new community and technical positions on the Committee for this Council term.

The HAC Charter identifies that the Committee should consist of a minimum of three technical specialists and two community representatives. Accordingly, in May/June 2022, expressions of interest were invited from suitability qualified and experienced members of the public for the voluntary positions on the Committee.

Seven submissions have been received and evaluated based on relevant qualified professional experience in heritage matters and knowledge of local history. Ms Anne Conway, Mr David White, and Ms Miriam Moloney are recommended as the voluntary technical specialists and Ms Maree Metzke and Mr Rod Best as the voluntary community representatives. The candidates Mr Robert Browne and Ms Rhonda Ramsey are recommended to be considered as alternatives for community members in the event of a vacancy.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Manager, Strategic Planning – Katherine Vickery who can be contacted on 98476744.

KATHERINE VICKERY
Manager - Strategic Landuse Planning
Planning and Compliance Division

JAMES FARRINGTON
Director - Planning and Compliance
Planning and Compliance Division

Attachments:

1.  Heritage Advisory Committee Charter 2022

File Reference: F2015/00004-003

Document Number: D08447700

9 REPORT ON SUBMISSIONS - HOUSEKEEPING DEVELOPMENT CONTROL PLAN AMENDMENTS

EXECUTIVE SUMMARY

- Since the 2016 Council amalgamations involving the transfer of land south of the M2 Motorway to the City of Parramatta local government area, the Hornsby Local Environmental Plan 2013 and Hornsby Development Control Plan have continued to apply to the transferred land formerly part of Hornsby Shire.
- The application of the Hornsby Development Control Plan over both local government areas, which has undergone a series of amendments, has resulted in a document which is increasingly complex.
- At its meeting on 13 October 2021, Council resolved to exhibit draft housekeeping amendments to the Hornsby Development Control Plan 2013 for a period of 28 days. The amendments were exhibited from 15 October 2021 to 15 November 2021.
- The housekeeping amendments involve administrative changes and clarifications with the purpose of correcting references and improve interpretation in response to changes made to it by Hornsby Council and the City of Parramatta Council over time.
- During the exhibition, one submission was received. No changes to the exhibited housekeeping amendments are warranted in response to the submission.
- However, following exhibition, changes to State legislation names and references have been implemented by the State Government. Consequently, additional minor post exhibition amendments are sought to reflect these changes. The additional amendments are administrative in nature and do not warrant re-exhibition.
- It is recommended that Council approve the draft amendments to the Hornsby Development Control Plan as amended after exhibition and publish the amended DCP on Council's website.

RECOMMENDATION

THAT:

1. Council approve the draft amendments to the Hornsby Development Control Plan 2013, as amended and attached to Director's Report No. PC19/22.
2. Notification of the approval of the amendments be published on Council's website.
3. The submitter and City of Parramatta Council be advised of Council's decision.

PURPOSE

The purpose of this Report is to address matters raised in the submission received during the exhibition of the draft Hornsby Development Control Plan (HDCP) housekeeping amendments and to outline additional post-exhibition administrative amendments recommended for inclusion in the HDCP.

BACKGROUND

Since the 2016 Council amalgamations involving the transfer of land south of the M2 Motorway to the City of Parramatta (CoP) local government area (LGA), the Hornsby Local Environmental Plan (HLEP) and the HDCP have continued to apply to the transferred land formerly part of Hornsby Shire.

The *Local Government (City of Parramatta and Cumberland) Proclamation 2016* prescribes that until new plans are adopted for an amalgamated area, the existing plan from the previous authority applies. Accordingly, the HLEP and HDCP will continue to apply to the transferred land (south of the M2 Motorway within Epping and Carlingford) until CoP Council adopts a new LEP and DCP for the land.

