



# **BUSINESS PAPER**

## **GENERAL MEETING**

**Wednesday 14 September 2022  
at 6:30PM**



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## **AGENDA AND SUMMARY OF RECOMMENDATIONS**

### **PRESENT**

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### **OPENING PRAYER/S**

### **ACKNOWLEDGEMENT OF RELIGIOUS DIVERSITY**

Statement by the Chairperson:

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

### **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."*

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*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 10 August, 2022 be confirmed; a copy having been distributed to all Councillors.

**PETITIONS****PRESENTATIONS****RESCISSION MOTIONS****MAYORAL MINUTES****ITEMS PASSED BY EXCEPTION / CALL FOR SPEAKERS ON AGENDA ITEMS**Note:

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

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

**GENERAL BUSINESS**

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

**OFFICE OF THE GENERAL MANAGER****Page Number 1**

**Item 1 GM29/22 JUNE 2022 PERFORMANCE REPORT ON THE 2021-2022 DELIVERY PROGRAM, AND QUARTERLY BUDGET REVIEW STATEMENT**

**RECOMMENDATION**

THAT the:

1. June 2022 Performance Report showing progress of the 2021-2022 Delivery Program including the 2021/22 Operational Plan and Budget be received and noted.
2. Quarterly Budget Review Statement for the period ending June 2022 be received and noted.

**CORPORATE SUPPORT DIVISION****Page Number 9****Item 2 CS67/22 SCHEDULE OF COUNCIL MEETINGS AND ORDER OF BUSINESS TO APPLY AT THOSE MEETINGS - SEPTEMBER 2022 TO SEPTEMBER 2023****RECOMMENDATION**

THAT Council adopt the:

1. Schedule of ordinary Council meetings for the period September 2022 to September 2023 as set out in Attachment 1 of Director's Report No. CS67/22.
2. Order of business for the ordinary Council meetings to be held in the period September 2022 to September 2023 as set out in Attachment 2 of Director's Report No. CS67/22.

**Page Number 12****Item 3 CS68/22 INVESTMENTS AND BORROWINGS FOR 2022/2023 - STATUS FOR THE PERIOD ENDING 31 JULY 2022****RECOMMENDATION**

That the contents of Director's Report No. CS68/22 be received and noted.

**Page Number 15****Item 4 CS69/22 GENERAL PURPOSE AND SPECIAL PURPOSE FINANCIAL REPORTS - 2021/22 FINANCIAL YEAR****RECOMMENDATION**

THAT the:

1. 2021/22 General Purpose and Special Purpose Financial Reports be received and noted and referred for audit.
2. Mayor and Deputy Mayor be authorised to sign the Statutory Statements in connection with the 2021/22 Financial Reports.
3. 2021/22 Financial Reports be authorised for "presentation to the public" on receipt of the Auditor's Report.
4. General Manager be delegated authority to fix the date of the General Meeting at which the 2021/22 Financial Reports and Auditor's Report will be formally "presented to the public".

**Page Number 18****Item 5 CS72/22 FURTHER REPORT - LOCAL GOVERNMENT NSW - 2022 ANNUAL CONFERENCE - SUBMISSION OF MOTIONS**

**RECOMMENDATION**

THAT Council determine if a third motion, dealing with the Protection of Native Wildlife as detailed in Director's Report No. CS72/22 is to be submitted for consideration at the 2022 Local Government NSW (LGNSW) Annual Conference.

**Page Number 23****Item 6 CS73/22 COUNCILLOR REPRESENTATION ON COMMITTEES AND WORKING PARTIES - OCTOBER 2022 TO SEPTEMBER 2023****RECOMMENDATION**

THAT Council determine the Councillor representation on the following Committees and Working Parties for the period, October 2022 to September 2023:

1. Hornsby Aboriginal and Torres Strait Islander Consultative Committee (HATSICC).
2. Hornsby Ku-ring-gai Bush Fire Management Committee.
3. Hornsby Rural Fire Service Liaison Committee.
4. Hornsby Shire Heritage Advisory Committee.
5. Hornsby Shire Local Traffic Committee.
6. NSW Public Libraries Association.

**COMMUNITY AND ENVIRONMENT DIVISION****Page Number 26****Item 7 CE14/22 HEALTHY AGEING HORNSBY****RECOMMENDATION**

THAT:

1. The draft Healthy Ageing Hornsby strategy attached to the Director's Report No. CE14/22 be placed on public exhibition for a period of 28 days.
2. Following exhibition, a report on submissions be presented to Council for its consideration.

**Page Number 31****Item 8 CE15/22 ARTS AND CULTURAL ADVISORY GROUP****RECOMMENDATION**

THAT Council:

1. Establish an Arts and Cultural Advisory Group.



2. Adopt the draft Terms of Reference for the Arts and Cultural Advisory Group included at Attachment 1 to Director's Report No. CE15/22.
3. Seek Expressions of Interest from the local arts affiliated community and interested persons for membership to the Arts and Cultural Advisory Group.

**Page Number 35****Item 9 CE16/22 COMMUNITY GRANTS AND SPONSORSHIP POLICY****RECOMMENDATION**

THAT Council adopt the Community Grants and Sponsorship Policy attached to the Director's Report No. CE16/22.

**PLANNING AND COMPLIANCE DIVISION****Page Number 40****Item 10 PC20/22 REPORTING VARIATIONS TO DEVELOPMENT STANDARDS****RECOMMENDATION**

THAT the contents of Director's Report No. PC20/22 be received and noted.

**Page Number 43****Item 11 PC21/22 EXHIBITION OF CHERRYBROOK STATION PRECINCT AND STATE SIGNIFICANT PRECINCT PLANNING PROPOSAL****RECOMMENDATION**

THAT the two submissions regarding the Cherrybrook State Significant Precinct Planning Proposal and Place Strategy attached to Director's Report No. PC21/22 be forwarded to the Department of Planning and Environment in response to the exhibition to advocate for amendments to the Planning Proposal and Place Strategy prior to implementation.

**INFRASTRUCTURE AND MAJOR PROJECTS DIVISION**

Nil

**CONFIDENTIAL ITEMS****Item 12 CS71/22 FURTHER REPORT - PURCHASE OF PROPERTY FOR INTERSECTION UPGRADE AT HORNSBY**

*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 58****Item 13 MN8/22 MAYOR'S NOTES FROM 01 AUGUST TO 31 AUGUST 2022****NOTICES OF MOTION****SUPPLEMENTARY AGENDA****MATTERS OF URGENCY**

**1 JUNE 2022 PERFORMANCE REPORT ON THE 2021-2022 DELIVERY PROGRAM, AND QUARTERLY BUDGET REVIEW STATEMENT**

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**EXECUTIVE SUMMARY**

- Council is required to review its budget each quarter. At the same time, the Integrated Planning and Reporting Guidelines state that progress reports should be provided to Council on the principal activities detailed in its Delivery Program at least every six months.
- In this regard, the June 2022 Performance Report showing progress of the 2021-2022 Delivery Program including the 2021/22 Operational Plan and Budget is attached for Council's consideration.
- Based on an inflow and outflow of funds as at 30 June 2022, the actual result for 2021/22 is a surplus of \$614K, which is \$610K more than the forecast surplus of \$4K in Council's 2021/22 Revised Budget. The result includes \$1,210K that has been set aside within restricted asset accounts to fund a number of key initiatives next year.
- Progress against the adopted 2021-2022 Delivery Program including the 2021/22 Operational Plan and Budget, and the operational performance of the organisation has been in line with the service delivery standards adopted by Council.

**RECOMMENDATION**

THAT the:

1. June 2022 Performance Report showing progress of the 2021-2022 Delivery Program including the 2021/22 Operational Plan and Budget be received and noted.
2. Quarterly Budget Review Statement for the period ending June 2022 be received and noted.

## PURPOSE

The purpose of this Report is to present for Council's consideration the June 2022 Performance Report showing progress of the 2021-2022 Delivery Program including the 2021/22 Operational Plan and Budget, as required under s406 of the Local Government Act 1993 and the Integrated Planning and Reporting Guidelines, September 2021. Details within the Performance Report cover the twelve months from 1 July 2021 to 30 June 2022. The Performance Report includes Council's Consolidated Budget Summary as at June 2022.

## BACKGROUND

On 13 June 2018, Council adopted a three-year Delivery Program 2018-21 including the Operational Plan and Budget 2018/19. The Delivery Program and Operational Plan set out the manner in which Council intends to deliver services and measure performance. The Office of Local Government requires that the Delivery Program and one-year Operational Plan be reviewed annually.

Due to the COVID-19 pandemic, the Minister for Local Government announced the postponement of the September 2020 Local Government Elections, thereby extending the Council term (*refer OLG Circular 20-10 / 25 March 2020*) and the existing Delivery Program for a further 12 months (*refer OLG Circular 20-15 / 1 May 2020*). NSW Council elections were further delayed for three months until 4 December 2021 (*see OLG Circular No. 21-20 / 25 July 2021*) in response to the escalating outbreak of the Delta variant of the COVID-19 virus.

A 2021-2022 Delivery Program, including the 2021/22 Operational Plan and Budget, was adopted by Council on 9 June 2021. This Performance Report provides updates on progress of actions within that document.

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

## DISCUSSION

### Operational comment

The resurgence of the COVID-19 pandemic, and the resulting lockdown of Greater Metropolitan Sydney, saw restrictions reinstated on the operation of Council's services and facilities, with all indoor and some outdoor facilities being closed to the public. Council again had to quickly transition to an online environment for essential operations including customer service and Council meetings, with face-to-face programs, and sporting, parks and community facilities again impacted.

Although Council has still been busy delivering on operational commitments to the community, the severe weather and flooding events experienced during the year and the ongoing supply chain challenges from COVID, cost increases and the war in Ukraine has impacted the completion of many capital projects.

Eighty-six per cent of actions (Key Initiatives and Ongoing Activities) within the 2021-2022 Delivery Program and Operational Plan 2021/22 are completed / on track, with 81 per cent of planned capital projects being completed / on track.

The attached June 2022 Performance Report contains commentary to describe the issues and challenges Services have faced during the year. The Report also contains updates on Major Projects, which are further detailed below in the Budget Section, and operational highlights which include:

- Development, review and adoption of the suite of Integrated Planning and Reporting documents required with an incoming Council: the Community Strategic Plan, *Your vision | Your future 2032*, the 2022-2026 Delivery Program including the Operational Plan 2022/23, the Long Term Financial Plan 2022/23-2031/32, the Asset Management Strategy 2022/23-2031/32, the Workforce Management Plan 2022/23-2025/26
- Adoption of Rural Lands Strategy 2022 in June 2022
- Adoption of Social Inclusion Hornsby, Disability Inclusion Action Plan 2021-2025 in July 2022
- The launch of the HiVE, a new engagement platform, on 1 July 2022
- The agreement for Council to have 100 per cent of its electricity needs supplied by three NSW solar farms
- The 50<sup>th</sup> birthday of Hornsby Library in April 2022
- Completion of 61 capital projects, including:
  - Upgraded playgrounds at Appletree Park, Cherrybrook; Richards Close, Berowra; Headen Park, Thornleigh; Lyndon Way Reserve, Beecroft and The Lakes of Cherrybrook, as well as minor upgrades to a further 13 parks, e.g. playground undersurface, fence and park furniture renewals
  - Minor upgrades at six sporting facilities, e.g. sight screen and fence renewals, floodlighting
  - Ten new footpaths (totalling 2,228 metres), and a shared path (totalling 1,177 metres)
  - 755 metres of local roads rehabilitated
  - 1,360 metres of new kerb and guttering
  - Eight traffic facility improvements, including six new wombat crossings at schools
  - 1,580 metres of bushwalking tracks constructed/upgraded at four sites
  - Stormwater quality improvements at three sites

The Delivery Program including the Operational Plan by its very nature contains a large number of Key Initiatives, Ongoing Activities and Capital Projects. All of these components are reported on quarterly with an update on progress and a traffic light assigned for current status. These quarterly reports are lengthy and detailed, however relevant progress is summarised under each Service commentary within the attached Performance Report. Key Initiatives and Capital Projects completed, on hold or needing attention are listed under their relevant section.

### **Budget Comment**

This Review includes the full year results for 2021/22, comparing actual expenditure, income and funding sources against the budget. Based on this inflow and outflow of funds as at 30 June 2022, the actual result for 2021/22 is a surplus of \$614K which is \$610K more than the forecast surplus of \$4K in Council's 2021/22 Revised Budget. This result is satisfactory in maintaining financial benchmark indicators in respect to liquidity.

