



BUSINESS PAPER

GENERAL MEETING

**Wednesday 14 February 2024
at 6:30PM**



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AGENDA AND SUMMARY OF RECOMMENDATIONS

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."

PRESENT

NATIONAL ANTHEM

OPENING PRAYER/S

ACKNOWLEDGEMENT OF RELIGIOUS DIVERSITY

Statement by the Chairperson:

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

VIDEO AND AUDIO RECORDING OF COUNCIL MEETING

Statement by the Chairperson:

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

APOLOGIES / LEAVE OF ABSENCE

POLITICAL DONATIONS DISCLOSURE

Statement by the Chairperson:

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

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

DECLARATIONS OF INTEREST

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

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

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

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

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

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

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

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

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

CONFIRMATION OF MINUTES

THAT the Minutes of the General Meeting held on 13 December, 2023 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 GM3/24 DECEMBER 2023 PERFORMANCE REPORT ON THE 2023-2026 DELIVERY PROGRAM AND QUARTERLY BUDGET REVIEW STATEMENT

RECOMMENDATION

THAT the:

1. December 2023 Performance Report showing progress of the 2023-2026 Delivery Program including the 2023/24 Operational Plan and Budget, be received and noted.
2. Quarterly Budget Review Statement for the period ending December 2023 be received and noted.

CORPORATE SUPPORT DIVISION**Page Number 12****Item 2 CS2/24 INVESTMENTS AND BORROWINGS FOR 2023/2024 - STATUS FOR THE PERIOD ENDING 30 NOVEMBER 2023 AND 31 DECEMBER 2023****RECOMMENDATION**

THAT the contents of Director's Report No. CS2/24 be received and noted.

Page Number 15**Item 3 CS3/24 ELECTION OF DEPUTY MAYOR****RECOMMENDATION**

THAT:

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

Page Number 19**Item 4 CS4/24 COUNCILLOR EXPENSES AND FACILITIES POLICY - REPORTING REQUIRED BY SECTION 15 OF THE POLICY****RECOMMENDATION**

THAT Council note that details regarding the provision of Councillor expenses and facilities for the period from 1 July 2023 to 31 December 2023 have been tabled in accordance with the Councillors' Expenses and Facilities Policy.

COMMUNITY AND ENVIRONMENT DIVISION**Page Number 25****Item 5 CE3/24 CORRECTING THE NAMING OF FORSTERS RESERVE, MIDDLE DURAL**

RECOMMENDATION

THAT a proposal to correct the spelling of 'Forsters' to 'Fosters' Reserve and Waterhole, Middle Dural be submitted to the Geographical Names Board of New South Wales.

PLANNING AND COMPLIANCE DIVISION**Page Number 28****Item 6 PC1/24 REPORT ON SUBMISSIONS – RURAL LANDS PLANNING PROPOSAL****RECOMMENDATION**

THAT:

1. Council progress the Rural Lands Planning Proposal, attached to Director's Report No. PC1/24 to the LEP plan making stage for finalisation.
2. Council approve the draft amendments to the Hornsby Development Control Plan, as attached to Director's Report No. PC1/24.
3. Notification of the approved amendments be published on Council's website and submitters be advised of Council's decision.

Page Number 34**Item 7 PC3/24 LOW AND MID-RISE HOUSING REFORMS****RECOMMENDATION**

THAT Council make a submission in response to exhibition of the *Explanation of intended effect: Changes to create low and mid-rise housing* outlining Council's:

1. Concerns and recommendations outlined in Director's Report No. PC3/24 including the absence of local planning, density of development permitted under the controls, impacts on character, heritage, natural environment and tree canopy loss, infrastructure and risks of over development in hazard areas.
2. Commitment to facilitate the delivery of a diverse range of housing as detailed in Hornsby Local Housing Strategy 2020.
3. Current preparation of a local medium density housing strategy and request the opportunity to progress Council's own local strategy that responds to the character of our area and community expectations to gain exemption from the proposed changes.
4. Willingness to continue to investigate opportunity for appropriate housing delivery in the future, should a medium density housing target be identified.

