



BUSINESS PAPER

GENERAL MEETING

**Wednesday 9 November 2022
at 6:30PM**



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AGENDA AND SUMMARY OF RECOMMENDATIONS

PRESENT

NATIONAL ANTHEM

OPENING PRAYER/S

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

ACKNOWLEDGEMENT OF RELIGIOUS DIVERSITY

Statement by the Chairperson:

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

ACKNOWLEDGEMENT OF COUNTRY

Statement by the Chairperson:

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

VIDEO AND AUDIO RECORDING OF COUNCIL MEETING

Statement by the Chairperson:

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

APOLOGIES / LEAVE OF ABSENCE

POLITICAL DONATIONS DISCLOSURE

Statement by the Chairperson:

"In accordance with Section 10.4 of the Environmental Planning and Assessment Act 1979, any person or organisation who has made a relevant planning application or a submission in respect of a relevant planning application which is on tonight's agenda, and who has made a reportable political

donation or gift to a Councillor or employee of the Council, must make a Political Donations Disclosure Statement.

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

DECLARATIONS OF INTEREST

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

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

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

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

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

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

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

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

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

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

CONFIRMATION OF MINUTES

THAT the Minutes of the General Meeting held on 12 October, 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 GM35/22 HORNSBY SHIRE COUNCIL 2021-2022 ANNUAL REPORT

RECOMMENDATION

THAT the:

1. Hornsby Shire Council 2021-2022 Annual Report be endorsed.
2. Annual Report be supplemented by Council's 2021/22 Audited Financial Statements once they are "presented to the public" at the 9 November 2022 General Meeting (CS89/22).

CORPORATE SUPPORT DIVISION**Page Number 5****Item 2 CS87/22 INVESTMENTS AND BORROWINGS FOR 2022/2023 - STATUS FOR PERIOD ENDING 30 SEPTEMBER 2022****RECOMMENDATION**

That the contents of Director's Report No. CS87/22 be received and noted.

Page Number 8**Item 3 CS89/22 2021/22 AUDITED FINANCIAL STATEMENTS - PRESENTATION TO THE PUBLIC****RECOMMENDATION**

THAT the 2021/22 General Purpose Financial Statements and associated Auditor's Report, as presented to the public on 9 November 2022, be adopted.

Page Number 12**Item 4 CS92/22 2022/23 BUDGET - SEPTEMBER 2022 QUARTER REVIEW****RECOMMENDATION**

THAT:

1. The September 2022 Quarter Review of the Operational Plan (Budget) for 2022/23 be received and noted.
2. The General Manager be granted delegation to:
 - Seek an extension from the Office of Local Government to the Stronger Community Funds expenditure deadline for the Hornsby Park project until 31 December 2025.
 - Seek an extension from the Office of Local Government to the Stronger Community Funds expenditure deadline for the Westleigh Park project until 31 December 2027.

COMMUNITY AND ENVIRONMENT DIVISION

Nil

PLANNING AND COMPLIANCE DIVISION**Page Number 20****Item 5 PC22/22 HOUSEKEEPING AMENDMENTS TO HORNSBY DEVELOPMENT CONTROL PLAN 2013**

RECOMMENDATION

THAT:

1. The draft housekeeping amendments to the Hornsby Development Control Plan 2013 attached to Director's Report No. PC22/22 be placed on public exhibition for a period of 28 days.
2. Following exhibition, a report on submissions be presented to Council for consideration.

Page Number 26**Item 6 PC23/22 REPORTING VARIATIONS TO DEVELOPMENT STANDARDS****RECOMMENDATION**

THAT the contents of Director's Report No. PC23/22 be received and noted.

INFRASTRUCTURE AND MAJOR PROJECTS DIVISION

Nil

CONFIDENTIAL ITEMS**Item 7 CS93/22 EXTENSION OF LEASE - 34 HUNTER STREET, 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 29****Item 8 MN10/22 MAYOR'S NOTES 01 OCTOBER 2022 TO 31 OCTOBER 2022****NOTICES OF MOTION****Page Number 31****Item 9 NOM4/22 COUNCIL SUPPORT FOR SYDNEY WORLDPRIDE 2023 - LOCAL ACTIVITIES IN HORNSBY SHIRE**

COUNCILLOR MCCLELLAND TO MOVE

THAT:

1. Council note the Sydney WorldPride 2023 Festival is being held between February 17 and March 5, 2023, providing local educational and community opportunities in and around Hornsby Shire to raise awareness of and celebrate the diversity in our community.
2. Council show its support for the local LGBTQIA+ community and liaise with stakeholders for the Sydney WorldPride 2023 with a view to aligning currently planned and budgeted for events, activations and activities within the Hornsby LGA with World Pride 2023.
3. Council write to Local MP Matt Kean, Member for Hornsby seeking State Funding and statement of support for local events.
4. When developing its Social Plan, Council seeks to engage with the LGBTQIA+ community amongst others to ensure that the Social Plan reflects the diversity of our community.

SUPPLEMENTARY AGENDA

MATTERS OF URGENCY

1 HORNSBY SHIRE COUNCIL 2021-2022 ANNUAL REPORT

EXECUTIVE SUMMARY

- An annual report is a key point of accountability between a council and its community. In this regard, NSW councils are required to prepare an annual report within five months of the end of the financial year, place the report on their website and submit the report to the Office of Local Government (OLG).
- The Hornsby Shire Council 2021-2022 Annual Report has been prepared in accordance with the requirements of the Local Government Act 1993, Regulation and OLG requirements. The Annual Report also includes information which ensures that annual reporting requirements imposed on Council by other legislation or statutory bodies are met.
- The 2021-2022 Annual Report focuses on Council's achievements in implementing its Delivery Program and Operational Plan. Council's 2021/22 audited Financial Statements are to form part of the Annual Report once they are "presented to the public" at this 9 November 2022 General Meeting.