The result includes \$1,210K that has been set aside within restricted asset accounts to fund a number of key initiatives next year:

- \$350K Myall Road Drainage - to cover increased capital costs from inclement wet weather

- \$160K Bushfire Risk Management Strategy – to undertake mitigation works at bushfire risk zones
- \$200K Hornsby Mall Lighting and Safety Improvements – to supplement grant funds from the NSW State Government for the upgrade of lighting and vehicle impact bollards in the Hornsby Mall
- \$500K towards technology equipment replacements and improving the current customer service layout to meet with residents

The last two years has seen a challenging external environment that has contributed towards greater risk, uncertainty and cost escalations for capital works projects managed by Council. These external factors have included significant delays and shortages in the supply chain of materials and labour during and following the COVID-19 pandemic, three declared natural disasters in the Local Government Area and substantial inflationary cost pressures especially in respect to construction costs following the pandemic. These external factors have contributed towards the need to identify additional budget funding to complete major projects. This challenging external environment continues to pose a risk of future project cost escalations in the following financial year.

The external factors experienced over 2021/22 resulted in delayed and partially completed capital projects. While these projects have been identified to be transferred to the 2022/23 financial year this will be on top of an already planned year of capital projects using existing resources and a limited supply of contractors. It is noted that this expanded capital works program to be completed may not be achievable. Council Officers have commenced revising cost estimates and project delivery timelines to advice Councillors as part of the September 2022/23 Quarterly Budget Review process if project deferral and substitution will be required.

### **BUDGET - MAJOR PROJECTS**

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

As noted in Deputy General Manager's Report No. IM2/21 – Master Plan for Hornsby and Westleigh Parks (considered at the 14 April 2021 General Meeting), the financial capacity of Council to manage the operational, maintenance and renewal costs of facilities established for Hornsby Park and Westleigh Park based on the full scope of works identified in the draft master plans, would not be feasible based on Council's current financial capacity. Financial analysis by Council has indicated that an annual expenditure budget of \$1.4 million could be allocated towards future recurrent maintenance based on existing financial capacity.

Because of these financial constraints Council resolved to progress the development of Hornsby Park with minimal development at Westleigh Park until a budget for recurrent costs can be identified for Westleigh Park.

- **Hornsby Park – From Quarry to Park** – This project involves the redevelopment of the abandoned Hornsby Quarry and surrounding lands into open space for a broad range of recreation purposes. The tender awarded to Ditchfield Contracting Pty Ltd for the bulk earthworks and site rehabilitation has commenced and is expected to cost about \$30 million. These works will create the final landform for the site and address site wide stability issues. A notional amount of \$5 million dollars has been set aside for the rehabilitation and regeneration of the vegetation communities on the site. Master planning for the final park embellishments has been completed with a master plan adopted following community engagement at the July 2021 General Meeting of Council. Design of the park embellishments in accordance with the

adopted master plan is well progressed. The total life to date expenditure on the project to 30 June 2022 is \$14.696 million. Year to date expenditure to 30 June 2022 is \$8.456 million compared to a year-to-date budget of \$18 million. The variance is due to the contractor for the bulk earthworks commencing later than anticipated due to the COVID-19 pandemic. Significant delays have also been incurred because of wet weather conditions on site and ongoing supply chain challenges from the COVID-19 pandemic and the war in Ukraine.

Currently \$50 million of funding is available from the NSW Government's Stronger Communities Fund provided in June 2018 and at this point about 88% of the grant has been spent or committed by way of tender. Further funding of \$28 million is available from development contributions subject to the priority allocated to projects in accordance with development contributions on hand. As noted in Deputy General Manager's Report No. IM2/21 – Master Plan for Hornsby and Westleigh Parks (considered at the 14 April 2021 General Meeting), the total estimated cost of the facilities canvassed in the Master Plan for the park is over \$130 million. Therefore, a reduction in scope compared to the Master Plan or staging the project over an extended period will be required unless additional funding can be identified, including additional funding for recurrent maintenance costs.

- **Westleigh Park Development** – A draft conceptual master plan for the Westleigh Park site has been completed based on the site having an active sport focus. Community engagement was undertaken on the conceptual master plan from April to June 2021. Council resolved at its July Council meeting to undertake further engagement on a range of matters prior to further considering the draft conceptual master plan. This engagement has commenced and is due for completion later in 2022. The total life to date expenditure to 30 June 2022 on this project (excluding the acquisition costs of \$21 million funded by development contributions) is \$2.225 million. Financial year to date expenditure at 30 June 2022 is \$754K compared to a year to date budget of \$3 million. The variance is due to the impact associated with deferral of the adoption of the Master Plan, which has required a reconsideration of the approval process.

Currently \$40 million of funding is available, provided in June 2018 from the NSW Government's Stronger Communities Fund and expenditure to date (spent or committed via contract) approximates 9.5% of the grant. Further funding is available from development contributions subject to the priority allocated to projects in accordance with development contributions on hand. As noted in Deputy General Manager's Report No. IM2/21 – Master Plan for Hornsby and Westleigh Parks (considered at the 14 April 2021 General Meeting), the total estimated cost of the facilities canvassed in the Master Plan for the park is \$80 million. Therefore, a reduction in scope compared to the Master Plan or staging the project over an extended period will be required unless additional funding can be identified, including identifying a budget for recurrent operating, maintenance and renewal costs. Council's current position prioritises the delivery of Hornsby Park over Westleigh Park.

- **Public Domain** - Council identified two priority areas to improve streetscape amenity. They are:
  - Peats Ferry Road, Asquith between Hookhams Corner and Wattle Street
  - The Pacific Highway corridor between Asquith and Mt Colah

A budget of \$9.3M was set aside for these works.

Upgrade works on Peats Ferry Road, Hornsby commenced early in 2021. The works include the installation of a shared path connecting walkers and cyclists to the Hornsby Town Centre as well as a wider footpath on the south side of the road to better accommodate Asquith Boys High School and the nearby medium-density housing. Installation of rain gardens, new street tree plantings and associated gardens which will bring improved shade and scale to the medium density housing are also included. The safety of pedestrians has been addressed with the relocation of pedestrian crossings and bus shelters to improve sightlines for drivers.

The initial contractor engaged to undertake the Peats Ferry Road Asquith works has ceased operating and a new contractor has been engaged to complete the project. Works have been completed on the shared path construction, central landscaped median strip and some pavement works. Remaining works are expected to be completed by November 2022.

Design works are underway for the Asquith to Mt Colah corridor to provide some basic improvements (wider footpaths and landscaping along the Pacific Highway and the construction of pedestrian refuge(s) at selected locations with the agreement of TfNSW. Council will consider these works in the second half of 2022 and subject to sufficient funds this work is expected to commence in 2023.

The total life to date expenditure to 30 June 2022 on this project is \$3.299 million out of a budget of \$9.3 million, funded from development contributions. Year to date expenditure at 30 June 2022 is \$1.863 million compared to a budget of \$2.5 million. The variance is due to the timing of expenditure noting that cost reductions have been achieved due to the decision to retain power poles and avoid the relocation of water mains.

- **Galston Aquatic Centre Refurbishment** - A tender for the refurbishment of the Galston Aquatic Centre was advertised in June 2021 and works commenced in November 2021.

Tendered costs for the refurbishment of this facility increased due to the impact of COVID-19 lockdown measures and cost increases largely arising from associated supply chain issues. Progressing with the original scope of work required an additional allocation to increase the current budget by \$1.5 million from \$5.6 million to \$7.1 million.

An informal briefing in October 2021 was provided to Councillors in respect to budget increases following the tender results. This included a range of options from project deferral, staging of works and funding the original scope of work and the associated impact on Council's budget. Councillors supported the original scope planned for this project with funding sources identified. Concurrently the September 2021/22 Quarterly Review included budget changes to increase the project cost by \$1.5 million that required the use of internally restricted assets, deferment of maintenance, reallocation of grants funds and the partial use of the Original 2021/22 Budget surplus to fund increased capital costs. Council was also successful in obtaining a grant from the NSW State Government to cover part of the increased cost.

The facility is scheduled for completion early in 2023 due to wet weather conditions on site and ongoing supply chain challenges from the COVID-19 pandemic and the war in Ukraine.

The total life to date expenditure to 30 June 2022 on this project is \$1.707 million out of a budget of \$7.1 million.

- **Hornsby Library** - The Library refurbishment works were undertaken by Built Pty Limited. Works commenced in February 2021 and construction is now complete. Due to finalisation of this project further reporting will no longer be required.



The life to date expenditure incurred to 30 June 2022 is \$5.343 million out of a current budget of \$5.6 million funded from development contributions, external grants, and from savings within Council's Community and Environment Division. The budget was increased from \$4.7 million to \$5.2 million from savings within Council's Community and Environment Division at 30 June 2021 and the March 2021/22 Quarterly Review included a further increase of \$400K to address defects requiring rectification identified by Council Officers.

- **Wisemans Ferry** – Construction is being managed by Council and includes a new three-lane boat ramp and 150 spaces for trailer and vehicle parking, as well as intersection upgrades and other ancillary works. The original budget for the project was \$3.85 million and was to be funded from a contribution from The Hills Shire Council and an external grant from the NSW State Government.

The project was impacted by the flooding of the Hawkesbury River in March 2021 and the September 2021/22 Quarterly Review included budget changes to increase the budget by \$3.75 million from \$3.85 million to \$7.6 million. Council Officers sought funding from NSW Public Works Advisory, the Environmental Protection Authority and other government agencies to cover the cost increase and the outcome of these applications are currently pending.

The December 2021/22 Quarterly Review noted that at least a further \$1.7 million in funding was required to complete the project following a claim from the contractor for additional money under the NSW Building and Construction Security of Payment Act, 2021. The review identified a risk to the total project budget that would be confirmed by a revised cost estimate being calculated at the time.

During the quarter ended 31 March 2022 the project was impacted by a second flood event that caused further damage to the site and some of the works undertaken to date. A further flood in July 2022 also affected the site. Council Officers estimated that to complete the project a further budget change of \$3.65 million was required that resulted in a further increase to the budget from \$7.6 million to \$11.25 million. The life to date expenditure incurred to 30 June 2022 is \$9.035 million.

It is noted that the General Manager has directed that an external review be undertaken for this project examining the construction and financial challenges that have occurred following the flooding of the Hawkesbury.

The majority of the works associated with the facility are now scheduled to be completed in November 2022. Other works including the installation of a toilet block and a groyne structure have been deferred and will be reconsidered next financial year. Works associated with paid parking at the site are the subject of a separate tender and are separately funded. The life to date expenditure incurred to 30 June 2022 for these works is \$73K out of an available budget of \$475K.

## BUDGET

This Report provides the June 2022 Quarter Review of the 2021/22 Operational Plan (Budget), which, if adopted, will achieve a forecast surplus at 30 June 2022 of \$614K. The predicted Budget result at 30 June 2022 is satisfactory in maintaining financial benchmark indicators in respect to liquidity at 30 June 2022. However, in this regard it is noted that Council's long term financial capacity is forecast to decline below acceptable levels during the next ten years as reported within Director's Report CS45/22, Adoption of Council's 2022/23 – 2031/32 Long Term Financial Plan at the 13 July 2022

General Meeting. Accordingly, Council's Long Term Financial Plan (LTFP) includes a range of recommendations to improve future financial direction.

### **POLICY**

There are no policy implications associated with this Report.

### **CONCLUSION**

Council's consideration of this Report ensures that relevant statutory requirements have been met. The June 2022 Performance Report and quarterly budget review demonstrate that Council is in a stable position to deliver local services and facilities in a financially responsible manner at 30 June 2022. However, financial capacity is forecast to fall below acceptable levels during the next 10 years unless recommendations to improve future financial direction included within Council's LTFP are addressed.



### **RESPONSIBLE OFFICER**

The officers responsible for preparation of this Report are the Acting Manager, Strategy and Place – Julie Ryland and the Chief Financial Officer – Duncan Chell. They can be contacted on 9847 6773 and 9847 6822 respectively.

GLEN MAGUS  
Director - Corporate Support  
Corporate Support Division

STEVEN HEAD  
General Manager  
Office of the General Manager

### **Attachments:**

1.  Quarterly Budget Review Statement
2.  June 2022 Performance Report

File Reference: F2020/00348

Document Number: D08469775

**2 SCHEDULE OF COUNCIL MEETINGS AND ORDER OF BUSINESS TO APPLY AT THOSE MEETINGS - SEPTEMBER 2022 TO SEPTEMBER 2023**

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**EXECUTIVE SUMMARY**

- In accordance with Clauses 3.2 and 8.1 of the Code of Meeting Practice, Council annually determines a schedule of meeting dates for the following year and the order of business to apply at those meetings.
- It is proposed that the practice of holding one General Meeting per month be maintained for 2022/23, with that Meeting to be held on the second Wednesday of each month (excluding January) and that Workshop Meetings and informal Councillor Workshop/Briefings continue to be held on other Wednesdays of the month, with appropriate notice being provided as required.
- It is also proposed that the existing order of business be maintained for 2022/23.