Page Number 49**Item 8 PC4/24 HORNSBY LOCAL PLANNING PANEL - INTERIM PANEL CHAIRS**

RECOMMENDATION

THAT:

1. Council appoint Penny Holloway, Alison McCabe, Elizabeth Kinkade, Anthony Hudson, Stephen Leathley, Michael Leavey and Heather Warton as interim Panel Chairs on the Hornsby Local Planning Panel until 30 June 2024.
2. The Department of Planning, Housing and Infrastructure and Environment be advised of Council's resolution.
3. Council write to the outgoing Panel Chairs and technical experts acknowledging their service on the Hornsby Local Planning Panel.

INFRASTRUCTURE AND MAJOR PROJECTS DIVISION**Page Number 54****Item 9 IM1/24 GALSTON VILLAGE PUBLIC DOMAIN PLAN****RECOMMENDATION**

THAT:

1. Council adopts for public exhibition the *draft Galston Village Public Domain Plan* for a minimum period of twenty-eight (28) days.
2. A further report to be presented to Council following the public exhibition considering any comments received.

PUBLIC FORUM – NON AGENDA ITEMS**QUESTIONS WITH NOTICE****MAYOR'S NOTES****Page Number 60****Item 10 MN1/24 MAYOR'S NOTES 01 DECEMBER 2023 TO 31 JANUARY 2024****NOTICES OF MOTION****Page Number 62****Item 11 NOM1/24 MURALS ON PUBLIC INFRASTRUCTURE IN MOUNT KURING-GAI AND BEROWRA****COUNCILLOR TILBURY TO MOVE**

THAT:

1. Council write to the Minister for Transport and Transport for NSW seeking its permission for a mural to be painted on the Pacific Highway pedestrian overpass at Mount Kuring-Gai and or the side of the Mount Kuring-Gai road bridge.
2. Council write to the Minister for Water and Sydney Water seeking its permission for a mural to be painted on the Berowra Waters Road reservoir.
3. Subject to the agreement of either Sydney Water or Transport for NSW for murals to be painted on their assets, that Council work with local community groups that have previously expressed an interest in funding the cost of providing the mural(s).
4. Council work with local primary schools to encourage submissions for proposed mural(s) themes.

SUPPLEMENTARY AGENDA**MATTERS OF URGENCY**

1 DECEMBER 2023 PERFORMANCE REPORT ON THE 2023-2026 DELIVERY PROGRAM AND QUARTERLY BUDGET REVIEW STATEMENT

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 December 2023 Performance Report showing progress of the 2023-2026 Delivery Program including the 2023/24 Operational Plan and Budget, is attached for Council's consideration.
- Progress against the adopted 2023-2026 Delivery Program including the 2023/24 Operational Plan and Budget, and the operational performance of the organisation has been in line with the service delivery standards adopted by Council.
- The 2023/24 Original Budget forecast a surplus at 30 June 2024 of \$40K. The September 2023 Review reduced the surplus by \$1K to \$39K whilst this December 2023 Review recommends no budget changes.
- 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.

RECOMMENDATION

THAT the:

1. December 2023 Performance Report showing progress of the 2023-2026 Delivery Program including the 2023/24 Operational Plan and Budget, be received and noted.
2. Quarterly Budget Review Statement for the period ending December 2023 be received and noted.

PURPOSE

The purpose of this Report is to present for Council's consideration the December 2023 Performance Report showing progress of the 2023-2026 Delivery Program including the 2023/24 Operational Plan and Budget, as required under section 406 of the Local Government Act 1993 and the Integrated Planning and Reporting Guidelines, September 2021. Details within the Performance Report cover the six-month period 1 July to 31 December 2023. The Performance Report includes Council's Consolidated Budget Summary as at December 2023.