Since amalgamations, there have been several amendments to the HDCP adopted by both CoP Council and Hornsby Council. Some of the HDCP amendments recently implemented include a change to the building height for five storey development from 17.5 metres to 16.5 metres to align with an adopted housekeeping amendment planning proposal (adopted by Hornsby Council in February 2021). Further, CoP amended the HDCP in August 2021 to change development controls for land in Epping.

The application of the HDCP over both the Hornsby and CoP LGAs, which has undergone a series of amendments, has resulted in the HDCP being increasingly complex.

On 13 October 2021, Director's Report No. PC15/21 was presented to Council seeking endorsement to exhibit draft housekeeping amendments to the HDCP to correct references and improve its interpretation. Council resolved that:

1. *The draft housekeeping amendments to the Hornsby Development Control Plan (DCP) 2013 attached to Director's Report No. PC15/21 be placed on public exhibition for a period of 28 days.*
2. *Following exhibition, a report on submissions be presented to Council for consideration.*
3. *Council prepare a new DCP that applies to Hornsby Shire and excludes the land transferred to the City of Parramatta Council under the Local Government (City of Parramatta and Cumberland) Proclamation 2016.*
4. *Council write to the City of Parramatta to advise of Council's resolution to prepare a new comprehensive DCP for Hornsby Shire to reflect the revised local government boundary.*

In accordance with Council's resolution:

- The draft housekeeping HDCP amendments were exhibited from 15 October 2021 to 15 November 2021 (in accordance with point 1).
- This Council report is to address submissions received from the exhibition (in accordance with point 2).
- Council has written to CoP Council to advise of Council's resolution to prepare a new DCP for Hornsby Shire to reflect the revised local government area boundary (in accordance with point 4).

- A new DCP for Hornsby Shire that excludes controls applicable to land south of the M2 (in accordance with point 3) is yet to be prepared and will be subject to a future report to Council.

DISCUSSION

The draft housekeeping amendments to the HDCP were exhibited from 15 October 2021 to 15 November 2021. One submission was received in response to the exhibition. This report addresses the submission received and outlines minor post-exhibition amendments required due to legislation changes.

1. Exhibited HDCP Amendments

The HDCP amendments exhibited in 2021 comprise the following matters:

Correction of Transport and Parking controls for Epping

The draft amendments exhibited include changes to Part 1C.2.1 Transport and Parking to remove parking controls applicable to the Epping Town Centre. The controls applicable to Epping Town Centre are already contained in Part 1C.2.1 Transport and Parking applicable to City of Parramatta LGA (pages 1-36a to 1-44a) of the HDCP. Part 1C.2.1 Transport and Parking exclusively applies to Hornsby Shire and the amendment would correct issues and improve interpretation of controls.

Re-ordering of Pages

The draft amendments exhibited included a re-ordering of pages within Part 4.5.4 Scale within Hornsby LGA and Part 4.5.4 Scale within City of Parramatta LGA so that each read as a complete set of controls. The proposed amendments do not seek to change existing development controls but will improve the interpretation of controls and clarify controls applying to each LGA.

Update to Legislative References

The draft amendments exhibited included changes to legislative and statutory references, primarily within Part 1 of the HDCP.

2 Submission

One submission was received, prepared by GoGet, stating that carshare provisions should not be restricted only to residential developments of a certain size.

It suggests an amendment that would prescribe on-site carsharing spaces for all medium and high density residential developments within 800 metres of a principal public transport network, regardless of total unit yield.

The submission also provides wording for a condition of consent to ensure that the provision of carsharing spaces is enforceable.

Comment

Council has an endorsed Car Share Parking Policy and Hornsby Shire Car Parking Management Study.

The Car Share Parking Policy provides a framework for determining eligibility, approval and management of car share parking spaces on public land in the Hornsby LGA. However, the Policy does not apply to private car share schemes provided in off-street parking areas operated by private developers, nor vehicles participating in peer-to-peer car sharing schemes, such as Car Next Door.