**RECOMMENDATION**

THAT Council adopt the:

1. Schedule of ordinary Council meetings for the period September 2022 to September 2023 as set out in Attachment 1 of Director's Report No. CS67/22.
2. Order of business for the ordinary Council meetings to be held in the period September 2022 to September 2023 as set out in Attachment 2 of Director's Report No. CS67/22.

## PURPOSE

The purpose of this Report is to recommend a proposed schedule of ordinary Meeting dates for the period September 2022 to September 2023, and the order of business to apply at those meetings.

## BACKGROUND

Council last considered its schedule of meetings and order of business at those meetings at the 11 August 2021 General Meeting – refer Director's Report No. CS48/21. At the Meeting, Council decided to maintain the practice of holding one General Meeting per month with that Meeting to be held on the second Wednesday of each month (excluding January) and that Workshop Meetings and informal Councillor Workshops/Briefing sessions continue to be held as required, and with appropriate notice being provided, on the first, third, fourth and/or fifth Wednesdays of each month (except January).

## DISCUSSION

### Schedule of Meetings

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

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

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

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

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

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

A proposed schedule of General Meeting and Workshop Meeting dates for the period from September 2022 to September 2023 has now been drafted and is attached to this Report. The draft schedule of Meetings maintains the existing structure of one General Meeting per month, as well as providing for Workshop Meetings and informal Councillor Workshops/Briefings as required.

Meeting dates which fall within school holiday periods have been marked with an asterisk\* in the attached schedule.

### Order of Business

A proposed order of business to apply at General and Workshop Meetings for the period from September 2022 to September 2023 has been drafted and is attached to this Report. The draft order of business maintains the existing structure with no changes proposed.

**BUDGET**

There are no budgetary implications associated with this Report.

**POLICY**

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

**CONCLUSION**

The existing schedule of holding one monthly General Meeting (except for January) is working well and the Council Meetings process appears to be running smoothly and efficiently. Meetings will be held as outlined in Attachment 1. No change to the order of business to be conducted at those meetings is proposed.



**RESPONSIBLE OFFICER**

The officer responsible for the preparation of this Report is the Manager, Governance and Customer Service – 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:**

1.  Schedule of Council Meetings 2022-2023
2.  Order of Business at Council Meetings 2022-2023

File Reference: F2004/07032

Document Number: D08466127

**3 INVESTMENTS AND BORROWINGS FOR 2022/2023 - STATUS FOR THE PERIOD ENDING 31 JULY 2022**

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**EXECUTIVE SUMMARY**

- This Report provides details of Council's investment performance for the period ending 31 July 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 an annualised return for July 2022 of 4.38% which includes an annualised yield of 41.88% from TCorp Managed Funds.

**RECOMMENDATION**

That the contents of Director's Report No. CS68/22 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 31 July 2022 is detailed in the attached document. In summary, the portfolio achieved an annualised return for July of 4.38%.

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 at 31 July 2022 is also attached for Council's information.

**BUDGET**

Budgeted investment income for the year is \$4,788,420 with an average budgeted monthly income of \$399,035. Net investment income for the month ended 31 July 2022 was \$1,042,479 which includes an unrealised gain of \$634,170 from TCorp Managed Funds.

Approximately 55.34% 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 the COVID-19 Pandemic on 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 originally planned. This is due to the anticipated net positive performance returns that will be gained over the long term for this investment.

**CONCLUSION**

The investment of Council funds and the extent of its borrowings as at 31 July 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

**ITEM 3**

**Attachments:**

1.  HSC Investment Summary Report July 2022
2.  HSC Borrowings Schedule July 2022

File Reference: F2004/06987-02  
Document Number: D08466807



**4 GENERAL PURPOSE AND SPECIAL PURPOSE FINANCIAL REPORTS - 2021/22 FINANCIAL YEAR**

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**EXECUTIVE SUMMARY**

- Council's General Purpose and Special Purpose Financial Reports for the year ended 30 June 2022 (the Financial Reports) have been completed by staff in accordance with statutory requirements and accounting standards.
- Subject to Council's approval, the Financial Reports now need to be referred for audit.
- Following receipt of the Auditor's Reports, it is proposed that the Financial Reports and Auditor's Report be "presented to the public" at the 9 November 2022 General Meeting.

**RECOMMENDATION**

THAT the:

1. 2021/22 General Purpose and Special Purpose Financial Reports be received and noted and referred for audit.
2. Mayor and Deputy Mayor be authorised to sign the Statutory Statements in connection with the 2021/22 Financial Reports.
3. 2021/22 Financial Reports be authorised for "presentation to the public" on receipt of the Auditor's Report.
4. General Manager be delegated authority to fix the date of the General Meeting at which the 2021/22 Financial Reports and Auditor's Report will be formally "presented to the public".

**PURPOSE**

The purpose of this Report is to recommend that Council's 2021/22 Financial Reports be received and noted and referred for audit.

**BACKGROUND**

In accordance with Section 413 of the Local Government Act, Council must prepare a set of Financial Reports for each year and must refer them for external audit as soon as practicable after the end of that year.

**DISCUSSION**

Council's Financial Reports for 2021/22 have been completed by staff in accordance with the requirements of the Local Government Act, the Local Government Code of Accounting Practice and relevant Accounting Standards. It is recommended that they be referred to Council's external auditors for review.

The unaudited Financial Reports (a copy of which has been provided to Councillors under separate cover) are not for distribution to the public at this stage. The audited Reports are those that will be made available to the public in accordance with Local Government Act requirements.

Council is required to give notice as to the Meeting at which the Financial Reports (including the Auditor's Reports) will be formally "presented to the public". The proposed date for this Meeting will be set as soon as possible after the Auditor's Reports have been received.

At this stage, it is anticipated that the Reports will be "presented to the public" at the 9 November 2022 General Meeting.

Following presentation of the Reports to the public, any person may make a submission concerning the Reports within a period of seven days after the 9 November 2022 General Meeting.

**BUDGET**

There are no budgetary implications associated with this Report.

**POLICY**

The Financial Reports have been compiled in accordance with the Local Government Act, the Local Government (General) Regulation 2005 and the Local Government Code of Accounting Practice issued by the Office of Local Government.

**CONCLUSION**

Council's referral of the 2021/22 Financial Reports for audit, and ultimately the presentation of the Financial and Auditor's Report to the public at the 9 November 2022 General Meeting, will ensure that the requirements of the Local Government Act have been met.

**RESPONSIBLE OFFICER**

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

DUNCAN CHELL  
Chief Financial Officer  
Corporate Support Division

GLEN MAGUS  
Director - Corporate Support  
Corporate Support Division

**ITEM 4**

**Attachments:**

There are no attachments for this report.

File Reference: F2022/00096

Document Number: D08473661

**5 FURTHER REPORT - LOCAL GOVERNMENT NSW - 2022 ANNUAL CONFERENCE - SUBMISSION OF MOTIONS**

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**EXECUTIVE SUMMARY**

- At the 10 August 2022 General Meeting, Council considered Director's Report No. CS39/22 - Local Government NSW - 2022 Annual Conference - Submission of Motions and Determination of Voting Delegates.
- Council resolved to defer consideration of proposed Motion 3., dealing with the Protection of Native Wildlife, so that an Informal Councillor Workshop could be held to discuss the matter.
- An informal Councillor Workshop was held on Wednesday 24 August 2022 to discuss proposed Motion 3.
- Council is to determine if a third motion, Motion 3. dealing with the Protection of Native Wildlife as detailed in Director's Report No. CS72/22 is to be submitted for consideration at the 2022 Local Government NSW (LGNSW) Annual Conference.

**RECOMMENDATION**

THAT Council determine if a third motion, dealing with the Protection of Native Wildlife as detailed in Director's Report No. CS72/22 is to be submitted for consideration at the 2022 Local Government NSW (LGNSW) Annual Conference.

## PURPOSE

The purpose of this Report is for Council to consider submitting a third motion dealing with the Protection of Native Wildlife for consideration at the LGNSW Annual Conference

## BACKGROUND

At the 10 August 2022 General Meeting, Council considered Director's Report No. CS39/22 - Local Government NSW - 2022 Annual Conference - Submission of Motions and Determination of Voting Delegates and resolved:

THAT:

1. Proposed Motions 1. and 2., dealing with Amendments to the Companion Animals Act as detailed in Director's Report No. CS39/22, be submitted for consideration at the 2022 Local Government NSW (LGNSW) Annual Conference subject to the background notes for Motion 2. being amended to remove references to consultation with the RSPCA.
2. Consideration of proposed Motion 3., dealing with the Protection of Native Wildlife, be deferred so that an Informal Councillor Workshop can be held to discuss the matter. Such Workshop is to be held as a priority to enable proposed Motion 3. to be further considered by Council at the 14 September 2022 General Meeting.
3. Councillors Ruddock, Ball, Heyde, McClelland, McIntosh, Pillamarri, Salitra, Tilbury, and Waddell be Council's delegates for voting on motions at the 2022 LGNSW Annual Conference.
4. Registrations for attendance at the 2022 LGNSW Annual Conference be confirmed for the voting delegates determined in Point 3. above, and Councillor Greenwood if she decides to attend the Conference as an observer.

## DISCUSSION

An Informal Councillor Workshop was held on Wednesday 24 August 2022 to discuss the proposed Motion 3. that had been deferred from the 10 August 2022 Council Meeting, outlined below;

### 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.

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Following the Informal Councillor Workshop, a revised proposed motion has been developed for consideration at the LGNSW Annual Conference, the revised motion and background relating to Protection of Native Wildlife now reads:

**Category:** Environment

**Title:** Protection of Native Wildlife

**Motion Wording:**

That Local Government NSW lobby the NSW Government to:

1. Introduce enforceable standards for the preparation of flora and fauna management plans.
2. Consider Codes of Practice and Guidelines for handling native wildlife and other best practice and animal welfare laws in development of the standards.
3. Consult with councils, National Parks and Wildlife Service, wildlife rescue organisations and other relevant agencies in the preparation of the standards.

**Background**

The NSW State of the Environment Report (2021) notes that pressures affecting the largest number of threatened species in NSW were found to be native vegetation clearing and permanent habitat loss (87%). The NSW Biodiversity Outlook Report (2020) further states that without effective management, 50% of listed threatened species in NSW are likely to become extinct within 100 years.

In New South Wales, there are laws to protect native fauna. However, despite these laws, there are currently no consistent or enforceable standards for the preparation of flora and fauna management plans for development sites. The requirement for flora and fauna reports comes from the NSW Environmental Planning and Assessment Act 1979 that requires the consent authority to consider the impact a development may have on native wildlife and vegetation, threatened species, populations, or communities. Further, the Hornsby Development Control Plan requires a flora and fauna assessment for development that may impact on land mapped on the relevant Terrestrial Biodiversity Map.

A flora and fauna report provides an assessment of the vegetation and native wildlife on, or adjacent to, a development site that may be affected by a proposal. In addition, a Management Plan may be required where it is likely that a proposal will impact either directly or indirectly on vegetation or wildlife. Although these plans are usually undertaken by persons with qualifications and experience in the survey and assessment of flora and fauna, often the quality of the surveys and recommendations may vary considerably and strategies for handling and caring for wildlife may not align with best practice and/or be adequately monitored.

Further, 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. Disturbance to the local habitat may occur during site construction activities with potential risk of harm to native fauna (e.g. being struck by plant, tools or vehicles) or contact with fauna including species which may pose a threat to human safety such as venomous snakes and spiders. Ensuring best practice care for injured wildlife is a concern for the community and it is therefore important that consistent and enforceable standards are introduced for the preparation of fauna management plans.

The introduction of standards would have the benefits of streamlining the assessment process and providing certainty for both the development industry and community about the reasonable expectations for the management of wildlife on development sites. This is needed to ensure any potential 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.

#### **BUDGET**

There are no budgetary implications associated with this Report.

#### **POLICY**

There are no policy implications associated with this Report.

#### **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 have been submitted by Council for consideration at the Conference following the 10 August 2022 Council Meeting.

Consideration of submitting a third motion to the conference dealing with the Protection of Native Wildlife has been discussed at an Informal Councillor Workshop.