BACKGROUND

On 28 June 2023, Council adopted the 2023-2026 Delivery Program including the Operational Plan and Budget 2023/24. The Delivery Program and Operational Plan set out the manner in which Council intends to deliver services and measure performance. 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 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 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 in commentary under each Focus Area within the attached Performance Report. Key Initiatives and Capital Projects Completed, On Hold or Needing Attention are listed under their relevant section, as well as any extra projects that have been added including Special Rate Variation (SRV) initiatives.

The December 2023 Performance Report (Attachment 3.) contains commentary and shows progress on annual and quarterly measures across the 16 Focus Areas which will help deliver on the community's long-term goals and are aligned to the Strategic Directions and Themes in our Community Strategic Plan, *Your vision | Your future 2032*.

The Report also contains updates on Major Projects, which are further detailed below in the Budget Section, and operational highlights which include:

LIVEABLE

- Friday at the Fountain event held 24 November to celebrate Hornsby Mall fountain clock turning 30.
- Hornsby Art Prize held in October with a record-breaking 610 entries across seven Australian states and territories.
- Heritage Interpretation Strategy and Action Plan endorsed by Council November 2023.

SUSTAINABLE

- Electric vehicle fast charger installed in Dural Street Car Park December 2023.
- Hornsby Council top mobile phone recycler in Australia for fifth consecutive year.

- Street Lighting Improvement Program (in partnership with Southern Sydney Regional Organisation of Councils) received 2023 LGNSW Excellence in the Environment Award for sustainable infrastructure.
- Hornsby Ku-ring-gai Bush Fire Risk Management Plan approved October 2023.

PRODUCTIVE

- Coronation StrEat! Project launching event held 1 December 2023.
- Consultant engaged to produce a Destination Management Plan for the Shire.

COLLABORATIVE

- Hornsby Town Centre Master Plan adopted by Council November 2023.
- Quarterly news booklet 'Our Council' Spring and Summer editions produced and distributed to all residents.
- 2022-2023 Annual Report endorsed by Council November 2023.

CAPITAL PROJECTS

- Completion of 28 capital projects, including the Galston Aquatic and Leisure Centre upgrades with Centre reopening on 15 December 2023.

BUDGET COMMENT

This Review includes the second quarter results for 2023/2024 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 \$3.2 million or approximately 3% 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 2024.

The 2023/24 Original Budget forecast a surplus at 30 June 2024 of \$40K. It should be noted that a deficit was first forecast in the Long Term Financial Plan (LTFP) for 2023/24 due to the initial cashflow timing of Special Rate Variation (SRV) income compared to projected expenditure in the first year of implementing the SRV. To address this cashflow timing in the first year, a transfer of \$2.5 million from Council's Capital Projects Restricted Asset account was allocated to balance the budget to a forecast surplus of \$40K at 30 June 2024. The amount borrowed will be repaid from cash surpluses forecast in 2024/25 and 2025/26 in the SRV scenario of Council's LTFP.

The September 2023 Review reduced the surplus by \$1K to \$39K whilst this December 2023 Review recommends no budget changes.

As noted in General Manager's Report GM38/23 – June 2023 Performance Report on the 2022 – 2026 Delivery Program and Quarterly Budget Review Statement (considered at the 13 September 2023 General Meeting) the 2022/23 capital works program was partially completed due to a number of external factors including 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. Capital projects that were not completed were carried forward to the 2023/24 financial year in the September 2023 Review, whilst noting the need to consider the adequacy of Council resources to deliver works carried forward in addition to the already ambitious capital works program planned for 2023/24.

Advice continues to be sought from project managers in respect to this issue with confirmation that most capital works can be completed subject to weather and/or supply chain issues, with minor budget reductions made to reflect revised timelines for some projects within this review. This review also includes adjustments to the capital works program to incorporate the budget for the remediation of Council's Administration Centre from restricted funds set aside previously, as noted within the Major Projects section of this report. The result is an overall increase in the total capital projects budget of \$5.7 million from \$86.2 million to \$91.9 million with detail of the revised Capital Works Program included in this report as Attachment 2 – Revised Capital Works Program 31 December 2023. The General Manager has requested that each Division continue to review their operational capacity to deliver the revised capital works program throughout the year, with further revisions to be made in the March 2024 Review if required.