RECOMMENDATION

THAT the:

1. Hornsby Shire Council 2021-2022 Annual Report be endorsed.
2. Annual Report be supplemented by Council's 2021/22 Audited Financial Statements once they are "presented to the public" at the 9 November 2022 General Meeting (CS89/22).

PURPOSE

The purpose of this Report is to present the 2021-2022 Annual Report for Council's endorsement.

BACKGROUND

Section 428 (1) of the Local Government Act 1993 requires that a council prepare an annual report within five months of the end of the financial year. The council is required to place the report on its website and submit a copy to the OLG.

The Hornsby Shire Council 2021-2022 Annual Report has been prepared in accordance with the requirements of the Local Government Act 1993, the Local Government (General) Regulation and the OLG's Integrated Planning and Reporting Guidelines (September 2021) developed by the OLG in line with section 406 of the Act. A report on Council's achievements in implementing its 2021-2022 Delivery Program and Operational Plan 2021/22 and the effectiveness of the services undertaken is included as required by the Act.

Key operational and capital achievements for 2021/22 are included throughout the Report and include:

- Endorsing a new Community Strategic Plan, *Your vision | Your future 2032*, and underlying Delivery Program, Operational Plan and Resourcing Strategy supporting a holistic approach to planning for the future of Hornsby Shire, in June/July 2022.
- Endorsing the Hornsby Thematic History, the first project to be completed under the Comprehensive Heritage Study programmed over the next four years, in October 2021.
- Adopting the Walking and Cycling Strategy, a framework to increase participation in walking and cycling, prioritise delivery and improve supporting infrastructure and resourcing for these activities, in November 2021.
- Endorsing the Byles Creek Planning Study, a review of current planning controls to evaluate suitability in maintaining environmental qualities on residential land within the Byles Creek corridor, in May 2022.
- Adopting the Rural Lands Strategy, setting the strategic direction for managing rural lands in Hornsby Shire, in June 2022.
- Adopting Social Inclusion Hornsby, Disability Inclusion Action Plan 2021-2025, designed to outline how Council will make mainstream services and community facilities more accessible to people with a disability and helping to build a more inclusive community in the Shire, in July 2022.
- Launching a 12-month trial of the HiVE engagement platform, providing a single place to find and participate in community engagement projects.
- Entering a retail electricity agreement to have 100 per cent of Council's electricity needs supplied by three NSW solar farms.
- Completing Hornsby Library's multi-million dollar makeover with new internal layout and refreshed resources.
- Launching improvements to the bulky waste collection, allowing residents to book additional on-call collections.

- Completing 61 capital projects at a cost of \$43 million – these include upgrading 18 parks, building five new playgrounds, upgrading six sporting facilities, constructing 1,580 metres of bushwalking tracks, building ten new footpaths (2,228 metres) and a new shared path (1,177 metres), rehabilitating 755 metres of local roads, laying 1,360 metres of new kerb and guttering, making stormwater improvements at three sites and making it safer for children to get to and from school by installing six new wombat crossings.

The Annual Report also includes information to meet requirements imposed by other legislation and statutory bodies, including information on the implementation of Council's Disability Inclusion Action Plan under the Disability Inclusion Act 2014, information on compliance with the Carers Recognition Act 2010, and information on inspections of private swimming pools under the Swimming Pools Act 1992. Other mandatory reporting requirements are included at the back of the document notated with the relevant legislation.

The 2021-2022 Annual Report is attached to this Report. Hard copies will be available to view at the Council Administration Centre and Shire libraries.

The Annual Report will formally be supplemented by Council's Audited Financial Statements once Council has considered Director's Report No. CS89/22 – 2021/22 Audited Financial Statements – Presentation to the Public (at the 9 November 2022 General Meeting).

A copy of the final 2021-2022 Annual Report, including 2021/22 Financial Statements, will be provided to the OLG by 30 November 2022.

BUDGET

There are no budgetary implications associated with this Report.

POLICY

There are no policy implications associated with this Report.

CONCLUSION

Council's consideration of this Report will ensure that the Hornsby Shire Council 2021-2022 Annual Report is submitted to the OLG in line with statutory requirements. The 2021-2022 Annual Report outlines Council's achievements and the effectiveness of the services undertaken over the past year.

The Council has played a critical leadership role, ensuring that strategic activities are focussed on achieving the community's vision, whilst ensuring the ongoing financial sustainability of the organisation.

RESPONSIBLE OFFICER


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

STEVEN HEAD

General Manager

Office of the General Manager

Attachments:

1.  2021-2022 Annual Report

File Reference: F2020/00348

Document Number: D08510899

ITEM 1

2 INVESTMENTS AND BORROWINGS FOR 2022/2023 - STATUS FOR PERIOD ENDING 30 SEPTEMBER 2022

EXECUTIVE SUMMARY

- This Report provides details of Council's investment performance for the period ending 30 September 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 September 2022 of 0.75% which includes a yield of -21.09% from TCorp Managed Funds. On a financial year to date basis the portfolio achieved an annualised return of 2.07% which includes a yield 0.65% from TCorp Managed Funds.

RECOMMENDATION

That the contents of Director's Report No. CS87/22 be received and noted.

PURPOSE

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

BACKGROUND

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

DISCUSSION

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

Council's investment performance for the month ending 30 September 2022 is detailed in the attached document. In summary, the portfolio achieved an annualised return for September 2022 of 0.75%. On a financial year to date basis the portfolio achieved an annualised return of 2.07% which includes a yield of 0.65% from TCorp Managed Funds.

In respect of Council borrowings, the interest rate payable on the outstanding loan taken out in June 2013 (the last time that Council borrowed), based on the principal balances outstanding, is 5.89%. The Borrowings Schedule as at 30 September 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 30 September was \$222,084 which includes an unrealised loss of \$413,594 from TCorp Managed Funds.