Notwithstanding, the Policy recognises that Council may require private developers to provide car share schemes in line with sustainable transport options to offset the number of car parking spaces

that would be required in medium/high density development which would be subject to DA approval and would be determined on a case-by-case basis at DA stage.

Council's Car Parking Management Study is a technical document which provides overall car parking policy direction and recommendations for Council over a 10-year horizon.

With respect to off-street parking for residential developments, the adopted Study indicates that Council should "*continue to work with car share providers and consider introducing the car share scheme in all major activity centres inclusive of Waitara, Hornsby Hospital, Hornsby Town Centre, Berowra and Cherrybrook Metro precincts*".

The Study further recommends "*that Council needs to continue to review its policy regarding car share vehicles and the installation of dedicated parking (pods) for these vehicles to reflect changes in residents' perception of this policy and development within its management. The use of car share vehicles is to be carefully monitored and the allocation of bays revised where necessary*".

The suggested amendments presented by GoGet would have significant implications for the provision of off-street carparking spaces for future medium and high density residential developments within the Hornsby LGA. The request is outside of the scope of the current housekeeping amendments to the HDCP which is limited to correcting references and improving its interpretation rather than changing development controls which apply to the Hornsby Shire.

Council's Car Share Parking Policy and Car Parking Management Study both indicate that further consideration and research of the issue is required prior to being considered as part of Council's DCP controls.

Recommendation

That no changes be made to the exhibited draft HDCP housekeeping amendments in response to the submission commenting on carshare controls.

3 Post-Exhibition Amendments

Additional amendments to legislative and statutory references throughout the HDCP have been identified and it is recommended that these be endorsed as part of the subject housekeeping amendments. These amendments are summarised below and are further detailed in the attachment to this report.

Environmental Land Use Zones to Conservation Zones

On 1 December 2021, the Department of Planning and Environment (DPE) renamed all 'environment zones' to 'conservation zones' under Clause 2.1 Land Use Zones of the *Standard Instrument – Principal Local Environmental Plans* (Standard Instrument LEP). This change is in name only and any reference in council LEPs or studies to an environmental zone (E) is taken to mean the equivalent conservation zone (C). It is appropriate for the HDCP to be amended so that all references to an environmental zone are changed to a conservation zone for accuracy and consistency with the Standard Instrument LEP.

Reference numbers within the Environmental Planning and Assessment Act 1979

On 1 March 2018, the *Environmental Planning and Assessment Act 1979* (EP&A Act) was amended to feature new section numbering. The HDCP contains some reference numbers that need amending to be consistent with the current version of the EP&A Act.

References to Environmental Planning Instruments

On 1 March 2022, 45 existing State Environmental Planning Policies (SEPPs) were repealed, and their provisions incorporated into 11 new consolidated SEPPs. It is appropriate that the HDCP be amended so that references to all repealed SEPPs are changed to refer to the new consolidated SEPPs and their relevant sections for accuracy.

CONSULTATION

In accordance with the consultation strategy outlined in report No. PC15/21, the draft HDCP amendments were exhibited for 28 days from 15 October 2021 to 15 November 2021 through advertisement on Council's Website Noticeboard – Have Your Say. One submission was received and is addressed in this report.

City of Parramatta Council officers reviewed the draft housekeeping amendments prior to exhibition and provided advice confirming that the changes are administrative in nature and would not have any implications for CoP. Additionally, CoP officers have reviewed the post-exhibition amendments and confirm that the changes are also administrative in nature and would not have any implications for CoP.

BUDGET

There are no budgetary implications from the approval of the HDCP housekeeping amendments.

POLICY

Administrative changes have been made to the exhibited version of the HDCP amendments. The amendments are minor in nature and do not warrant exhibition in accordance with Section 14(1)(b) of the *Environmental Planning and Assessment Regulation 2021* (EP&A Reg) which states that Council, after exhibition and reviewing submissions, may approve a plan with such alterations as it considers appropriate.