Foxglove Oval

As noted in Director's Report CS72/23 – 2023/24 Budget – September 2023 Quarter Review (considered at the 8 November 2023 General Meeting) there is a risk that the future cost of landfill remediation works at Foxglove Oval may exceed the balance on hand in Council's Domestic Waste Management externally restricted asset reserve of approximately \$3.1 million.

If this situation occurs it would be financially prudent to borrow funds from Council's Capital Projects restricted asset account, with the amount borrowed to be repaid over future years from Domestic Waste Annual Charges. In this regard it is noted that Council is in a stable financial position with sufficient working funds to cover an internal loan of this nature.

The relevant Director and Project Manager are currently obtaining quotes for the works required and the total estimated cost together with the details. Any necessary internal loan arrangement will be reported back at a future Quarterly Review.

Special Rate Variation – Strategic Initiatives

Following the success of Council's application for a Special Rate Variation the budget includes \$6.4 million to implement previously unfunded initiatives identified in a number of strategic and technical documents endorsed by Council and desired by the community. The SRV includes similar allocations for the next 10 years that will deliver an extensive program of priority projects to the community.

IPART's approval came at the end of the previous financial year on 14 June 2023 with the first year SRV increase subsequently adopted by Council on 28 June 2023 in General Managers Report GM20/23, Adoption of Council's 2023 – 2026 Delivery Program including the Operational Plan 2023/24 (Incorporating the Budget, rating Structure and Fees and Charges for 2023/24).

Since then, Council Officers have developed an internal governance process to ensure that SRV funds can only be allocated in accordance with the program of works included in Council's application, and to ensure that the detailed program of works included in the budget commences with the highest priority projects out of all available options for each strategic initiative. Council's Executive Leadership Team (ELT) are responsible for the endorsement of projects and SRV funds are only released after this endorsement has been received. At the 31 December the following projects have been endorsed by the ELT:

Prioritised stormwater upgrades:

- \$1 million – Larool Creek drainage upgrade (with \$1 million of funding also available within Council's Asset Management Plans).
- Community climate change mitigation and adaptation.

- \$160K - Employment of an Emergency Management Coordinator and development of a Community Resilience Program.
- Hello Hornsby.
- \$80K - To provide a range of activities for seniors, youth, families and communities, and people living with a disability.
- Renew Our Public Amenities.
- \$300K - Female friendly toilets and improved amenities at Montview Oval (with \$240K of grant funding also available).
- Improve sportsgrounds change rooms.
- \$300K - Improved changerooms and public toilets at Greenway Park.

The endorsement of further priority projects is expected during the second half of the financial year. However, the late approval of the SRV by IPART has meant that the project planning required to ensure the most efficient and effective use of the SRV funds will cause a delay to the delivery of projects in the first year. Further updates will be provided in future quarterly reviews and unspent SRV funds on 30 June 2024 will be restricted and carried forward to future years to ensure adherence with the 10-year expenditure program and the conditions of IPART's approval. Detailed reporting will also be included in Council's Annual Report each year.

Geelans Road, Arcadia

Council Officers have been monitoring the impact of increased heavy vehicle traffic on Geelans Road, Arcadia following a mandate by the NSW Environment Protection Agency for an adjoining property owner to remove contaminated material from their site.

Previously, potholes and minor damage caused by this increased heavy vehicle traffic have been remediated on a reactive basis. However, the condition of the road surface is expected to deteriorate further as the removal of material from the site continues.

Council Officers are currently reviewing options to stabilise all or part of the road, which will be reported back at a future Quarterly Review. Depending on the estimated cost of the preferred option project substitution from Council's existing capital works program may be referred to Council for consideration.