Budgeted investment income year to date at 30 September 2022 was \$1,197,105. Total investment income year to date at 30 September 2022 was \$1,555,280 which includes a year-to-date net gain of \$3,437 from TCorp Managed Funds.

Approximately 51.30% 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 external economic conditions caused by the recovery from the COVID-19 Pandemic. 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 of 30 September 2022 is detailed in the documents attached to this Report. Council's consideration of the Report and its attachments

ensures that the relevant legislative requirements and Council protocols have been met in respect of those investments and borrowings.



RESPONSIBLE OFFICER

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

DUNCAN CHELL
Chief Financial Officer
Corporate Support Division

GLEN MAGUS
Director - Corporate Support
Corporate Support Division

Attachments:

1.  HSC Investments Summary Report September 2022
2.  HSC Borrowing Schedule September 2022

File Reference: F2004/06987-02

Document Number: D08506218

3 2021/22 AUDITED FINANCIAL STATEMENTS - PRESENTATION TO THE PUBLIC

EXECUTIVE SUMMARY

- In accordance with Sections 413, 415, 416 and 417 of the Local Government Act, Council must prepare and have audited its General Purpose Financial Statements within four months of the end of each financial year.
- At the 14 September 2022 General Meeting, Council received and noted the 2021/22 Financial Statements and resolved to refer them for audit. Council also delegated authority to the General Manager to fix the date at which the Financial Statements and Auditor's Report would be presented to the public.
- Following receipt of the Auditor's Report, the General Manager determined that the Financial Statements and Auditor's Report would be presented to the public at the 9 November 2022 General Meeting.
- Following formal presentation of the Financial Statements and Auditor's Reports to the public at the 9 November 2022 General Meeting, members of the public, in accordance with Section 420 of the Local Government Act, have seven days, i.e. until 16 November 2022, to make written submissions about the Statements.
- Any submissions that are received must be referred by Council to the Auditor for their response.

RECOMMENDATION

THAT the 2021/22 General Purpose Financial Statements and associated Auditor's Report, as presented to the public on 9 November 2022, be adopted.

PURPOSE

The purpose of this Report is to allow Council's 2021/22 General Purpose Financial Statements and associated Auditor's Reports to be presented to the public in accordance with Section 419(1) of the Local Government Act.

BACKGROUND

In accordance with Sections 413, 415, 416 and 417 of the Local Government Act, Council must prepare and have audited its General Purpose Financial Statements within four months of the end of each financial year.

At the 14 September 2022 General Meeting, Council considered the General Manager's Report No. CS69/21 – General Purpose Financial Reports – 2021/22 Financial Year – and resolved that:

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

DISCUSSION

Following the 14 September 2022 General Meeting, the 2021/22 General Purpose Financial Statements were signed and referred to the Audit Office of New South Wales for audit. The Audit Office have subsequently issued an Auditor's Report and have not identified any significant issues which require changes to the Financial Statements.

Following receipt of the Auditor's Report, the General Manager authorised, in accordance with Council's resolution of 14 September 2022, that presentation of the Financial Statements and Auditor's Report to the public would occur at the 9 November 2022 General Meeting. As a result, public notices were placed on Council's website in accordance with Section 418 of the Act.

An electronic copy of the Financial Statements and Auditor's Reports is registered in Council's electronic document management system and has also been placed on Council's website at <https://www.hornsby.nsw.gov.au/council/forms-and-publications/publications/financial-statements>

Following formal presentation of the Financial Statements and Auditor's Report to the public at the 9 November 2022 General Meeting, members of the public in accordance with Section 420 of the Local Government Act, have seven days, i.e. until 16 November 2022, to make submissions about the documents. Such submissions must be in writing and must be referred by Council to the Auditor for their response.

It is noted that Council's external auditor has indicated her availability to make a presentation about the Financial Statements, Auditor's Report and Council's financial position at the 9 November 2022 General Meeting.

CONSULTATION

In the preparation of this Report there was consultation with Council's External Auditor.

BUDGET

The Income Statement result for 2021/22 is a deficit before capital items of -\$6.058 million (2020/21: surplus of \$0.086 million) and Council's Operating Performance ratio at 30 June 2022 is -1.9% which is below the benchmark set by the Office of Local Government of 0%.

The Operating Performance ratio (-1.90%) has reduced compared to prior years (30 June 2021: 3.82%, 30 June 2020: 5.32%, 30 June 2019: 4.45%, 30 June 2018: 5.26%, 30 June 2017: 6.86%) in line with the forecast outlined in Council's Long-Term Financial Plan. Council's financial capacity began to decline after the 2016 boundary adjustment with the City of Parramatta Council, which significantly impacted Council's Income Statement results and Annual Budget. It is noted that over the four-year period of the Delivery Program, there are forecast operating deficits when maintaining the normal continuance of services to the level that the community has come to expect.

Council's financial capacity has continued to decline due to a range of internal and external factors that have been reported in Council's 2022/23 draft Long Term Financial Plan and Asset Management Strategy 2022/23 (refer to Director's Report No. CS33/22 presented to the 11 May 2022 General Meeting), Adoption of Council's 2022-2026 Delivery Program including the Operational Plan 2022/23 (refer to General Manager's Report No. GM21/22 presented to the 29 June 2022 General Meeting) and Adoption of a Draft Long Term Financial Plan for 2023/24 – 2032/33 and progression of a Special Rate Variation Application for 2023/24 (refer to General Manager's Report No. GM31/22 presented to the 28 September 2022 General Meeting.)

POLICY

There are no policy implications associated with this Report.

CONCLUSION

The presentation of the 2021/22 Financial Statements 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 and that the public have an opportunity to make any relevant submissions to Council about the documents.