Council is to determine if the revised third motion, dealing with the Protection of Native Wildlife as detailed in Director's Report No. CS72/22 is to be submitted for consideration at the 2022 LGNSW Annual 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: D08474562

**ITEM 5**



**6 COUNCILLOR REPRESENTATION ON COMMITTEES AND WORKING PARTIES -  
OCTOBER 2022 TO SEPTEMBER 2023**

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**EXECUTIVE SUMMARY**

- Each year, Council reviews the need for Councillor representation on Committees and Working Parties and makes a determination about the appointment of Councillors for the ensuing 12 months.
- This Report provides a list of the current Committees and Working Parties and seeks a Council determination in respect of the appointment of Councillors for the period October 2022 to September 2023.

**RECOMMENDATION**

THAT Council determine the Councillor representation on the following Committees and Working Parties for the period, October 2022 to September 2023:

1. Hornsby Aboriginal and Torres Strait Islander Consultative Committee (HATSICC).
2. Hornsby Ku-ring-gai Bush Fire Management Committee.
3. Hornsby Rural Fire Service Liaison Committee.
4. Hornsby Shire Heritage Advisory Committee.
5. Hornsby Shire Local Traffic Committee.
6. NSW Public Libraries Association.

## PURPOSE

The purpose of this Report is to provide the opportunity for Council to review Councillor representation on Committees and Working Parties and appoint Councillor representatives for the period October 2022 to September 2023.

## BACKGROUND

At the 13 April 2022 General Meeting, Council considered General Manager's Report No. GM9/22 and resolved:

THAT:

1. Council receive and note the contents of General Manager's Report No. GM9/22.
2. Councillor representation for the period April 2022 to September 2022 be as indicated in the table below:

<b>Council Committee / Working Party</b>	<b>Councillor Representation</b>
<i>Hornsby Aboriginal and Torres Strait Islander Consultative Committee (HATSICC)</i>	<i>Cr Ruddock, Cr McIntosh, Cr Pillamarri, Cr McClelland, Cr Ball, Cr Salitra, Cr Heyde.</i>
<i>Hornsby Ku-ring-gai Bush Fire Management Committee</i>	<i>Cr Ruddock, Cr Tilbury, Cr Ball (Alternate)</i>
<i>Hornsby Rural Fire Service Liaison Committee</i>	<i>Cr McClelland, Cr Tilbury (Alternate)</i>
<i>Hornsby Shire Heritage Advisory Committee</i>	<i>Cr McIntosh (Chair), Cr Greenwood, Cr McClelland, Cr Salitra (Alternate), Cr Tilbury (Alternate)</i>
<i>Hornsby Shire Local Traffic Committee</i>	<i>Cr Waddell, Cr Greenwood (Alternate)</i>
<i>NSW Public Libraries Association</i>	<i>Cr McIntosh, Cr McClelland (Alternate)</i>

3. Council advertise for expressions of interest for community representatives to become members of the Hornsby Aboriginal and Torres Strait Islander Consultative Committee and the Hornsby Shire Heritage Advisory Committee for this term of Council.
4. A further informal workshop be held to develop criteria for new Council advisory groups and to discuss an indicative timeframe for their establishment.

## DISCUSSION

Following the 13 April 2022 General Meeting Council has progressed with a two-stage approach to the formation and membership of committees.

Stage one allowed Council to determine Councillor representation on, the Hornsby Aboriginal & Torres Strait Islander Consultative Committee, and the Hornsby Shire Heritage Advisory Committee for the period April 2022 to September 2022.

Expressions of Interest for community membership on the Hornsby Aboriginal & Torres Strait Islander Consultative Committee, and the Hornsby Shire Heritage Advisory Committee have been called and community representation was determined at the 10 August 2022 General Meeting.

Stage two was to allow Council to further explore the transition from ongoing advisory committees to strategically focused advisory groups.

In order to align Councillor representation with the next local government election (September 2024) the period of Councillor appointment was previously set as April 2022 to September 2022 which will allow subsequent Councillor committee appointments to be for periods of 12 months.

The Councillor representation to Committees and Working Parties is now due for renewal and Council has the opportunity to determine the Councillor representation for the next 12 month period.

#### **BUDGET**

There are no budget implications associated with this Report.

#### **POLICY**

There are no policy implications associated with this Report.

#### **CONCLUSION**

It is proposed that Council appoint Councillor representatives to the Committees and Working Parties shown in the table listed in the Background Section to this report for period October 2022 to September 2023.

#### **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: F2004/07056

Document Number: D08477690

## **7 HEALTHY AGEING HORNSBY**

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### **EXECUTIVE SUMMARY**

- In October 2020, Council considered Notice of Motion No. NoM16/20 and resolved in part to develop an Age-friendly Strategy, following the release of the revised Ageing Well in NSW: Seniors Strategy (published in April 2021).
- As our population ages, having a local strategy to address ageing and to support older residents has been identified as an emerging priority area for Council. This is particularly relevant to the Hornsby community as 24.1% of the Shire's population is over 60 – a higher percentage than either the NSW or Australian average.
- In response, Council has taken a proactive approach to developing its draft Healthy Ageing Hornsby Strategy to support this important group within our community (it is noted that there is no statutory requirement for councils to develop an ageing strategy for their community).
- The draft Healthy Ageing Hornsby Strategy has been produced following extensive community consultation and is centred around four focus areas as follows:
  - Living in age-friendly environments.
  - Participating in inclusive communities.
  - Staying safe, active, and healthy.
  - Being resilient and informed.
- Council's endorsement is sought to place the draft Healthy Ageing Hornsby Strategy on public exhibition for a period of 28 days.

### **RECOMMENDATION**

THAT:

1. The draft Healthy Ageing Hornsby strategy attached to the Director's Report No. CE14/22 be placed on public exhibition for a period of 28 days.
2. Following exhibition, a report on submissions be presented to Council for its consideration.

## PURPOSE

The purpose of this Report is to seek Council's endorsement to place the draft Healthy Ageing Hornsby Strategy on public exhibition.

## BACKGROUND

The need to support older people is recognised at many levels of legislation and policy in Australia and internationally. At a state level, the NSW Government first developed an Ageing Strategy in 2012, with updates in 2016 and 2021.

Whilst there is not a requirement for local government to have a plan to address the needs of older people, following consideration in October 2020 of a Notice of Motion regarding strategies for a Disability Inclusion Action Plan and the development of an Age Friendly Shire Strategy (NoM16/20), Council took a proactive approach resolving that:

1. *Council note that the NSW Ageing Strategy 2016-2020 is currently being reviewed, and that following release of the revised NSW Ageing Strategy, Council develop an Age-friendly Strategy for our Shire, which would address the needs of seniors in our Shire and incorporate the requirements for a Dementia-friendly Community, which was previously resolved by Council in 2018.*

Following the release of the NSW Ageing Strategy, Ageing Well in NSW: Seniors Strategy 2021 – 2031 (April 2021) Council commenced developing the draft Healthy Ageing Hornsby Strategy. This strategy was developed concurrently with the Disability Inclusion Action Plan because of the synergies between the two strategies.

## DISCUSSION

Hornsby Shire has an ageing population, the recently released 2021 census data shows the over 60's population as 36,376 or 24% of the Shire's population. As a proportion of our population, the over 60's have grown by 2.4%, since 2016. It stood at 30,913 which was 21.6% of the population.

The 2021 census figure is above the State and National average and has already exceeded the projected Seniors population for 2026 of 23% of the population.

To meet the needs and to support older people Council resolved in October 2021 to develop an ageing strategy this is in line with many levels of legislation and policy in Australia and internationally. The United Nations and World Health Organisation have both developed strategies and principles to support the rights of older people, including the WHO programme 'The Decade of Healthy Ageing 2020–2030'. The Commonwealth Government has a large responsibility for the management of ageing related services, including My Aged Care and the oversight of aged care quality through the Aged Care Quality and Safety Commission.

At a State level, the NSW Seniors Strategy 2021-2031 sets out the priority areas for supporting older people in the state. While there is not a requirement for local councils to have a plan to address the needs of older people, the NSW Seniors Strategy 2021-2031 demonstrates a recognition and a commitment to support the needs of older people, and to encourage local government to deliver initiatives that achieve this.

Although there is no current legal requirement for local councils in NSW to have a strategy to address ageing and to support older residents, it should be seen as an emerging priority area for Council as the population ages.

As part of the development of the strategy of the Council engaged a company, ARTD, to support the review, consultation and implementation of the new plan which will have a date of 2022 – 2026.

The strategy has four focus areas for promoting social inclusion for Seniors, each with outcomes, goals and actions supporting the focus area.

A summary of each focus area, showing outcomes and goals are provided in the tables below.

Focus Area 1: Living in Age-Friendly Environments	
Outcome 1: Older people in Hornsby Shire live in environments that enable them to continue to actively enjoy quality of life	
Goal 1.1	Provide and maintain accessible paths, kerb ramps, crossings, and toilets to support independent travel across the Shire
Goal 1.2	Improve the accessibility of buildings and public spaces across the Shire
Goal 1.3	Increase the number of accessible and inclusive workshops, programs, and events available in Hornsby Shire
Goal 1.4	Ensure that older people have access to affordable and secure housing to allow them to age in place

Focus Area 2: Participating in Inclusive Communities	
Outcome 2: Hornsby Shire is a community that reflects and accepts the changing dynamic of who older people are – their backgrounds, life experiences, lifestyles, and choices; however, they are treated, represented, participate, and engage in community life and their circumstances and expectations of their lives in ageing.	
Goal 2.1	Contribute to developing an inclusive community by promoting inclusion awareness and inclusive activities across Hornsby Shire
Goal 2.2	Create a workplace culture in Hornsby Shire Council that is aware of the inclusion needs of people of all ages and has the skills to implement the improvements to inclusion suggested by older people
Goal 2.3	Older people are empowered to engage in activities that support their mental and physical health and are protected from harm

Focus Area 3: Staying Safe, Active and Healthy	
Outcome 3: Older people are empowered to engage in activities that support their mental and physical health and are protected from harm	
Goal 3.1.	Develop and promote activities to support the physical health of older people
Goal 3.2	Develop and promote activities to support the mental health of older people
Goal 3.3	Support activities to ensure that older people are protected from harm

Focus Area 4: Being Resilient and Informed	
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Outcome 4: Older people access to the right information at the right time and strong connections to family, friends, and community so that they can stay informed and build resilience to better navigate and negotiate change	
Goal 4.1	Provide Council information in an easy-to-understand style, available in accessible formats, using a variety of media.
Goal 4.2	Increase opportunities for older people to be involved in the design and/or implementation of built environments, Council systems, processes and/or services
Goal 4:3	Improve the accessibility of the Council processes, and use feedback and complaints data to continually enhance access and inclusion
Goal 4.4	Continue to advocate for the local community by informing other agencies and levels of government about local access and inclusion needs
Goal 4.5	Ensure that older people in the community are provided with information and opportunities to develop resilience

As part of the development of the plan, Council consulted widely with the community during 2021, holding six public forums, a pop-up event, a public survey, and a staff survey. Paper copies of the survey were available, and it was translated into Chinese and Korean languages. Electronic copies of the survey were distributed to community language, social and care organisations.

Council also established an Advisory Panel consisting of local people, family and carers, local service providers, community groups and local health professionals to support the review, and preparation of the draft report.

715 people who identified as Seniors or older persons returned the survey.

The aim of the Ageing Strategy is to ensure that Hornsby Council continues to support Seniors in the provision of services that Council provides. It is anticipated that the strategy will be reviewed every four years to see how Council is progressing with its objectives and to establish whether there are any new objectives to be considered to support Seniors.

## CONSULTATION

This Report seeks Council's endorsement to publicly exhibit the draft Healthy Ageing Hornsby Strategy for a period of 28 days. The consultation will seek to engage with all who participated in our initial consultation to include but not be limited to Hornsby Local Area Health Network, local dementia cafes, Hammond Care Homes, Anglicare Homes, McQuoin Park, Grange Village, Mt. Wilga Rehabilitation Hospital, Hornsby Hospital Geriatric Unit, along with local service organisations such as Rotary, Lions Clubs, Soroptimists and Men's Sheds.

## BUDGET

The draft Healthy Ageing Hornsby Strategy identifies a range of actions and tasks for Council to implement over the coming four years. Many of the actions included in the draft document are things that Council is already doing and will continue to do, some actions will be developed as part of existing programs and will also not require additional resources.

Other actions will require additional resources to be identified, whether through Council's budgetary process, grants or State or Federal programs.

In this way, overall implementation of the draft strategy will be subject to the strategic priorities of Council, and the availability and allocation of resources by Council.

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

#### **POLICY**

There are no policy implications associated with this Report.

#### **CONCLUSION**

The draft Healthy Ageing Hornsby Strategy was prepared in consultation with the community of Hornsby, local support and social organisations, and Council staff. It provides a framework whereby Council can build a more inclusive and positive community in the Shire across all areas enabling seniors to participate in the community.