BUDGET – MAJOR PROJECTS

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

- **Hornsby Park – from Quarry to Park** – This project involves the redevelopment of the abandoned Hornsby Quarry and 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, for which a budget of \$30 million has been allocated, has been continuing. These works will create the final landform for the site and address site wide stability issues. \$5 million of the project budget has also been allocated for the 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 31 December 2023 (excluding the acquisition costs of \$25.1 million), including vegetation communities is \$38.615 million. Year to date expenditure to 31 December 2023 is \$6.146 million compared to a year-to-date budget of \$10.6 million. The variance is due to the rejection of the canopy skywalk RFT and the revised program of works following the deferred awarding of tenders for the embellishment of the Park, noting that a number of contracts have now been awarded with work to commence in the coming weeks. Currently, \$50 million of funding is available from the NSW Government's Stronger Communities Fund provided in June 2018, and 100% of the grant (including interest earned to date) 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 significantly above the total level of funding available. 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.

At the 8 March 2023 General Meeting (in Deputy General Manager's Report No. IM2/23 – Hornsby Park), Council resolved to identify a preference to prioritise the delivery of the canopy skywalk ahead of other embellishment components of the Park, subject to available funds. Dependent upon the bulk earthworks and site rehabilitation being completed within the budget allocated for this component, there is a total remaining budget of \$27.9 million for embellishment projects.

At the 23 August 2023 General Meeting (in Director's Report No. IM4/23 – Hornsby Park - Stage 1 Embellishments – Tenders) Council resolved to decline to accept any tenders under the canopy skywalk RFT, proceed with direct negotiations for RFTs relating to enabling services and the Crusher Plant Platform and to accept quotations relating to the Crusher Plant administration building. Council also endorsed the development and delivery of tracks and trails and the North-Western, Western and Southern Lookouts.

The redevelopment of the site is Council's largest project and creates a significant financial risk because of its size compared to Council's overall budget. The Long-Term Financial Plan and SRV (approved by IPART) do not provide any further capital funding for the project over the next 10 years, therefore expenditure must be contained within the amount of external funding available.

To protect Council from cost escalations it will be financially prudent to follow a number of mitigation strategies as the redevelopment of the site progresses:

- The allocation of a 30% contingency for all components of the project, noting ongoing challenges in the external environment, including inflationary price increases, and supply side shortages for materials and labour, as well as recent severe weather events and natural disasters in the Hornsby LGA.
- Staging the scope of works over time is recommended, by splitting the project into components with separate budgets. Some components would start only after others have been completed, with the budget available for later components being adjusted

based on remaining budget available at the time, with appropriate contingency provisions.

- Contracts to include suitable termination clauses to provide the option of ceasing work if costs escalate.
 - The establishment of a project governance committee to oversee the project and approve when work on components can commence.
- **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 2021 Council meeting to undertake further engagement on a range of matters prior to further considering the draft conceptual master plan. This engagement was completed in early 2023. A revised Master Plan and Plan of Management was placed on public exhibition at the 8 March 2023 General Meeting. The Master Plan and Plan of Management were adopted at the 14 June 2023 General Meeting. At the 13 September 2023 General Meeting Council provided owners consent for the lodgement of a Development Application which was duly lodged on 22 September 2023. The total life to date expenditure to 31 December 2023 on this project (excluding the acquisition costs of \$21 million funded by development contributions) is \$5.532 million. Financial year to date expenditure at 31 December 2023 is \$864K, compared to a year to date budget of \$1.128 million.

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 20% 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.

- **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, funded from development contributions.

Upgrade works on Peats Ferry Road, Asquith 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.

Design works are underway for Asquith to Mt Colah which will be undertaken in two stages from Amor Street to Parklands Avenue. Stage 1 from Amor Street to Yirra Road is well underway with public domain and civil design completed. It is anticipated works will commence on stage 1 in early 2024 and design for Stage 2 from Yirra Road to Parklands Avenue commencing in parallel. This corridor aims to provide improvements including wider footpaths and landscaping along the Pacific Highway and the construction of pedestrian refuges at selected locations, with the agreement of TfNSW.