RESPONSIBLE OFFICER

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

DUNCAN CHELL
Chief Financial Officer
Corporate Support Division

GLEN MAGUS
Director - Corporate Support
Corporate Support Division

Attachments:

There are no attachments for this report.

File Reference: F2022/00096

Document Number: D08510599

ITEM 3

4 2022/23 BUDGET - SEPTEMBER 2022 QUARTER REVIEW

EXECUTIVE SUMMARY

- Accountable organisations like Council review their budget and operational performance at least each quarter. In this regard, the September 2022 Quarter Review of the 2022/23 Operational Plan and Budget is attached.
- The 2022/23 Original Budget forecast a surplus at 30 June 2023 of \$2.908 million. This September 2022 Review recommends budget changes of \$0.560 million that reduce the forecast 30 June 2023 Budget surplus to \$2.348 million.
- This Report also provides Council with an update about the latest status of major projects that are of significant dollar value or of community interest.
- An extension to the deadline for the expenditure of Stronger Community Fund (SCF) grants for the development of Hornsby Park (\$50 million) and Westleigh Park (\$40 million) is required to progress works and the Office of Local Government (OLG) have requested a Council resolution that delegates the General Manager the authority to seek the extension required.

RECOMMENDATION

THAT:

1. The September 2022 Quarter Review of the Operational Plan (Budget) for 2022/23 be received and noted.
2. The General Manager be granted delegation to:
 - Seek an extension from the Office of Local Government to the Stronger Community Funds expenditure deadline for the Hornsby Park project until 31 December 2025.
 - Seek an extension from the Office of Local Government to the Stronger Community Funds expenditure deadline for the Westleigh Park project until 31 December 2027.

PURPOSE

The purpose of this Report is to present for Council's consideration the September 2022 Quarter Review of the 2022/23 Operational Plan.

BACKGROUND

On 29 June 2022, Council adopted its Delivery Program 2022-26 which includes the Operational Plan for 2022/23. The Fees and Charges for 2022/23 were also adopted by Council on 29 June 2022. The Delivery Program and Operational Plan set out the manner in which Council intends to deliver services and measure performance.

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.

DISCUSSION

This Review includes the first quarter results for 2022/223, comparing actual expenditure, income and funding sources for the first quarter against the Budget. The Net Operating and Capital Result after internal funding movements showed a positive variance of \$2.9 million or approximately 6% of the consolidated year to date budget. This positive variance is largely the result of timing differences associated with project related works that are expected to be expended by 30 June 2023.

The 2022/23 Original Budget forecast a surplus at 30 June 2023 of \$2.908 million. This surplus represents approximately 1.5% of the full year budget and is intended to provide capacity to respond to unforeseen cost increases that can occur throughout the year.

This Quarterly Review recommends net budget changes of \$0.560 million, which reduce the forecast 30 June 2023 Budget surplus to \$2.348 million. The budget changes summarised below have been identified by staff for cost increases that have occurred since the 2022/23 Annual Budget was adopted:

- \$500K – Property Acquisition as noted within Confidential Director's Report CS78/22, Purchase of Land for Open Space at Hornsby considered at the 12 October 2022 General Meeting.
- \$60K – Bushfire mitigation in Asset Protection Zones.

As noted in General Manager's Report GM/9 – June 2022 Performance Report on the 2021 – 2022 Delivery Program and Quarterly Budget Review Statement (considered at the 14 September 2022 General Meeting) that the 2021/22 capital works program was unable to be completed due to a number of external factors. Capital projects that were not completed (\$27.243 million) were to be carried forward to the 2022/23 financial year where it was raised if an expanded capital works program totalling \$93.208 million could be completed.

Advice has been sought from budget managers in respect to this issue with confirmation that capital works can be completed subject to weather and/or supply chain issues. This review therefore includes capital budget changes of \$27.243 million that are fully funded from external grants and unused budgets that were set aside in restricted assets at 30 June 2022.

Damage to Council's Road Network

The abnormal weather events referred to above including ongoing heavy rainfall and three declared natural disasters have caused significant damage to much of Council's Road network. It is noted that

the General Manager has requested a review to determine the extent of damage to the road network managed by Council and the cost to repair to be reported back to Council in a Quarterly Budget Review.

Assistance is being sought from the NSW State Government in the first instance but to date requests for funding have been unsuccessful. If external funding cannot be identified, it is likely that existing budgets will need to be substituted or reduced. This may involve a range of decision to be made in respect to current services and programs such as:

- Aquatic Centre, Brickpit and Library opening hours
- Local Road Improvement Program
- Signage budget (remaining funds after completing the full scope of agreed works)
- Traffic facilities capital expenditure
- Planning legal fees
- Events
- Footpaths
- Public Domain Improvements
- Park and Sportsground Upgrades
- Funds set aside for upgrade works at Wallarobba Arts & Cultural Centre

An initial desktop assessment by Council Officers combined with customer relationship management (CRM) data has identified five high priority roads that require urgent remediation. Funding has been allocated from Council's existing road rehabilitation budget to commence remediation of these roads as soon as contractors can be arranged. The five high priority roads are:

- Bay Road, Arcadia
- Arcadia Road, Arcadia
- Myra Road/Ingram Ave, Wahroonga
- Alexandria Parade (Romsey Street to Park Road), Waitara
- Greyson Road, North Epping

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 September 2022 is \$19.4 million. Year to date expenditure to 30 September 2022 is \$4.4 million compared to a year-to-date budget of \$5.48 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 September 2022 on this project (excluding the acquisition costs of \$21 million funded by development contributions) is \$2.420 million. Financial year to date expenditure at 30 September 2022 is \$195K compared to a year to date budget of \$433K. 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 in early 2023 following decommissioning of a water main by Sydney Water.

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 September 2022 on this project is \$4.214 million out of a budget of \$9.3 million, funded from development contributions. Year to date expenditure at 30 September 2022 is \$915K compared to a year to date budget of \$875K.