It is recommended that Council adopt the draft Healthy Ageing Hornsby Strategy for the purposes of public exhibition.


#### **RESPONSIBLE OFFICER**

The officer responsible for the preparation of this Report is the Acting Manager Community and Cultural Development – Neil Chippendale - who can be contacted on 9847 652.

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

STEPHEN FEDOROW  
Director - Community and Environment  
Community and Environment Division

#### **Attachments:**

1.  Healthy Ageing Strategy

File Reference: F2021/00196

Document Number: D08472877



## **8 ARTS AND CULTURAL ADVISORY GROUP**

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### **EXECUTIVE SUMMARY**

- Council 2022/23 Operational Plan includes a key initiative to develop an Art and Cultural Plan.
- When prepared, the proposed Art and Cultural Plan will articulate Council's support for all creative communities. As such it is important that Council engage closely with the local creative community in the development of the Plan.
- Accordingly, it is recommended that Council create an Arts and Cultural Advisory Group to provide strategic advice, feedback and input during the development of Council's Art and Cultural Plan
- This report seeks Council's endorsement of Terms of Reference for an Arts and Cultural Advisory Group and to seek expressions of interest from the local arts affiliated community and interested persons for membership to the Advisory Group.

### **RECOMMENDATION**

THAT Council:

1. Establish an Arts and Cultural Advisory Group.
2. Adopt the draft Terms of Reference for the Arts and Cultural Advisory Group included at Attachment 1 to Director's Report No. CE15/22.
3. Seek Expressions of Interest from the local arts affiliated community and interested persons for membership to the Arts and Cultural Advisory Group.

## PURPOSE

The purpose of this Report is to seek Council's endorsement for the creation of an Arts and Cultural Advisory Group; Terms of Reference for the Advisory Group; and to seek Expressions of Interest from the local arts affiliated community and interested persons for membership to the Advisory Group.

## BACKGROUND

Since the Hornsby Art Prize was first delivered in 2009, Council has convened a Project Team (including representatives of the Hornsby Art Society who partner with Council in the delivery of the Prize; and other community members with professional arts expertise and experience) to assist in guiding and administering the strategic direction and delivery of all phases of the Art Prize.

In recent years, the Project Team had identified a need for Council to expand its focus beyond the visual arts to wider arts and cultural development across the Shire. To this end Council's 2022/23 Operational Plan includes a Key Initiative to develop an art and cultural plan for the Shire.

In May 2022, when exploring Council Committees and Advisory Groups for this term of Council, Councillors discussed the creation of a new Arts and Cultural Advisory Group to assist in the development of an art and cultural plan.

A second Informal Councillor Workshop was held in August 2022 where draft terms of reference for an Arts and Cultural Advisory Group were discussed.

## DISCUSSION

Hornsby Shire has a thriving arts and cultural scene which includes Hornsby Art Society, Arcadian Artist Trail, Hawkesbury River Art, dance groups, including CALD community groups, the Golden Kangaroos Hornsby Concert Band, and Council events such as Westside Vibe which showcases the Shires musical talent.

Council's commitment towards art and culture is demonstrated through the Hornsby Art Prize and the Remagine Art Prize, its involvement with the Head On Festival and importantly the Wallarobba Arts and Cultural Centre.

Council's 2022/23 Operational Plan includes a Key Initiative to develop an Art and Cultural Plan for the Shire. A Plan would articulate Council's support for all creative communities, show how art and culture can nurture socio-economic growth and highlight and strengthen cultural connections across the Shire.

The establishment of an Arts and Cultural Advisory Group would assist Council in the development of its Art and Cultural Plan, providing strategic advice and informed feedback through consultation with key stakeholders about arts and cultural development, including facilities planning, within Hornsby Shire. The Advisory Group would also provide feedback regarding the delivery of Council's Community & Cultural Facilities Strategic Plan.

### **Councillor and Community Representation**

Terms of Reference have been prepared for an Arts and Culture Advisory Group (shown at Attachment 1). Membership of the Advisory Group is proposed to consist of up to four councillors and eleven community representatives.

Community representatives will be sought from the following fields:

- Visual art
- Performing art

- Literary art
- Culturally and Linguistically Diverse art related community
- Aboriginal art
- Accessible art
- Music
- Unattached community members

Should Council endorse the creation of an Art and Cultural Advisory Group, expressions of interest would be advertised through Council's regular channels and specifically brought to the attention of a wide body of arts interested people and organisations including but not limited to visual art, performing art, literary art, CALD art, accessible art, textile art, music, recycling and sustainability art, youth art, emerging technologies, seniors' art, local art schools and businesses etc.

#### **BUDGET**

There are no budgetary implications associated with this Report.

#### **POLICY**

There are no policy implications associated with this Report.

#### **CONCLUSION**

The development of an Arts and Cultural Advisory Group is seen as essential in the development of an Art and Cultural Plan for the Shire and also in providing feedback in the delivery of Council's Community & Cultural Facilities Strategic Plan.

It is recommended that Council endorse the creation of an Arts and Cultural Advisory Committee, Terms of Reference for the Advisory Group provided at Attachment 1 to Director's Report No. CE15/22, and the calling of Expressions of Interest from the local arts affiliated community and interested persons for membership to the Advisory Group.

#### **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.  Draft Terms of Reference - Arts and Cultural Advisory Committee

File Reference: F2004/06058  
Document Number: D08476394

**ITEM 8**

## **9 COMMUNITY GRANTS AND SPONSORSHIP POLICY**

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### **EXECUTIVE SUMMARY**

1. Council's Community Grants and Sponsorship Policy (the Policy) provides an overarching framework to manage grants and in-kind sponsorship requests made to Council.
2. The Policy is divided into six funding programs as follows:
  1. Community Event Partnership Grant.
  2. Venue Support Program.
  3. Fee Waiver Requests for Waste Services.
  4. Fee Waiver Requests for Council Health, Buildings and Planning Services.
  5. Mayor's Youth Trust Fund.
  6. Emergency Relief Fund.
3. The Policy was last reviewed by Council in 2015. Officers have recently reviewed the Policy and a number of amendments to the Community Event Partnership Grant funding program are recommended.
4. Key amendments include:
  1. Creating two funding streams namely:
    - \$42,000 Community Event Seed Funding stream. Under this funding stream, seed funding up to \$7,000 per annum, per agreement would be provided. Funding agreements would run for up to four years in line with terms of Council and conclude on 30 June following the end of a Council term.
    - \$18,000 Place Activation Grant Stream. Under this funding stream, one off grants of up to \$3,000 would be available for place activation activities.
  2. Priority will be given but not limited to 2 x grants of each category per year per Council ward.
  3. Additional requirements for marketing Hornsby Shire Council from grant recipients.
5. The proposed amendments to the Policy are designed to expand the reach and access to the funding streams to support community groups across the Shire in delivering sustainable community events and one-off place activation activities. The proposed amendments are also intended to clarify that community events delivered under the Community Event Seed Funding stream should be self-sustaining at the conclusion of an agreement term.
6. The Report seeks Council's endorsement of the amended policy and policy guide as shown in Attachments 1 and 2 respectively to Director's Report No. CE16/22.

**RECOMMENDATION**

THAT Council adopt the Community Grants and Sponsorship Policy attached to the Director's Report No. CE16/22.

**ITEM 9**

## PURPOSE

The purpose of this Report is for Council to present to Council the outcome of a review of the Community Grants and Sponsorship Policy, and to seek Council's endorsement of the recommended changes to this Policy and supporting Policy Guide.

## BACKGROUND

Council periodically reviews its Policies to ensure that they are still effective in achieving their intended aims. The Community Grants and Sponsorship Policy was last reviewed by Council in 2015.

Officers have recently reviewed the Policy and proposed amendments were discussed at an informal workshop with Councillors in July 2022.

## DISCUSSION

Through its Events team, Council delivers 5-6 community event series per annum. Typical events include Australia Day, the Westside Vibe, Screen on the Green, Food Truck Fridays, Summer Sessions etc. In addition, Council financially supports community groups in the delivery of community events which benefit and meet needs of the community through its Community Grants and Sponsorship Policy.

The Policy provides an overarching framework to manage cash grants and in-kind sponsorship requests made to Council and partitions Council's support into six funding programs as follows:

1. Community Event Partnership Grant.
2. Venue Support Program.
3. Fee Waiver Requests for Waste Services.
4. Fee Waiver Requests for Council Health, Buildings and Planning Services.
5. Mayor's Youth Trust Fund.
6. Emergency Relief Fund.

Following a recent review of the Community Grants and Sponsorship Policy, including an informal workshop of Councillors, several amendments to the Policy are proposed. The amendments are centred on Program 1 - Community Event Partnership Grant Program section of the Policy and are designed to expand the reach and access to the funding streams to support community groups across the Shire in delivering sustainable community events and one-off place activation activities.

The proposed amendments are also intended to clarify that community events delivered under the Community Event Seed Funding stream should be self-sustaining at the conclusion of an agreement term.

Key changes to the Policy are detailed below:

1. Creating two funding streams namely,
  - a) \$42,000 Community Event Seed Funding stream. Under this funding stream, seed funding up to \$7,000 per annum, per agreement would be provided. Funding agreements would run for up to four years in line with Council terms and conclude on 30 June following the end of a Council term.
  - b) \$18,000 Place Activation Grant Stream. Under this funding stream, one off grants of up to \$3,000 would be available for place activation activities.

2. Priority will be given but not limited to two (2) grants of each category per year per Council ward.
3. Additional requirements for marketing Hornsby Shire Council from grant recipients.

Further detail regarding the proposed amendments is marked up in Attachment 1 to Director's Report No. CE16/22.

It is considered that the proposed amendments would benefit the community as there will be a wider range of funding stream options available to meet needs for both ongoing, long-term event proposals as well as for one-off place activation grants.

A Policy Guide has been prepared to support the implementation of the Community Event Grants and Place Activation Grants provided under the Community Grants and Sponsorship Policy. The Policy Guide is provided at Attachment 2 to Director's Report No. CE16/22.

### **BUDGET**

There are no budgetary implications associated with this Report.

### **POLICY**

The proposed amendments to the Community Grants and Sponsorship Policy are designed to provide the community with a more equitable and easier means of accessing and receiving support from Council to deliver community-based events and place activation activities.

### **CONCLUSION**

Council's Community Grants and Sponsorship Policy provides an overarching framework to manage grants and in-kind sponsorship requests made to Council. The proposed amendments to Program 1 – Community Event Partnership Grant as outlined in Attachment 1 to Director's Report No. CE16/22 would expand the reach and access to the funding streams to support community groups across the Shire in delivering sustainable community events and one-off place activation activities.

It is recommended that Council adopt the amended Policy and Policy Guide as shown in Attachments 1 and 2 to Director's Report No. CE16/22.

### **RESPONSIBLE OFFICER**



The officer responsible for the preparation of this Report is the Event Coordinator – Jemima Stratton - who can be contacted on 0436 815 208.

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

STEPHEN FEDOROW  
Director - Community and Environment  
Community and Environment Division

### **Attachments:**



1.  Policy - Community Grants and Sponsorship
2.  Community Events Grant Policy Guide

File Reference: F2007/01391

Document Number: D08480098

**ITEM 9**

## 10 REPORTING VARIATIONS TO DEVELOPMENT STANDARDS

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### EXECUTIVE SUMMARY

- In accordance with Department of Planning, Industry and Environment's *Planning Circular PS 08-14*, Council is required to report variations to development standards for development applications approved under delegated authority, which relied upon Clause 4.6 (Exceptions to development standards) of the *Hornsby Local Environmental Plan 2013 (HLEP)*.
- Council's consideration of this report ensures Council's obligation to monitor variations to development standards is complied with.

### RECOMMENDATION

THAT the contents of Director's Report No. PC20/22 be received and noted.

## PURPOSE

The purpose of this report is to advise Council of determined development applications under delegated authority involving a Clause 4.6 variation to a development standard for the period 1 April to 30 June 2022.

## DISCUSSION

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

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

The Department issued *Circular PS 08-014* on 14 November 2008. The purpose of the Circular was to remind councils of their responsibilities to monitor the use of the Secretary's assumed concurrence and keep accurate records where variations to standards are supported.

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

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

In accordance with Point 3 of the Department Circular, attached is a list of development applications determined between 1 April to 30 June 2022.

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

## BUDGET

There are no budget implications.

## POLICY

This report addresses Council's reporting obligations for development applications determined where there has been a variation in standards under Clause 4.6.