The total life to date expenditure to 31 December 2023 on this project is \$4.922 million out of a budget of \$9.3 million. Year to date expenditure at 31 December 2023 is \$257K compared to a year to date budget of \$1.25 million. The variance is due to delays securing approvals to improve street lighting and decommission a water main between Asquith Bowling Club and Hookhams corner as well as staging design and construction for Asquith to Mt Colah to ensure value for money for this section can be achieved.

- **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 from pre-tender estimates 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 budget. 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 considered 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 from \$5.6 million to \$7.1 million. This 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 December 2022/23 Quarterly Review included a further increase to the budget of \$0.5 million from \$7.1 million to \$7.6 million to provide for ongoing supply chain challenges and an increased cost in materials and labour caused by recovery following the COVID-19 pandemic and the war in Ukraine.

The Galston Aquatic and Leisure Centre reached practical completion in November 2023 and a soft opening to the public occurred on 15 December 2023. The grand opening for the Centre is scheduled for Saturday 3 February 2024.

The total life to date expenditure to 31 December 2023 on this project is \$7.347 million out of a budget of \$7.6 million.

- **Remediation of Council Administration Centre** - Whilst the removal of asbestos (to obtain a clearance certificate from an occupational hygienist) in relation to 296 Peats Ferry Road was being completed over the COVID period, the opportunity was undertaken to concurrently complete a review of options for the long-term location of Council's main administration

building. Options that were reviewed in detail have included extension of the lease at the current temporary site in Thornleigh, construction of a new premises at an alternate site within Hornsby as part of a broader development of an existing Council property, demolition and reconstruction of the existing administration building, as well as a refurbishment of the existing building. Opportunities to seek alternate commercial uses of the existing building were also pursued. Ultimately the option that is most effective and efficient for Council is to refurbish the existing site as a medium to long term location for Council's main offices.

The age of the building and lack of ongoing investment over an extended period into base services such as mechanical ventilation, fire, access, and other matters of building compliance have resulted in considerable base building works being required prior to the actual refurbishment of office space for Council teams. Significant portions of the existing fit out have been removed as a result of the asbestos contamination of the building, and remaining areas are not suitable for a contemporary and appealing workspace for staff.

The notion of a contemporary workplace has also considerably changed over recent years, with hybrid working arrangements available to many staff, and consequently the needs of the work environment have also evolved, including a substantially increased reliance on technology. The organisation's total space needs are now less than previous, and a proposal has been developed that will create a modern working environment and potentially (subject to appropriate development consent) provide for significant access to community space that is not currently available to, but is required by, our community.

A plan to deliver a significant community space and to prepare and fit out the offices for staff habitation has been developed by the project team. At 31 December 2023, the fitout had reached 50% completion with the planned relocation to occur in March 2024. To assist with funding the project, the March 2023 Budget Review sought substantial savings from across the organisation. Each Division of Council undertook a review of operational budgets to identify savings and efficiencies to contribute towards the cost of the refurbishment. An amount of \$2 million in savings was identified and transferred to an internal restricted asset reserve for this refurbishment project as noted in Director's Report No. CS21/23 – (considered at the 10 May 2023 General Meeting). A better than forecast budget surplus achieved at 30 June 2023 also saw an additional \$3 million allocated to the project, as noted within General Manager's Report GM38/23 considered at the 13 September 2023 General Meeting.

The project team progressing this matter have determined that it would be prudent to allocate a total budget of \$14 million for the refurbishment, inclusive of a market tested contingency. Council Finance Officers were provided with this total budget from the project team and requested to determine the allocation of funding towards this project.

The funding approach to achieve the total budget submitted by the project team includes the following components with the total capital budget reflected within this Review:

\$2 million in divisional cost savings identified in the March 2023 Review.

\$3 million from the better than forecast budget surplus at 30 June 2023.

\$5 million from reactive budgets for asset renewals, substituted over a number of years.

\$3.1 million from Council's Employee Leave Entitlements (ELE) Restricted Asset Reserve, with this amount is to be repaid over future years.

\$0.9 million external grant funding from the federal government.