The proposed housekeeping amendments to the HDCP aim to correct references and improve its interpretation. Subject to Council's endorsement, the draft amendments would be incorporated into the HDCP and come into force once published on Council's website.

Council has resolved to prepare a new DCP for Hornsby Shire that excludes controls applicable to land south of the M2 (in accordance with point 3 of Council's resolution). Once prepared, this would be subject to a future report to Council and public exhibition. Alternatively, subject to CoP Council adopting a new DCP that applies to the new CoP local government area boundary, the current HDCP could be amended to exclude controls relating to land south of the M2.

CONCLUSION

Amendments to the HDCP were exhibited in 2021 to correct issues with interpretation of development controls that apply to land south of the M2. Following exhibition, changes to state legislation names and references have been implemented by the State Government. These changes have necessitated further administrative amendments to the HDCP.

It is recommended that Council approve the draft amendments to the HDCP as amended after the 2021 exhibition and attached to this report.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Manager of Strategic Land Use 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.  HDCP Housekeeping Amendments for Finalisation August 2022

File Reference: F2013/00498

Document Number: D08452396

13 MAYOR'S NOTES FROM 01 JULY 2022 TO 31 JULY 2022

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

Wednesday 6th July 2022 – The Mayor hosted four Citizenship Ceremonies held in the Council Chambers at Hornsby Shire Council in Hornsby.

Saturday 9th July 2022 – The Mayor attended the Hornsby Gang Show, 'In Technicolour' held at the Pioneer Theatre in Castle Hill.

Saturday 16th July 2022 – The Mayor attended the AGM Scouts Association of Australia, NSW Branch AGM, held at Baden-Powell Activity Centre in Pennant Hills.

Thursday 21st July 2022 – The Mayor attended the Hornsby Ku-ring-gai District Rural Fire Service Medal Presentation held at The Hornsby FCC in Cowan.

Sunday 24th July 2022 – The Mayor attended the Camellia Morning Tea and walk held at Lisgar Gardens in Hornsby.

Friday 29th July 2022 – The Mayor attended the Studio ARTES 'Together Alone' Art Exhibition held at Studio ARTES in Hornsby.

Friday 29th July 2022 – On behalf of the Mayor, Councillor Pillamarri attended the Hornsby Ku-ring-gai Cherrybrook RFS Brigades 70th Anniversary held at Pennant Hills Bowling Club in Pennant Hills.

File Reference: F2004/07053
Document Number: D08460094

14 PROGRESSING ABORIGINAL RECONCILIATION IN HORNSBY SHIRE

COUNCILLOR MCINTOSH TO MOVE

THAT:

1. Council schedule an informal workshop to discuss the development of a Reconciliation Action Plan and the creation of a fixed term, Identified Aboriginal or Torres Strait Islander position to facilitate the development and implementation of a RAP and to support Council and HATSICC with broader Aboriginal policy issues.
2. HATSICC representatives be consulted and invited to participate in these discussions.

Note From Councillor

Hornsby Shire Council has a strong commitment to acknowledgement of First Nations peoples and to working with the local Aboriginal community through the Hornsby Aboriginal & Torres Strait Islander Consultative Committee (HATSICC).

As a Council we were an early adopter of an Acknowledgement of Country at all formal meetings of Council which was resolved in April 2004. Council established the HATSIC committee in 2006 to provide ongoing advice to Council.

The HATSIC committee has provided advice to Council for many years which has led to a range of initiatives including but not limited to:

- The development and adoption of a Statement of Reconciliation in August 2008.
- Inviting Traditional Custodians of Hornsby Shire to give a Welcome to Country at all Council meetings and Citizenship Ceremonies.
- The re-wording of the Acknowledgement of Country used by Council.
- The adoption of a Dual Naming Policy.
- Re-naming of the Pennant Hills Community Nursery to Warada Ngurang Community Nursery.
- The installation of Aboriginal artwork across including Hornsby Pool, Hornsby Railway Station and parks in the Shire reflecting Aboriginal culture.
- Adopting the Uluru Statement from the Heart in April 2019.