- **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. These costs include project scoping, detailed design, approvals, construction and contingency costs.

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 in mid-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 September 2022 on this project is \$2.318 million out of a budget of \$7.1 million.

- **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 September 2022 is \$9.467 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 works associated with the facility (including a toilet block) are now scheduled to be completed in November 2022, with construction of a groyne to protect adjacent mangroves to take place in early 2023.

Works associated with paid parking at the site are the subject of a separate tender and are separately funded with an available budget of \$475K.

STRONGER COMMUNITY FUND (SCF) GRANTS

In June 2022, the General Manager contacted the Chief Executive of the Office of Local Government (OLG) seeking an extension to the deadline for the expenditure of the SCF grants for the development of Hornsby Park (\$50 million) and Westleigh Park (\$40 million).

The extension requested for Hornsby Park was for three years, to extend the expenditure deadline of the SCF grant until 31 December 2025; and the extension requested for Westleigh was for five years, to extend the expenditure deadline of the SCF grant until 31 December 2027.

The General Manager indicated that whilst Hornsby Park is now well into physical works, delays experienced due to the pandemic, supply chain issues and the incredible deluge of rain has substantially impacted on the delivery of that project.

Westleigh Park, which was always a longer-term project for Council, has been subject to a significant period of investigation and engagement with a passionate community of stakeholders. Also, the presence of endangered and critically endangered ecological communities at Westleigh Park and new Commonwealth requirements for flora and fauna surveys and mapping will add time to the development of designs sufficient to meet legislative requirements.

Following discussions with the OLG in September 2022, the General Manager has received advice from the Chief Executive that although she is supportive of an extension, a Council resolution which seeks extensions to the SCF expenditure deadlines for Hornsby Park and Westleigh Park will be required before any response is provided by the OLG.

Based on that advice, it is proposed that Council's resolution in respect of this Report contain a delegation to the General Manager to:

- Seek an extension from the OLG to the SCF expenditure deadline for the Hornsby Park project until 31 December 2025.
- Seek an extension from the OLG to the SCF expenditure deadline for the Westleigh Park project until 31 December 2027.

BUDGET

This Report provides the September 2022 Quarter Review of the 2022/23 Operational Plan (Budget), which, if adopted, will achieve a forecast surplus at 30 June 2023 of \$2.348 million. The predicted Budget result at 30 June 2023 is satisfactory in maintaining financial benchmark indicators in respect to liquidity. However, it is noted that the annual budget surplus is below annual levels previously determined to enable an adequate response to budget shocks that may occur.

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 September 2022 Quarter Review has required significant carry forward of capital projects from 2021/22 to 2022/23 financial year resulting in an expanded capital program.

A review is currently underway to determine the full extent of road damage due to ongoing storms with the cost to remediate the road network to be reported back to Council at a future Quarterly Budget Review.

Council remains in a stable position to deliver local services and facilities in a financially responsible manner.

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:

1.  Quarterly Budget Review Statement 30 September 2022

File Reference: F2022/00059

Document Number: D08515062

5 HOUSEKEEPING AMENDMENTS TO HORNSBY DEVELOPMENT CONTROL PLAN 2013

EXECUTIVE SUMMARY

- Since the 2016 local government amalgamations involving the transfer of land south of the M2 Motorway to City of Parramatta local government area (LGA), the Hornsby Local Environmental Plan 2013 (HLEP) and the Hornsby Development Control Plan 2013 (HDCP) have applied to the transferred land, formerly part of Hornsby Shire.
- The HDCP will continue to apply to the transferred land until such time City of Parramatta (CoP) Council adopts a new development control plan (DCP) that applies to the land.
- There have been several amendments to the HDCP adopted by both Hornsby Council and CoP since the amalgamations. The most recent changes occurred when Council, at its meeting on 10 August 2022, resolved to approve draft housekeeping amendments with the purpose of correcting issues with the interpretation of development controls and changes to State legislation names and references implemented by the State government. The amended HDCP was published on Council's website on 24 August 2022.
- New draft housekeeping amendments to the HDCP have been identified to align with the State Government's Employment Zone reform, clarify the intent of minimum lot widths for battle-axe subdivision controls and setbacks and to achieve consistency with HLEP controls related to rural secondary dwellings.
- This report seeks Council endorsement to exhibit the new draft housekeeping amendments.

RECOMMENDATION

THAT:

1. The draft housekeeping amendments to the Hornsby Development Control Plan 2013 attached to Director's Report No. PC22/22 be placed on public exhibition for a period of 28 days.
2. Following exhibition, a report on submissions be presented to Council for consideration.

PURPOSE

The purpose of this Report is to seek Council endorsement to exhibit draft housekeeping amendments to the Hornsby Development Control Plan 2013 (HDCP) to align with the State Government's Employment Zone reform, to clarify intent of subdivision controls related to battle-axe lots and rear setbacks and to achieve consistency with the Hornsby Local Environmental Plan 2013 (HLEP) controls related to rural secondary dwellings.

BACKGROUND

Since the 2016 Council amalgamations, there have been several amendments to the HDCP adopted by both City of Parramatta (CoP) and Hornsby Council. Amendments since 2019 are briefly described below:

Date	Summary of amendment
10 January 2019	'General', 'Residential' and 'Heritage' chapters updated to support Council's Design Excellence Review of Planning Controls.
31 May 2019	CoP Council amendments to Transport and Parking clauses in 'General' chapter.
19 February 2021	'Residential', 'Business' and 'Heritage' chapters updated to reflect changes to building height controls implemented under the Housekeeping Amendment Planning Proposal applicable in Hornsby Shire.
6 August 2021	CoP Council amendments to Transport and Parking clauses in 'General' chapter along with changes to 'Residential' and 'Heritage' chapter.
24 August 2022	Amendments to correct issues with the interpretation of development controls and changes to State legislation names and references.