## CONCLUSION

Council is required to monitor the manner in which development standards are being varied. This assists in determining whether changes are required to relevant standards. This report provides

advice to Council on standards varied under delegated authority which relied upon Clause 4.6 of the HLEP during the reporting period from 1 April to 30 June 2022.

**RESPONSIBLE OFFICER**


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

JAMES FARRINGTON

Director - Planning and Compliance

Planning and Compliance Division

**Attachments:**

1.  Clause 4.6 Return - 1 April to 30 June 2022

File Reference: F2004/07599-02

Document Number: D08453870

## **11 EXHIBITION OF CHERRYBROOK STATION PRECINCT AND STATE SIGNIFICANT PRECINCT PLANNING PROPOSAL**

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### **EXECUTIVE SUMMARY**

- The Department of Planning and Environment has recently exhibited three separate, but related, plans for Cherrybrook Station Precinct, including a State Significant Precinct (SSP) Planning Proposal for the Government land at the station, a Place Strategy for the broader precinct and amendments to the Planning Systems State Environmental Planning Policy (SEPP).
- The SSP Planning Proposal seeks to rezone Government-owned land adjoining the Cherrybrook Metro Station to facilitate a mixed-use precinct with local retail, community facilities, public space and new dwellings.
- The Place Strategy provides a 20-year vision for the private land surrounding the station precinct, including recommendations on the future development controls and a schedule of the required infrastructure to service the anticipated population growth.
- The amendments to the Planning Systems SEPP seeks to list the Cherrybrook Station government land as a State Significant Development (SSD) site.
- This report presents an overview of the three plans and outlines the key issues of concerns for Hornsby Shire. The concept of development in proximity to the Cherrybrook Metro Station is supported in principle as a means to deliver a sustainable and accessible centre. However, a number of issues need to be resolved, including boundary interface issues, built form controls, open space network, design excellence, sustainability and affordability provisions, traffic and transport, implementation and funding.
- It is recommended that Council endorse the two submissions attached to Director's Report No. PC21/22 for forwarding to the Department of Planning and Environment, to advocate for amendments to the Planning Proposal and Place Strategy.

### **RECOMMENDATION**

THAT the two submissions regarding the Cherrybrook State Significant Precinct Planning Proposal and Place Strategy attached to Director's Report No. PC21/22 be forwarded to the Department of Planning and Environment in response to the exhibition to advocate for amendments to the Planning Proposal and Place Strategy prior to implementation.

## PURPOSE

The purpose of this Report is to present an overview of the Cherrybrook Station Precinct exhibition, including the proposed SSP Planning Proposal, Place Strategy and amendments to the Planning Systems SEPP, outline the key issues and implications for Hornsby Shire and seek endorsement of two submissions to the Department of Planning and Environment (DPE) in response to the public exhibition.

## BACKGROUND

In September 2013, the DPE finalised the North West Rail Link Corridor Strategy for land surrounding proposed stations on North West Metro line. The Strategy set a framework to create new vibrant, mixed-use centres within walking distance of the Metro stations.

The Corridor Strategy informed the detailed precinct planning for each station including the 2013 Cherrybrook Station Structure Plan, which established the land use vision for the Cherrybrook Station Precinct.

In June 2017, Cherrybrook Station Precinct was nominated as one of 16 Priority Precincts (known as Planned Precincts in the North District Plan) to be coordinated by the DPE with Transport for NSW, State agencies and local councils. The 'Planned Precinct' would involve future master planning of Government-owned land directly adjacent to the station, as well as progressing planning for the broader precinct as a parallel process.

In December 2019, the then Minister for Planning and Public Spaces advised that the State Government land at Cherrybrook Station is a matter of State planning significance that should be investigated as a State Significant Precinct (SSP). Under the SSP process, DPE would assess a rezoning application for the Government-owned land, with Landcom being the proponent. A Project Working Group (PWG) was established with Council officers, along with representatives from DPE, Transport for NSW, The Hills Shire Council and Landcom.

As members of the PWG, Council officers provided preliminary, high-level feedback on aspects of the proposals, including proposed built form, open space provision, housing affordability and diversity, traffic implications, infrastructure demand and funding, to assist preparation of the draft SSP Planning Proposal.

A rezoning proposal was subsequently prepared by Landcom, on behalf of Sydney Metro, for new planning controls for government-owned land surrounding Cherrybrook Station. The DPE also prepared a Place Strategy for the remaining precinct surrounding the government land, which updates the 2013 Corridor Strategy, as well as proposed amendments to the SEPP Planning Systems. The three separate plans were on public exhibition from 22 July 2022 to 28 August 2022.

Prior to the closing of the exhibition period, DPE representatives acknowledged Council's reporting deadlines and confirmed acceptance of a Council endorsed submission following the 14 September 2022 General Meeting.

## DISCUSSION

This report presents an overview of the plans for the Cherrybrook Station Precinct, including a Planning Proposal for the SSP site and a Place Strategy for the remaining privately owned land, recently exhibited by the DPE and outlines the key issues and implications for Hornsby Shire.

It is noted that Council does not have a decision-making role in the determination of the SSP or the Place Strategy.

## 1. Exhibition Documents

The three plans exhibited for the Cherrybrook Station Precinct are attached to this report and are summarised below.

### 1.1 Cherrybrook Station State Significant Precinct (SSP) Planning Proposal

The State Government-led draft Planning Proposal initiated by Landcom, on behalf of Sydney Metro, seeks to rezone approximately 7.7 hectares of Government-owned land adjoining the Cherrybrook Metro Station. The planning proposal seeks to amend development controls to facilitate a mixed-use precinct with local retail, community facilities, new open space and new dwellings, to facilitate the following outcomes:

- Yield: Approximately 390 new dwellings, including a minimum of 5% Affordable Housing for very low, low and middle income earners such as teachers, nurses, cleaners and retail workers.
- Building heights: Up to five storeys when viewed from Bradfield Parade (southern elevation). An additional lower ground storey of retail and community floor space when viewed from the north. This is proposed to assist activate the public open space around the environmental space and improve passive surveillance.
- Public open space: More than one hectare of public open space including a village square, community open space and environmental space around the pond and next to the Blue Gum High Forest.
- Community facilities: A 1,300m<sup>2</sup> multifunctional community space for a multi-purpose community centre, which may include a library.
- Retail: Up to 3,200m<sup>2</sup> of retail space such as cafes, restaurants, and supermarket.
- Active transport: A new pedestrian and cycle connection through the site.
- Parking: Approximately 376 car parking spaces and 177 bicycle parking spaces.
- Biodiversity: Increased tree canopy and green cover on the site, and the protection of the Blue Gum High Forest outside of the site.

The exhibition documents are available on the Department's 'Cherrybrook Station Precinct' website (<https://www.planning.nsw.gov.au/Plans-for-your-area/Priority-Growth-Areas-and-Precincts/Cherrybrook-Station-Precinct>) and include the following:

- Planning Proposal Report (attached to this Report).
- Appendix A – Proposed amendments to the planning framework.
- Appendix B – Proposed Site Specific Development Control Plan (Design Guide).
- Appendix C – Consistency with plans and policies.
- Appendix D – Urban Design Study.
- Appendix E – Traffic and Transport Assessment.
- Appendix F – Social Infrastructure Needs Assessment.
- Appendix G – Economic and Land Use Assessment.
- Appendix H – Housing Study.

- Appendix I – Non-Aboriginal Heritage Impact Assessment.
- Appendix J – Biodiversity Development Assessment Report.
- Appendix K – Preliminary Site Investigation.
- Appendix L – Tree Canopy Audit.
- Appendix M – Climate Resilience Assessment.
- Appendix N – Stormwater Management and Flood Risk Assessment.
- Appendix O – Utilities Assessment.
- Appendix P – Bushfire Protection Assessment.
- Appendix Q – Ecologically Sustainable Development Plan.
- Appendix R – Noise and Vibration Assessment.
- Appendix S – Pedestrian Wind Environment Statement.
- Appendix T – Visual Impact Assessment.
- Appendix U – Consultation Outcomes Summary Report.
- Appendix V – Aboriginal Cultural Heritage Assessment Report.
- Appendix W – Geotechnical Report.

### **1.2 Cherrybrook Precinct Place Strategy**

The draft Place Strategy provides a 20-year vision (from 2022 to 2042) and desired character for the private land surrounding the Station precinct, based on key design principles, including recommendations on the future development controls and a schedule of the required infrastructure to service the anticipated population growth.

The draft Strategy covers the broader precinct around Cherrybrook Station, including areas in both Hornsby Shire and The Hills Shire LGAs. The draft Strategy seeks to guide future planning and development and facilitate the following key outcomes:

- **Yield:** Approximately 3,200 new dwellings, of which 1,865 new dwellings are in Hornsby Shire (including the 390 proposed dwellings from SSP site), with a minimum affordable housing provision of 5% across the green village/potential growth area.
- **Bulk and scale:** A maximum building height of five storeys and a floor space ratio (FSR) of 1.4:1, with a transition of heights to the surrounding existing low density area with the use of separation by existing and proposed roads.
- **Design:** A three storey terrace character with the upper two storeys further set back, along with establish landscaped setbacks of 7m to most streets and 10m setbacks on Castle Hill Road.
- **Public open space:** The creation of 2.37ha of new local open space, including three new local parks over 3,000sqm in size, an expansion of the Robert Road Park to a total size of 6,743m<sup>2</sup> and an 8,930m<sup>2</sup> area of Blue Gum High Forest to the north of the station.
- **Parking:** A suite of road and intersection improvements within and surrounding the precinct area.



- Funding: The NSW Government uses Special Infrastructure Contributions (SICs) and Voluntary Planning Agreements (SPAs) to recover some of the cost of the infrastructure required to support new growth. A new Regional Infrastructure Contribution (RIC) framework is also proposed (\$10,000 per residential unit) in addition to local development contributions.

To implement the final Cherrybrook Station Precinct Place Strategy the following three potential pathway options are proposed:

- Option 1: The state to lead the rezoning of both Council areas.
- Option 2: Each Council to prepare their own planning proposals to implement the rezoning.
- Option 3: Individual planning proposals to be brought forward by landowners.

Any proposed rezoning of private land in the broader precinct would also require further consultation with the community.

The exhibition documents are available on the Department's 'Cherrybrook Station Precinct' website (<https://www.planning.nsw.gov.au/Plans-for-your-area/Priority-Growth-Areas-and-Precincts/Cherrybrook-Station-Precinct>) and include the following:

- Cherrybrook Station Precinct Place Strategy (attached to this Report).
- Explanation of Intended Effect (attached to this Report).
- Cherrybrook Station Precinct Traffic and Transport Study.

### ***1.3 Amendment to the State Environmental Planning Policy (SEPP) Planning Systems 2021***

The Department is also exhibiting an amendment to SEPP Planning Systems, at the request of Landcom, which proposes that the Cherrybrook Station government land be listed as an SSD site. This would enable future development application/s for the site to be lodged through the SSD pathway.

## **2. Summary of Issues**

Development around train stations is consistent with the objectives and planning priorities of the Greater Sydney Region Plan and North District Plan by integrating land use and transport along major transport corridors and nodes, which will assist contribute to delivering accessible centres. Therefore, the concept of development in proximity to the Cherrybrook Metro Station is supported in principle.

However, based on a review of the exhibition documents, there are a number of concerns which were raised by staff as part of the project working group that have not been resolved. Additional issues with the SSP Planning Proposal and Place Strategy have also been identified and are outlined below.

### ***2.1 SSP Planning Proposal***

The issues with the SSP Planning Proposal are set out below, along with a recommendation for inclusion in a submission to DPE.

#### ***Proposed Yields***

The exhibited documentation for the proposed State Significant Precinct (SSP) site indicate the following yields:

- 391 new dwellings.
- 33,212m<sup>2</sup> of residential gross floor area.
- 3,201m<sup>2</sup> of retail gross floor area.

- 12,945m<sup>2</sup> of public open space.

It is acknowledged that these proposed yields are a result of the initial consultation process, proposed maximum building heights, built form, land use typologies and identified constraints of the subject site. However, economic feasibility testing has not been provided to support the proposed housing typology and land uses yields. Although the height reduction is supported, the impact on yield and resulting implications for development contributions and infrastructure for the subject site and Cherrybrook precinct more broadly are unknown which is problematic.

**Recommendation** - It is recommended that Council's submission raise concern with the lack of information on the economic feasibility testing to determine the proposed housing typologies and yields and request that further detail be provided before finalisation to understand the implications for development contributions and infrastructure delivery.