Council has worked to ensure that our local Aboriginal Community is consulted in the development of major projects and policies, that we utilise the principles of *Designing with Country* for major projects, and that Aboriginal acknowledgement is included in all documentation of Council.

Historically Council has had several Aboriginal staff members in the Community Services Branch who

provided a good operational link between Council and the local Aboriginal and Torres Strait Islander Community, however this is currently not the case.

During the last term of Council, HATSICC discussed the merits of Council preparing a Reconciliation Action Plan (RAP) to formalise its commitment to reconciliation and develop strategies to advance reconciliation.

I also note that the CEO of Reconciliation NSW, Tristan Tipps-Webster, a local resident has applied to and is recommended for membership on HATSICC in Director's Report No. CE13/22 to be considered at this meeting.

It is worth noting that there are a number of major issues regarding Aboriginal reconciliation and public policy currently being considered. At a Commonwealth level, we have action on the Uluru Statement from the Heart, which Hornsby Shire Council formally resolved to support in 2019. At a State level, the NSW Government has embarked upon a consultation process to develop a new model for Aboriginal joint management of the NSW national park estate. With two large national parks comprising much of Hornsby Shire, this is an important consultation process for our community.

In light of the above, I consider that it is appropriate for Council to discuss two key issues:

1. The development of a Reconciliation Action Plan.
2. The creation of a fixed term, Identified Aboriginal or Torres Strait Islander position to facilitate the development and implementation of a Reconciliation Action Plan and to assist Council with other current major policy issues.

It would be appropriate that HATSICC representatives be consulted in regard to these issues and be invited to participate in discussions.

Appointment of such a position would provide support to both Council and to HATSICC and it would give the local Aboriginal and Torres Strait Islander community greater confidence in the production of an action plan. It would also stimulate conversations about the needs of the local Aboriginal and Torres Strait Islander community by staff across all areas of Council.

There are four types of Reconciliation Action Plans that Council could adopt, they are titled Reflect, Innovate, Stretch or Elevate.

- **Reflect:** Reflect RAPs are for 12 months and aimed at organisations that are new to reconciliation and unsure how to get started.
- **Innovate:** An Innovate RAP runs for two years, and outlines actions for achieving Council's vision for reconciliation. It would allow Council to establish the best approach to advance reconciliation. It focuses on developing and strengthening relationships with Aboriginal and Torres Strait Islander peoples, engaging staff, and stakeholders in reconciliation, and developing and piloting innovative strategies to empower Aboriginal and Torres Strait Islander peoples.
- **Stretch RAP:** A Stretch RAP is suited to Councils that have developed strategies and have already established a very strong approach towards advancing reconciliation internally and within Councils sphere of influence. It has a two-three-year period, and is focused on longer-term strategies, and working towards defined measurable targets and goals. A Stretch RAP would require Council to embed reconciliation initiatives into business strategies, so they

become 'business as usual.'

- **Elevate RAP: Leadership in Reconciliation:** An Elevate RAP is for Councils that have a proven track record of embedding effective RAP initiatives in their organisation through Stretch RAPs and are ready to take on leadership to advance national reconciliation. The Elevate RAP is for Councils that already have a strong strategic relationship with Reconciliation Australia and have actively championed initiatives to empower Aboriginal and Torres Strait Islander peoples and create societal change.

It would be appropriate that the workshop discuss the type of Reconciliation Action Plan that would be most appropriate for Hornsby Shire, given our existing track record in this area.

By developing and adopting a Reconciliation Action Plan, Council's positive actions and collective good intentions can actively help to strategically and sustainably take meaningful action to advance reconciliation, assisting Council to embed the principles and purpose of reconciliation within Council's plans.

Attachments:

There are no attachments for this report.

File Reference: F2010/00123

Document Number: D08460653