The most recent amendment to the HDCP was adopted by Council at its 10 August 2022 meeting (Director's Report No. PC19/22 and took effect on 24 August 2022). Those amendments related to correcting issues related to the interpretation of development controls, updates to State legislation and policy.

The amendments were implemented in the same format as that of prior HDCP amendments initiated by Council and agreed to by CoP where amendments to the HDCP would be presented as separate sections within the HDCP for Hornsby Shire and CoP. This was determined to be an appropriate method to distinguish development controls applicable for each LGA.

Further draft HDCP amendments have been identified in response to the following matters:

- Hornsby Employment Land Study and DPE Employment Zone Reform.
- Clarification of minimum lot width for residential battle-axe allotments.
- Clarification of rear boundary setbacks for building envelopes.
- Secondary dwellings in rural areas.

These matters and their implications for the HDCP are discussed further below.

DISCUSSION

This report seeks Council endorsement to exhibit draft amendments to the HDCP to align with the State Government's Employment Zone Reform, to clarify the intent of minimum lot widths for battle-axe subdivision controls, setback controls and to achieve consistency with HLEP controls related to rural secondary dwellings.

Amended Commercial Centres Hierarchy

Part 4 'Business' of the HDCP provides planning controls that apply to the business areas of the Shire which comprise land zoned B1 Neighbourhood Centre, B2 Local Centre, B3 Commercial Core, B4 Mixed Use, B5 Business Development and B6 Enterprise Corridor. Part 4.1.1 'Commercial Centres Hierarchy – Hornsby' and Figure 4.1(a) of the HDCP sets out the hierarchy for all commercial centres with the purpose to describe the role and function of these centres.

Council's adopted Employment Land Study identifies the need to amend the definitions in the commercial centre hierarchy to align with terms used in the North District Plan, to update the role and function of centres and to exclude commercial centres such as Epping and Carlingford that are no longer within the Shire due to LGA boundary changes.

In endorsing the Employment Land Study, Council adopted an implementation plan which will be progressed in the short term, scheduled to commence in 2023. However, in May 2022, the State Government exhibited its Employment Zone Reform package (involving the replacement of the existing B (Business) and IN (Industrial) land use zones with E (Employment) zones).

At its meeting on 13 July 2022, Council considered Director's Report No. PC11/22 concerning the reforms and implications for the HLEP which are summarised below:

The existing B1 Neighbourhood Centre and B2 Local Centre zones will be consolidated into a new E1 Local Centre zone. With this change is the potential loss of differentiation in scale between neighbourhood centres (e.g. Cowan, Galston and Normanhurst) and local centres (e.g. Pennant Hills, Cherrybrook and Asquith) in the Hornsby LGA. At Council's request, the DPE's exhibited framework includes a local provision to give effect to Council's commercial centre hierarchy, with the goal of reducing the impacts of the consolidation and allow differentiation in scale between a neighbourhood and a local centre.

The intent of the HLEP local provision would be for Council to continue to promote differentiation between neighbourhood and local centres. The Department has advised that the Employment Reforms will come into effect in late April 2023. Therefore, the actions from the Employment Land Study involving amendments to the commercial centre hierarchy in the HDCP should be brought forward ahead of the rest of the implementation plan.

It is recommended that Part 4.1.1 'Commercial Centres Hierarchy' and Figure 4.1(a) of the HDCP be amended in accordance with the adopted Employment Land Study, as outlined in the draft HDCP amendments attached to this report.

The existing HDCP commercial centres hierarchy would continue to apply to applicable lands in the CoP LGA.

Clarification of Minimum Lot Width for Residential Battle-axe Allotments

Part 6 'Subdivision' of the HDCP provides planning controls for the subdivision of land within the Shire. Prescriptive measure 6.2.1(d) and Table 6.2(b) 'Minimum Lot Width – R2 Zone' of the HDCP sets out the minimum lot size and minimum lot widths for the subdivision of residential land.

On 21 April 2022, Council successfully defended an appeal in the Land and Environment Court (LEC) against the refusal of a development application for the subdivision of one lot into two at No. 52A Day Road, Cheltenham (*Plaskitt v Hornsby Shire Council [2022] NSWLEC 1181*). Although the Commissioner upheld Council's refusal of the application due to incompatibility with the subdivision pattern and the Heritage Conservation Area, an issue with the interpretation of one of the DCP controls became apparent.

The Commissioner accepted the applicant's defence which argued that the minimum lot width control in the HDCP does not apply to battle-axe allotments. Prescriptive measure 6.2.1(d) of the HDCP states that minimum lot width "*is measured at the building line adjacent to the primary street frontage.*" It was the Commissioner's view that because only lots with a street frontage are "*adjacent to the primary street frontage*", the minimum lot width control only applies to the lot with a street frontage.

Council's approach to assessing applications that propose battle-axe subdivisions has been to consistently interpret prescriptive measure 6.2.1(d) of the HDCP as applying to battle-axe allotments.

Given the difference between the Commissioner's and Council's views, it is recommended that the HDCP be amended to clarify that the minimum lot width control applies to battle-axe allotments. This can be achieved by amending the wording of prescriptive measure 6.2.1(d) and the diagram of Figure 6.2(b), as outlined in the draft HDCP amendments attached to this report.

Clarification of Rear Boundary Setbacks for Building Envelopes

Table 6.2(c) 'Minimum Boundary Setbacks' of the HDCP sets out the minimum setbacks required for a building envelope in the context of residential lands subdivision. The table stipulates that the minimum rear boundary setback for building envelopes is 5 metres.

This is inconsistent with Figure 6.2(c) of the HDCP which illustrates a minimum rear boundary setback of 3 metres. It is also inconsistent with Table 3.1.2(a) 'Minimum Boundary Setbacks', which prescribes minimum building setbacks for dwelling houses and requires a 3 metre minimum rear boundary setback for single storey dwellings.