An internal restricted asset account has been created for the project with the funding identified transferred to the account.

It is anticipated that future financial surpluses identified in Council's Long Term Financial Plan be prioritised towards reinstating previous levels of the ELE Restricted Asset Reserve and asset renewal reactive budgets.

BUDGET

This Report provides the December 2023 Quarter Review of the 2023/24 Operational Plan (Budget), which, if adopted, will achieve a forecast surplus at 30 June 2024 of \$39k. The predicted Budget result at 30 June 2024 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 due to the timing of income and expenses in the first year of the SRV, noting that the SRV is forecast to provide sufficient operating capacity in future years as forecast in Council's LTFP.

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 December 2023 Performance Report and quarterly budget review demonstrate that Council remains in a stable position to deliver local services and facilities in a financially responsible manner at 31 December 2023.

RESPONSIBLE OFFICERS

The officers responsible for preparation of this Report are the 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 31 December 2023
2.  Revised Capital Works Program 31 December 2023
3.  December 2023 Performance Report

File Reference: F2023/00012
Document Number: D08799672

ITEM 1

2 INVESTMENTS AND BORROWINGS FOR 2023/2024 - STATUS FOR THE PERIOD ENDING 30 NOVEMBER 2023 AND 31 DECEMBER 2023

EXECUTIVE SUMMARY

- This Report provides details of Council's investment performance for the period ending 30 November 2023 and 31 December 2023 as well as the extent of its borrowings at the end of the same periods.
- 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 November 2023 of 6.61% which includes a positive yield of 32.46% from TCorp Managed Funds.

The portfolio achieved an annualised return for December 2023 of 6.73% which includes a positive yield of 33.38% from TCorp Managed Funds.
- On a financial year to date basis the portfolio achieved an annualised return of 4.90% at 31 December 2023 which includes a yield of 8.10% from TCorp Managed Funds.

RECOMMENDATION

THAT the contents of Director's Report No. CS2/24 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 November 2023 and 31 December 2023 is detailed in the attached document. In summary, the portfolio achieved an annualised return for November 2023 of 6.61% and December 2023 of 6.73%.

On a financial year to date basis the portfolio achieved an annualised return of 4.90% at 31 December 2023 which includes a yield of 8.10% from TCorp Managed Funds.

The Borrowings Schedule as at 30 November 2023 and 31 December 2023 is attached for Council's information, noting that Council became debt free on 1 July 2023 with no loans entered into since. The Borrowings Schedule also discloses future lease repayments for various items of plant and equipment.

BUDGET

Budgeted investment income for the year is \$9,823,719 with an average budgeted monthly income of \$818,643. Net investment income for the month ended 30 November 2023 was \$1,560,713, which includes an unrealised gain of \$517,129 from TCorp Managed Funds. Net investment income for the month ended 31 December 2023 was \$1,654,424, which includes an unrealised gain of \$560,725.

Budgeted investment income year to date at 31 December 2023 was \$4,911,864. Total investment income year to date at 31 December 2023 was \$7,363,655 which includes a year-to-date unrealised net gain of \$893,729 from TCorp Managed Funds.

Approximately 50.02% 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. 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 November 2023 and 31 December 2023 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 November 2023
2.  HSC Borrowings Summary Report November 2023
3.  HSC Investments Summary Report December 2023
4.  HSC Borrowings Summary Report December 2023

File Reference: F2004/06987-02

Document Number: D08805447

3 ELECTION OF DEPUTY MAYOR

EXECUTIVE SUMMARY

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

RECOMMENDATION

THAT:

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

PURPOSE

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

BACKGROUND

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

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

Although Councillors no longer have the responsibility of electing the Mayor, it is still necessary for Council to decide whether or not to elect a Deputy Mayor and, if so, to determine the period of the term to be served by the Deputy Mayor. Council's latest decision in this regard was at the General Meeting held on 8 February 2023, when it considered Director's Report No. CS3/23 and elected Councillor Waddell as Deputy Mayor for the period February 2024.