### **Building Height**

The Planning Proposal documents indicate that the proposed built form for the SSP site would be limited to 'up to 5 storeys when viewed from Bradfield Parade', and includes a combination of 2, 3, 4 and 5 storey retail, commercial and residential developments across the subject site. This built form is proposed to correlate with a maximum building height of 20.5 metres applied across the northern B4 Mixed Use zoned portion of the site and a maximum building height of 18.5 metres applied across the R4 High Density Residential zoned portions of the site.

Concern is raised with the proposed maximum building heights of 18.5m to 20.5m which are inconsistent with a 5-storey built form. The maximum building height under the Hornsby Local Environmental Plan 2013 for 5 storey precincts is 16.5 metres. A maximum height limit of 18.5m to 20.5m would potentially enable additional storeys being proposed in contradiction to what is promoted and depicted in the reference scheme.

**Recommendation** - It is recommended that Council's submission raise concern that the proposed building heights (in metres) do not reflect a 5 storey built form outcome. It is also recommended that Council's submission request that planning controls for the precinct be consistent with controls outlined in Council's Local Environmental Plan (LEP) and Development Control Plan (DCP).

### **Floor Space Ratio**

The Planning Proposal documents indicate a floor space ratio (FSR) of 1.25:1 to be applied across the B4 and R4 zoned areas north of Bradfield Parade and an FSR of 1:1 across the remaining south-eastern R4 zoned portion of the site. However, concern is raised that this control would not align with the proposed maximum building height of up to 5 storeys.

An FSR control is not utilised in the Hornsby LEP for residential zoned lands, as Council's preferred approach to use a suite of controls included in the Hornsby DCP to establish an appropriate building envelope to manage bulk and scale, including building heights, site coverage, setbacks and deep soil landscape zones. There is no justification or explanation of the benefit of an FSR control when Council's current controls use height and building envelope to guide built form outcomes.

**Recommendation** - It is recommended that Council's submission raise concern that the application of an FSR control that is currently not used by Council for residential lands within Hornsby Shire may not achieve appropriate built form outcomes. It is also recommended that Council's submission request that the proposed planning controls for the precinct are consistent with controls outlined in Council's LEP and DCP.

### **Design Excellence**

Design excellence is a key priority outlined in the Hornsby Local Strategic Planning Statement and is promoted through Council's current planning controls for residential flat buildings which seek well-designed buildings with appropriate setbacks, deep soil landscaping, communal living, open spaces and car parking. The urban design and built form framework for the Precinct should be reviewed to ensure these provisions can be appropriately achieved and that Council's current controls for landscaping and setbacks, at minimum, be used.

**Recommendation** - It is recommended that Council's submission request that the urban design and built form framework for the Precinct is reviewed to ensure these provisions can be achieved and that Council's current controls for landscaping and setbacks be used at a minimum.

#### **Open Space and Community Facilities**

The provision of a proposed 1,300m<sup>2</sup> multipurpose community hub is supported in principle. The proposed community hub should align with the details outlined in Council's draft Community and Cultural Facilities Strategy. It is acknowledged that a satisfactory arrangements clause is proposed to ensure the delivery of the multipurpose community hub by any future proponent. However, concern remains regarding the proposed timing for the delivery of the facility and its provision as a "cold shell" only. Further, the dedication to Council of the community facility (land and works) should be required in addition to the payment of development contributions and should be delivered in full (not recouped from other development). The upzoning of the site will result in a significant increase in land value and the community should share in this benefit through the provision of the community facility.

The identified community open space (i.e. Plaza/Village Square area) and environmental open space (i.e. detention basin/pond) is proposed to be dedicated to Hornsby Council following completion. Council has concerns with public benefit and the ongoing cost of managing these areas within the SSP site. Both the plaza and environmental open space are intrinsic to the overall design of the development and should be delivered and managed by the proponent for the site in perpetuity.

**Recommendation** - It is recommended that Council's submission note support in principle for the proposed multipurpose community facility but raise concern regarding its proposed timing and delivery as a cold shell, as well as the proposed dedication to Council of the identified plaza/village square and pond areas within the SSP site. It is also recommended that Council's submission request that the community facility be delivered in full, in addition to the payment of development contributions, and the plaza and pond spaces be delivered and managed by the proponent in perpetuity.

#### **Traffic and Transport**

The proposed parking rates to be delivered with all new developments within the SSP site are consistent with Council's endorsed parking rates. However, the Traffic and Transport Assessment concludes that the additional vehicle trips as a result of the SSP site would not have any significant traffic implications on the surrounding road network and no additional infrastructure upgrades are proposed to service development at the SSP site. Concern is raised with reliance on the delivery of any future infrastructure upgrades to be progressed with uptake of the broader Place Strategy proposal. At a minimum, proposed traffic upgrades in and around Bradfield Parade should be progressed with the rezoning of the SSP site to ensure that infrastructure, outside of the train line, is adequate for anticipated future growth.

**Recommendation** - It is recommended that Council's submission raise concern with the reliance on the implementation of the proposed Place Strategy to deliver any future infrastructure upgrades and request that proposed traffic upgrades in and around Bradfield Parade should be progressed with the rezoning of the SSP site at a minimum.

***Affordable Housing***

The Planning report for the rezoning includes a recommendation for the delivery of affordable housing, acknowledging that the rezoning of government-owned land provides an excellent opportunity to deliver new affordable rental housing as per the Government's target of 5-10%. It is therefore disappointing that the proposed amendment to planning controls only requires 5% affordable housing. This should be increased to 10% and dwelling mix should be mandated to require a mix of 1, 2 and 3 bedroom units to ensure diversity as per Council's current DCP requirement.

***Recommendation*** - It is recommended that Council's submission raise concern with the proposed 5% affordable housing target for the SSP site and request that the affordable housing requirement be increased to 10% given the rezoning is for government-owned land and that a dwelling mix is mandated.

***Implementation and Funding***

The estimated development contributions and infrastructure costs schedule are acknowledged and noted. However, concern is raised with a proposed planning agreement to offset development contributions and recover costs from the delivery of the community facility. It is noted that the exhibition documentation flags future development on the SSP site would only generate approximately 20% of the demand for the community facility, which disregards visitor generation at the adjoining metro station.

A rezoning proposal provides substantial financial uplift for a proponent and should provide a suitable public benefit in the form of community facilities, usable open space or otherwise. The payment of contributions assists Council in providing infrastructure and facilities for the greater public benefit. The dedication of the plaza and environmental open space are not an appropriate community benefit and would have cost implications for Council to manage and maintain. As noted above, the plaza and environmental open space are intrinsic to the overall design and should be delivered and managed by the proponent for the site in perpetuity. This results in a reduction in the overall financial offer from the proponent and it is reiterated that the community facility should be delivered in addition to payable development contributions.

***Recommendation*** - It is recommended that Council's submission raise concern with a proposed planning agreement to offset development contributions and recover costs from the delivery of the community facility and the perceived financial and community benefit of the plaza and environmental space to Council. It is also recommended that Council's submission should request that the community facility should be delivered in addition to payable development contributions, just as the plaza and environmental open space should be delivered and managed by the proponent for the site.

***Sustainability and Climate Change***

The Hornsby Local Strategic Planning Statement and Hornsby Shire Community Strategic Plan outline objectives and strategies to achieve 'a resilient Shire that can adapt to a changing climate and withstand shocks and stresses', 'a sustainable community that ensures the needs of future generations are met' and 'a net zero community'.

The consideration of sustainability and climate change in the exhibited technical documents for the SSP including the Ecological Sustainability Development Plan, Climate Resilience Assessment and Biodiversity Development Assessment is supported.

***Recommendation*** - It is recommended that Council's submission acknowledge and note in principle support for the consideration of ecological sustainability development targets and climate resilience.

## **2.2 Place Strategy**

Issues with the Place Strategy are set out below, along with a recommendation for inclusion in a submission to DPE.

### ***Green Village boundary – interface and transitions***

The boundary for the Place Strategy has been reduced since the 2013 Structure Plan. There are now instances where the boundary runs through cul-de-sacs and directly between houses (for example between property Nos. 20 – 22 Ridgmont Close) which would result in a poor interface and amenity issues. Further, the reduction and refinement of land within the boundary has resulted in a proposed 5 storey form across the entire precinct with no transition down in height as was originally suggested in the Structure Plan.

**Recommendation** - It is recommended that Council's submission raise concern with the proposed green village boundary, including interface and transition issues, and request further urban design analysis be undertaken to ensure appropriate compatibility with the existing developments adjoining the green village area. It is also recommended that Council's submission request that boundaries be reviewed where cul-de-sacs are split, or inappropriate interfaces are identified.

### ***Land ownership and capitalisation***

A large number of properties located within the Hornsby Shire portion of the precinct are part of community title schemes. The resulting delivery of the 2,000m<sup>2</sup> lot size developments may be limited or delayed due to the additional constraints of the community title. The current scheme may result in piecemeal developments around community title estates and a corresponding lack of contributions and infrastructure funding if the sites do not develop. This would have associated amenity impacts where 5 storey buildings are located adjacent to low density dwellings within the community title schemes.

**Recommendation** - It is recommended that Council's submission raise concern with the number of Hornsby Shire properties contained within precinct area that form part of community title schemes and request that feasibility modelling for the precinct be recalculated to consider complications developing with community title.

### ***Affordable Housing and Housing Diversity***

The draft Place Strategy recommends affordable housing provisions of 5% across the green village/potential growth area, which is consistent with the Greater Sydney Commission target range of 5-10%. The planning report also briefly references 'a diversity of new homes' to be offered within the precinct. However, the removal of townhouses and lower rise apartment developments due to feasibility analysis limits the housing types within the precinct. At minimum, a dwelling mix should be mandated to require a mix of 1, 2 and 3 bedroom units as per Council's current DCP requirement.

**Recommendation** - It is recommended that Council's submission raise concern with the proposed housing mix and diversity of built form within the precinct and request that a unit mix of different size apartments consistent with controls outlined in Council's DCP be prescribed to encourage housing choice and affordability.

### ***Sustainability provisions***

The draft document briefly references sustainable building design to be explored through future planning proposals and that future residential development will need to comply with BASIX. However, the proposal does not address how development within the precinct will be ecologically sustainable or detail the measures to manage energy, waste and water efficiently. Further, the proposal does not

address options for the creation of a sustainable net zero carbon precinct or address possible targets for carbon neutrality.

The Hornsby Local Strategic Planning Statement outlines priorities and actions for '*mitigating and adapting to the impacts of urban and natural climate change*' and reducing carbon emissions and managing energy, water and waste efficiently. In that respect, Council has adopted the Hornsby Waste Strategy, Water Sensitive Hornsby, Hornsby Climate Change Mitigation and Adaptation Strategy and Hornsby Environmental Sustainability Strategy. The Cherrybrook Station Precinct provides an excellent opportunity to establish a sustainable carbon neutral precinct. The Strategy should detail sustainability measures and planning controls to be implemented and address options for the creation a net zero precinct.

**Recommendation** - It is recommended that Council's submission raise concern that the planning proposal does not address sustainability principles and request that the proposal address options for the creation of a net zero carbon precinct.

#### ***Building Height, FSR and Setbacks***

The documentation sets a maximum building height of 5 storeys. However, no maximum building height in metres is provided. The maximum building height under the Hornsby Local Environmental Plan 2013 for 5 storey precincts is 16.5 metres. This should be reflected in the Place Strategy and any future amendments to planning controls to ensure that a built form of a maximum of 5 storeys is achieved.

A floor space ratio of 1.4:1 is indicated for the majority of the precinct to align with the proposed maximum building height of 5 storeys. A FSR control is not utilised in Council's LEP for residential zoned lands. A suite of controls is included in the Hornsby DCP to manage bulk and scale, including building heights, site coverage, setbacks and deep soil landscape zones. There is no justification or explanation of the benefit of an FSR control when Council's current controls use height and building envelope to achieve appropriate built form controls.

The setbacks indicated in the Place Strategy are not adequate to ensure a green village with tree planting. The draft document includes an action to "prioritise and consider opportunities to deliver additional tree canopy in the public domain, especially in new streets. For any new streets, aim to achieve a minimum 50% canopy cover". This is supported and aligns with Council's Urban Forest Strategy. However, this is unlikely to be achieved based on the setbacks proposed. Proposed setbacks should, at minimum, match those required under Hornsby Council's current controls, being 8 - 10m.

**Recommendation** - It is recommended that Council's submission raise concern that the proposed building heights and setbacks, and the application of FSR within the precinct, may not achieve appropriate built form outcomes and proposed canopy cover targets. It is also recommended that Council's submission request that planning controls for the precinct are consistent with controls outlined in Council's LEP and DCP including setbacks and deep soil areas.