It is recommended that Table 6.2(c) of the HDCP be amended to be consistent with Figure 6.2(c) and Table 3.1.2(a) as outlined in the draft DCP amendments attached to this report.

Increased Total Floor Area for Rural Secondary Dwellings

Part 2.2.7 'Secondary Dwellings' of the HDCP provides prescriptive measures for the development of secondary dwellings on rural land within the Shire.

In 2021, Council had the opportunity to implement one of the draft recommendations of the Rural Lands Study, namely that secondary dwellings in rural areas are permitted up to a maximum square metre size, regardless of the size of the principal dwelling.

Based on a new clause inserted into the Standard Instrument by the Department of Planning and Environment, at its meeting on 14 April 2021, Council resolved to endorse an amendment to include a new Clause 5.5 to permit the total floor area of a secondary dwelling on land in a rural zone to be up to 120 square metres or 33% of the total floor area of the principal dwelling.

This has created an inconsistency with prescriptive measure 2.2.7(a) of the HDCP, which retains the previous maximum floor area of 60m². It is recommended that prescriptive measure 2.2.7(a) of the HDCP be amended to be consistent with the HLEP, as outlined in the draft HDCP amendments attached to this report.

CONSULTATION

The draft HDCP amendments were provided to CoP officers for review, and they confirmed in September 2022 that no objections are raised to the proposed amendments. As per standard practice, CoP will be formally notified at commencement of the exhibition.

The Hornsby Community Engagement Plan (CEP) prescribes that amendments to the HDCP should be exhibited to the community for a minimum period of 28 days. The CEP also prescribes that the consultation strategy for any strategic planning policy or plan will vary depending on the urgency, scale and nature of the project and anticipated level of community interest.

It is recommended that the draft HDCP amendments attached to this report be placed on public exhibition for 28 days through advertisement on Council's website under 'Your Say Hornsby'.

BUDGET

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

POLICY

The proposed housekeeping amendments to the HDCP aim to implement some of the recommendations within the Hornsby Employment Land Study, to clarify the intent of urban subdivision controls and to achieve consistency with the HLEP. Following the exhibition of the draft amendments, a report would be presented to Council for consideration of submissions. Subject to Council's endorsement, the draft amendments would be incorporated into the HDCP and come into force once published on Council's website.

CONCLUSION

This report seeks Council endorsement to exhibit draft housekeeping amendments to the HDCP to implement some of the recommendations within the Hornsby Employment Land Study, to clarify the intent of urban subdivision controls and to achieve consistency with the HLEP. It is recommended that the draft HDCP amendments be exhibited on Council's website for 28 days. Following exhibition, a report on submissions will be presented to Council.

RESPONSIBLE OFFICER

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

JAMES FARRINGTON

Director - Planning and Compliance

Planning and Compliance Division

Attachments:

1.  HDCP Housekeeping Amendments for Exhibition November 2022

File Reference: F2013/00498
Document Number: D08497733

ITEM 5

6 REPORTING VARIATIONS TO DEVELOPMENT STANDARDS

EXECUTIVE SUMMARY

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

RECOMMENDATION

THAT the contents of Director's Report No. PC23/22 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 July to 30 September 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 July to 30 September 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 July to 30 September 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 - July-Sept 2022

File Reference: F2022/00271

Document Number: D08511382

8 MAYOR'S NOTES 01 OCTOBER 2022 TO 31 OCTOBER 2022

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

Saturday 1st October 2022 – On behalf of the Mayor, Councilor Pillamarri attended the Durja Puja 2022 - Sharodiya Durgotsov Hindu Event at Cherrybrook Community Centre in Cherrybrook.

Wednesday 5th October 2022 – The Mayor hosted four Citizenship Ceremonies in the Council Chambers at Hornsby Shire Council in Hornsby.

Wednesday 5th October 2022 – On behalf of the Mayor, Deputy Mayor, Councillor Tilbury, attended the Ku-ring-gai Police Area Command Awards Ceremony at Asquith Leagues Rugby Club in Waitara.

Saturday 8th October 2022 – The Mayor attended the Hornsby Musical Society's performance of Nickelodeon's The SpongeBob Musical at Hornsby RSL in Hornsby.

Monday 10th October 2022 – The Mayor attend The Centre for Volunteering Upper North Shore Regional Volunteer of the Year Awards at Hornsby RSL in Hornsby.

Friday 14th October 2022 – The Mayor attended Unveiling Ceremony for the Blue Plaque commemorating Dr Mark Lidwill at The Arden School in Beecroft.

Saturday 15th October 2022 – The Mayor attended Attend LINC (Love in the Name of Christ) Hornsby Region AGM at Northern Baptist Church in Hornsby.

Wednesday 19th October 2022 – The Mayor attended the Official Opening of Kokoda Residences – 'Jessie's Place' in Waitara.

Wednesday 19th October 2022 – The Mayor attended the Hornsby Ku-ring-gai Local Business Awards Gala Presentation Evening at Hornsby RSL in Hornsby.

Thursday 20th October 2022 – The Mayor attended a Planting Tree Ceremony for The Queens Platinum Jubilee Program in the Village Green at the Sydney Adventist Hospital in Wahroonga.

Saturday 22nd October 2022 – The Mayor attended St Patrick's Catholic School Fete at St Patrick's Catholic School in Asquith.

Saturday 22nd October 2022 – The Mayor attended the Ladies Division. Tennis NSW Premier League - Superb Tennis at Mills Park in Asquith.

Saturday 22nd October 2022 – On behalf of the Mayor, Councillor McIntosh and Councillor McClelland attended and handed out Awards to the recipients of the Hornsby Arts Prize 2022 at Wallarobba House in Hornsby.

Sunday 23rd October 2022 – The Mayor attended the Inala Fair 2022 at Inala School in Cherrybrook.

Thursday 27th October 2022 – On behalf of the Mayor, Councillor Waddell attended the KU Grevillea Preschool - 50th Anniversary Celebrations at KU Grevillea Preschool in Hornsby Heights.

Saturday 29th October 2022 – The Mayor attended 'Go for Broke' – Ride for Depression - a Cycle Race from Berowra to Broke commencing at Berowra Christian School in Berowra.

Saturday 29th October 2022 – The Mayor attended the Galston500 - Endurance Mini Train Event - Multiple Sclerosis Fundraiser at Galston Valley Railway in Galston.

Saturday 29th October 2022 – The Mayor attended the India Club Iconic Diwali May 2022 ~ Celebrating "Community Harmony & Social Cohesion" Event at Castle Grand Pioneer Hall in Castle Hill.

File Reference: F2004/07053

Document Number: D08519830

ITEM 8

9 COUNCIL SUPPORT FOR SYDNEY WORLDPRIDE 2023 - LOCAL ACTIVITIES IN HORNSBY SHIRE

COUNCILLOR MCCLELLAND TO MOVE

THAT:

1. Council note the Sydney WorldPride 2023 Festival is being held between February 17 and March 5, 2023, providing local educational and community opportunities in and around Hornsby Shire to raise awareness of and celebrate the diversity in our community.
2. Council show its support for the local LGBTQIA+ community and liaise with stakeholders for the Sydney WorldPride 2023 with a view to aligning currently planned and budgeted for events, activations and activities within the Hornsby LGA with World Pride 2023.
3. Council write to Local MP Matt Kean, Member for Hornsby seeking State Funding and statement of support for local events.
4. When developing its Social Plan, Council seeks to engage with the LGBTQIA+ community amongst others to ensure that the Social Plan reflects the diversity of our community.

Note From Councillor

Hornsby should be known as a place where all people in the LGBTQIA+ community feel safe, supported, respected, and equal.

We must take this enormous opportunity (Sydney WorldPride 2023) to celebrate the diversity in our community. We must come together and participate in a global movement.

Through consultation, inclusion and conversation, Council must demonstrate our commitment to our LGBTQIA+ residents long term.

Councillor Sallianne McClelland

BACKGROUND

Gather, Dream, Amplify

In 2023, Sydney Mardi Gras and Sydney WorldPride unite to present a truly global LGBTQIA+ pride festival – the very first in the Southern Hemisphere.

Sydney WorldPride is a Mega Mardi Gras taking place from 17 February to 5 March 2023.

The theme for the festival, GATHER, DREAM, AMPLIFY, was developed in partnership with our extraordinary First Nations and LGBTQIA+ communities. It acknowledges the traditional custodians of Australia and represents our commitment to equality and inclusion.

WorldPride is a global event licensed by InterPride, which is awarded to a major host city every 2-3

years. Like the Olympics, cities bid to host the event. As part of next year's festival, Sydney WorldPride will deliver a comprehensive program of arts, culture and festivals designed to engage global LGBTQIA+ audiences.

Sydney WorldPride will be the first to be held in the Southern Hemisphere and for 17 glorious days Sydney WorldPride will celebrate the brightest and boldest from the LGBTQIA+ community. It will be a global Pride festival, showcasing the beautiful diversity of Australia and the Asia-Pacific region, and is expected to attract nearly 1 million people.

The year 2023 will mark Australia's 50th anniversary of the first Gay Pride Week (which took place in Adelaide in 1973), the 45th anniversary of the first Mardi Gras Parade and 5th year anniversary of Australian marriage equality.

OPPORTUNITY

Council has an opportunity to show its support for the local LGBTQIA+ community by aligning several of its currently budgeted for events and activations next year with World Pride 2023.

Opportunities could include (but not limited to):

- Showing support for WorldPride Council's website.
- Theming of a Food Truck Friday event(s) in Hornsby Mall.
- Use Digital signage on the Hornsby Footbridge, Mall Digital Kiosks.
- Lighting Hornsby Mall with rainbow colours during the 17 days of World Pride. New lighting infrastructure is being installed in Hornsby Mall via an NSW Government Grant that would enable themed lighting across the 17 days of WorldPride.
- Scheduling an Author Talk at the Library to coincide with WorldPride 2023.
- Inviting local organisations, businesses and schools that wish to organise events, activations to list them on Council's events webpage.
- Schedule a Hello Hornsby session for seniors who identify as LGBTQIA+ or perhaps have children or grandchildren that do.
- Hornsby Rainbow Stairway – applying coloured decals to the stair risers leading from the Mall to Hornsby Station.
- When developing its Social Plan, Council seeks to engage with the LGBTQIA+ community amongst others to ensure that the Social Plan reflects the diversity of our community. Council's Operational Plan includes a key initiative to develop a social plan across the 22/23 and 23/24 financial years.

I am aware through discussions with others in the community that with Council demonstrating leadership in this way that there would be potential for others to put on local events and activities such as:

- Chaired Panel Discussion.
- Musical Production.

While Sydney WorldPride 2023 is a 17-Day event, outside of the Festival, Council can also

incorporate inclusive actions during focus months such as:

- April – Focus on Youth could include either a session for teens to celebrate differences they might otherwise keep hidden or a session for parents who are taking this journey with their children and are looking for support.
- July - NAIDOC Week celebrations should include the opportunity for our local indigenous rainbow community to gather and amplify their place in our community.

Gather Dream Amplify is not just a theme, it is a calling. We must gather in person. We must all listen deeply, be open to learning new things, to take action and celebrate the diversity that is Hornsby our Bushland Shire.

First Nations Peoples, People of Colour, Seniors, Women, Youth, people with a disability, Transgender and Gender diverse people all call Hornsby our Bushland Shire, their home and have a right to feel safe, supported and included.

Attachments:

There are no attachments for this report.

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