#### ***Design Excellence***

It is noted that no direct provisions relating to the design excellence of developments within the precinct are identified within the exhibition documents. Design excellence is a key priority outlined in the Hornsby Local Strategic Planning Statement and is promoted through Council's current planning controls for residential flat buildings which seek well-designed buildings with appropriate setbacks, deep soil landscaping, communal living, open spaces and car parking.

**Recommendation** - It is recommended that Council's submission raise concern with the lack of design excellence provisions and request that the urban design and built form framework for the Precinct is reviewed to ensure these provisions can be achieved and should match those required under Council's current controls.

### **Proposed Open Space Network**

The proposed open space network does not allow for the provision of active open space within the precinct and relies heavily on existing sporting facilities in surrounding areas to accommodate the proposed increase in population which is not supported. The location and funding of the required 2 sportsfields should be resolved prior to the rezoning of the SSP or the Place Strategy as the costs would have significant impacts on contributions planning.

The proposed Roberts Road Park expansion and creation of the new Mariam Place Park are supported in principle. However, concern is raised regarding the acquisition costs and the feasibility of achieving the open spaces.

The proposed public ownership of the Blue Gum High Forest, potentially through a transfer to Council as an asset to manage, would be favourable. This is a high value and iconic community type that would be best managed by a local authority. However, clarification on the management, costs of transfer and maintenance funding would be required. Concern is also raised with proposed 'low impact walking trails' to be located within the forest and it is recommended that further investigations be undertaken to understand the potential impacts of such a development on the health of the Blue Gums.

The Place Strategy should not be finalised until design investigations are completed for the 'Green Link Corridor' through property Nos. 16-24 Roberts Road. The width of the green link requires review due to its proximity to the identified overland flow path and resolution of its design (i.e.. open swale or piped) is required prior to understand how the pedestrian linkage would be achieved.

**Recommendation** - It is recommended that Council's submission raise concern with the proposed open space network, including lack of active open space, feasibility of expanding existing open spaces and the creation of new place park, intentions for the Blue Gum High Forest and design of the Green Link Corridor. It is also recommended that Council's submission request further investigations into providing active open space, acquisition costs of park expansions and/or creation, details of ongoing maintenance for the Blue Gum high Forest location and proposed design of green link prior to finalisation of the Strategy.

### **Traffic and Transport**

The Traffic and Transport Study identifies upgrades in, or around, the immediate study area. However, there is no identification of the costs of the works or how these would be funded. The costs should be identified prior to the finalisation of the Place Strategy and the rezoning of the State Significant Precinct. Concern is raised with reliance on the delivery of any future infrastructure upgrades to be progressed with uptake of the broader Place Strategy proposal. The combined yield of both projects contribute to the necessary upgrades and the associated funding should be attributed to the future development of both schemes.

The Study does not consider wider traffic network issues which are likely to be exacerbated by growth within the Cherrybrook Precinct. For example, the potential cumulative traffic impacts further along New Line Road may be significant, given Cherrybrook Station is the closest Metro station for many rural areas to the north.

Issues with the broader regional road network should be identified now, with solutions identified and programmed in conjunction with the current precinct planning. The State Government should commit to any funding shortfall should the planning proposal be supported, given the location and delivery of the Cherrybrook Metro has wider implications on the surrounding area.

**Recommendation** - It is recommended that Council's submission raise concern with the costings and funding of the identified upgrades, the reliance on the uptake of the Place Strategy proposal and wider traffic network issues associated with the two proposals. It is recommended that Council's submission request that costs with proposed upgrades and broader regional road network issues should be identified prior to finalisation and any funding shortfall should be covered by the State Government should the planning proposal be supported.

### **Infrastructure Funding**

The contributions framework (both local and state) needs to be in place prior the SSP rezoning and the finalisation of the Place Strategy. Details of the supporting financial strategy including clear identification of the essential works list, timing for delivery, funding source and responsible authority are required and should be prepared based on both planning projects.

Prior to finalising the planning for Cherrybrook, there should be certainty about Regional Infrastructure Contributions (RICs) as a potential funding mechanism. The RIC framework is yet to be legislated and it is unclear whether a specific infrastructure list would secure funding for the delivery of specific infrastructure. There should be certainty that identified State infrastructure can be funded to enable delivery in line with future development.

**Recommendation** - It is recommended that Council's submission raise concern with the development of a contributions framework and certainty about the Regional Infrastructure Contributions (RIC) as a funding mechanism. It is recommended that Council's submission request that the supporting financial strategy identify an essential works list, timing for delivery, funding source and responsible authority based on both planning projects and certainty that State infrastructure can be funded and delivered in line with future development via a RIC.

### **Implementation**

As outlined under the 'Implementation of planning controls' section of the exhibition document, there are three potential pathway options for implementation of the Cherrybrook Station Precinct Place Strategy.

Given the issues raised above, the Place Strategy is not ready for implementation and requires refinement. Further consideration needs to be given to the boundary interfaces, development controls and design excellence, sustainability, feasibility based on community titles and levels of capitalisation, open space provision, traffic and transport and funding for the required infrastructure.

Subject to resolution of the issues, a precinct-wide rezoning undertaken by the State Government (Option 1) would circumvent a piecemeal approach and facilitate orderly planning and development. It would result in a clear and consolidated transition for the precinct and a cross-boundary holistic solution to infrastructure contributions, while also alleviating the funding, resourcing and administrative issues for Council.

**Recommendation** - It is recommended that Council's submission request that the State Government undertake the implementation of the proposed Place Strategy (Option 1) subject to resolution of the issues raised by Council in its submission.



### **2.3 Proposed State Environmental Planning Policy (SEPP) Planning Systems amendment**

Amendments to Planning Systems SEPP 2021 are proposed to enable the Cherrybrook Station Government land to be listed as a State Significant Development (SSD), which is consistent with other metro station precincts. However, a holistic, cross boundary development contributions plan should be prepared upfront, noting that future development would not be within Council's control if the site is approved and developed through the State Significant Development Pathway. Contributions levies and attribution should be consistent across the SSP and the remainder of the private land within the broader precinct to ensure an equitable distribution of costs and clear identification of the essential works list, timing for delivery, funding source and responsible authority.

**Recommendation** - It is recommended that Council's submission on the SSP include discussion of the proposed SEPP amendments and request that a development contributions plan, including essential works list, timing for delivery, funding source and responsible authority, be prepared prior to any amendments to the Planning Systems SEPP being finalised.

#### **CONSULTATION**

Since June 2020, Council officers attended project working group meetings with DPE, Landcom, The Hills Shire Council and other state agencies regarding the planning for the Cherrybrook Station Precinct SSP site. Council officers raised issues with concepts and requested further analysis of the implications and further details of the proposals. The details have now been released through public exhibition and many issues raised by officers have not been appropriately addressed in the exhibition documentation.

The draft Cherrybrook Precinct Station plans, including a Planning Proposal for the SSP land, Place Strategy for the broader precinct and amendments to the Planning Systems SEPP, were exhibited by DPE from 22 July 2022 until 28 August 2022.

DPE representatives have advised that public consultation methods undertaken by them included:

- 4,100 postcards letter box dropped for precinct and surrounding area.
- 1,240 letters to land owners for the Station precinct and study area (not inclusive of agency notifications and community groups).
- Community Information Webinar (4 August).
- Community Information Drop-in Session (West Pennant Hills Sports Club – 13 August).
- 'Talk to a Planner' Sessions (online meetings with individual community members).
- Landcom Community Meetings (online meetings with community groups or organisations who previously consulted).
- Various – one on one phone calls or MS Teams enquiries between DPE and community members.
- Website Virtual Engagement Room.
- Website Interactive Map.

During the exhibition period, on 26 July 2022, representatives from DPE, Landcom and Sydney Metro gave a presentation to Councillors on the public consultation process along with an outline of the plans for the Cherrybrook Station Precinct and Place Strategy.

An internal, informal Councillor workshop was held with Councillors on 24 August 2022 to discuss the exhibition material and issues and implications for Hornsby Shire.

## **BUDGET**

There are no budgetary implications associated with this Report at this time.

## **POLICY**

The Planning Proposal for the SSP site, if approved, would result in amendments to Hornsby's Local Environmental Plan 2013. It is proposed through the draft amendments to the Planning Systems SEPP that future development applications would be assessed as a State Significant Development (SSD) site. Accordingly, amendments to Hornsby's Local Environmental Plan 2013 would be.

The implementation of the Cherrybrook Station Precinct Place Strategy is yet to be finalised, however DPE have outlined three options for progression of the Strategy including:

- Option 1: The state to lead the rezoning of both Council areas.
- Option 2: Each Council to prepare their own planning proposals to implement the rezoning.
- Option 3: Individual planning proposals to be brought forward by landowners.

Following a determination for the planned implementation of the Place Strategy, the Hornsby Local Environmental Plan 2013 would be amended through a planning proposal or a SEPP. Further consultation with the public would be undertaken prior to finalisation.

This report and the attached submissions on the Cherrybrook Station Precinct exhibition documents are consistent with the priorities and actions outlined in the Hornsby Local Strategic Planning Statement (LSPS), including "CA1. Advocate to the State Government regarding the status and finalisation of the updated Structure Plan for the Cherrybrook Station Precinct" and "CA2: Collaborate with the State Government and Landcom concerning planning for government owned land adjoining the Sydney Metro Northwest corridor and not support proponent-led planning proposals for any other lands within the Cherrybrook Station Precinct until planning for the government-owned lands is completed with an integrated community facilities, open space, transport and infrastructure strategy incorporating the wider precinct."

## **CONCLUSION**

The Department of Planning and Environment invited feedback on the three separate plans for the Cherrybrook Station precinct as part of a formal exhibition undertaken in July/August.

This report presents an overview of the proposals and outlines key issues of concern for Hornsby Shire which are recommended to be raised in the two submissions attached to this report. The concerns for the SSP Planning proposal relate to proposed yields, built form, open space and community facilities, affordable and diverse housing, traffic infrastructure, implementation and funding. The concerns for the Place Strategy are interrelated to the SSP planning proposal and include transitional/interface issues, development capitalisation, built form, open space network, affordable and diverse housing, design excellence, traffic and transport, proposed implementation methods and funding.

It is recommended that Council endorse the submissions attached to Director's Report No. PC21/22 for forwarding to the Department of Planning and Environment, to advocate for more detailed analysis of issues and refinement of the proposals for the Cherrybrook Station Precinct prior to implementation.






**RESPONSIBLE OFFICER**

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

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**ITEM 11****Attachments:**

1.  Planning Report - SSP Planning Proposal
2.  Draft Cherrybrook Station Precinct Place Strategy
3.  Explanation of Intended Effect - Cherrybrook Station Precinct
4.  Submission - Cherrybrook SSP Planning Proposal
5.  Submission - Cherrybrook Precinct Place Strategy

File Reference: F2020/00123

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### 13 MAYOR'S NOTES FROM 01 AUGUST TO 31 AUGUST 2022

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*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.*

Monday 1<sup>st</sup> August 2022 – The Mayor attended the Pennant Hills Girl Guides Presentation of The Queen's Guide Award at the Leisure and Learning Centre in Pennant Hills.

Wednesday 3<sup>rd</sup> August 2022 – The Mayor hosted four Citizenship Ceremonies in the Council Chambers at Hornsby Shire Council in Hornsby.

Thursday 11<sup>th</sup> August 2022 – The Mayor attended the Official Opening of the New Amenities of Ern Holmes Oval, Pennant Hills Oval in Pennant Hills.

Sunday 14<sup>th</sup> August 2022 – The Mayor attended the Centenary Service and Celebration for St Stephens Anglican Church, Normanhurst at Barker College, Hornsby.

Monday 15<sup>th</sup> August 2022 – The Mayor attended the Hindu Council of Australia 75<sup>th</sup> Anniversary of India's Independence in Hornsby Park in Hornsby.

Sunday 21<sup>st</sup> August 2022 – The Mayor attended the 40<sup>th</sup> Anniversary of the Castle Hill Dolphins Swimming Club at Castle Hill RSL in Castle Hill.

Thursday 25<sup>th</sup> August 2022 – The Mayor attended the Women's Community Shelters 'Apron Project' Hornsby to Cootamundra at Wallarobba House in Hornsby.

Thursday 25<sup>th</sup> August 2022 – The Mayor attended the Hills Annual Charity Gala Ball at Bivianos Restaurant in Dural.

Friday 26<sup>th</sup> August 2022 – The Mayor hosted and attended the Hornsby Ku-ring-gai Rural Fire District's Mayoral Dinner at Hornsby RSL in Hornsby.

Tuesday 30<sup>th</sup> August 2022 – The Mayor attended and spoke with Year 6 of Pacific Hills Christian School for 'Gratitude Week' at Pacific Hills Christian School in Dural.

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