DISCUSSION

The Role of Deputy Mayor

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

Period of Election of the Deputy Mayor

Under Section 231 of the Local Government Act, Councillors may elect a Deputy Mayor for the same period as the Mayoral term or for a shorter period. As Council's Mayor is popularly elected, the current Mayoral term is until the next local government elections, currently scheduled for September 2024. Council may, therefore, determine that a Deputy Mayor be elected for the period until September 2024 or for some shorter period e.g., six months. The practice at Hornsby Council has been to elect a Deputy Mayor for a 12-month period (September to September).

Method of Election

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

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

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

Preferential Ballot

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

Ordinary Ballot

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

Open Voting

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

Choosing by Lot

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

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

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

BUDGET

There are no budgetary implications associated with this Report.

POLICY

There are no policy implications associated with this Report.

CONCLUSION

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

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Manager, Governance and Customer Service – Steve 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.  Nomination Form - Deputy Mayor - February 2024

File Reference: F2004/07075

Document Number: D08811224

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

EXECUTIVE SUMMARY

- The Councillors' Expenses and Facilities Policy, which is modelled on the Office of Local Government's Better Practice Template, requires that a report on the provision of facilities and payment of expenses to Councillors is to be tabled at a Council Meeting at six monthly intervals.
- Council last considered the required report at the General Meeting of 9 August 2023.
- This report covers the 6-month period from 1 July 2023 to 31 December 2023. Details are provided of expenditure grouped according to specific categories, summarised by individual Councillor and as a total for all Councillors.
- It is recommended that Council note the contents of the Report.

RECOMMENDATION

THAT Council note that details regarding the provision of Councillor expenses and facilities for the period from 1 July 2023 to 31 December 2023 have been tabled in accordance with the Councillors' Expenses and Facilities Policy.

PURPOSE

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

BACKGROUND

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

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

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

Council last considered a report on Councillors' Expenses and Facilities at the 9 August 2023 General Meeting (Report No. CS48/23). In accordance with Section 15 of the Policy reporting takes place on a six-monthly basis. This Report includes expenses incurred in the 6-month period from 1 July 2023 to 31 December 2023.

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

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

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

ITEM 4

DISCUSSION

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

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

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

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

The table below provides the required information for the 6-month period from 1 July 2023 to 31 December 2023. Where an explanation or clarification is required about particular expenditures (marked with a * in the table), comments are provided in the text following the table.

It is noted that expenses incurred during the reporting period fall significantly under the allocation for each category and in total.

BUDGET

The categorisation and reporting of expenditure in respect of councillors' expenses and facilities in the manner required and presented within this Report assists with the monitoring of expenses for that provision within Council's adopted budget. The overall total expenses reported for the 6-month period from July 2022 to December 2023 of \$29,581 is considerably less than the total budget provision for the financial year. All expenses have been approved as required by the General Manager or other staff under delegation.

POLICY

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

CONCLUSION

The Councillors' Expenses and Facilities Policy requires details of expenditure and the provisions of facilities to Councillors, summarised by individual Councillor and expense category, as well as a total for all Councillors, to be presented to Council at an open meeting. The expenditure by Councillors for the period July 2023 to December 2023 is well within the budget provision and requirements of the Policy. This Report provides the relevant information as required by the Policy and ensures all statutory requirements are met.

RESPONSIBLE OFFICER

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

STEPHEN COLBURT
Manager, Governance and Customer Service
Corporate Support Division

GLEN MAGUS
Director - Corporate Support
Corporate Support Division

Attachments:

There are no attachments for this report.

File Reference: F2004/09552-02
Document Number: D08811231

5 CORRECTING THE NAMING OF FORSTERS RESERVE, MIDDLE DURAL

EXECUTIVE SUMMARY

- The Dural and District Historical Society approached Council in 2023 with information suggesting that 'Forsters' Reserve, Middle Dural was incorrectly spelled, and should in fact be 'Fosters' Reserve.
- Their research identifies that the reserve was named after John Williams Foster who previously owned the land (which is currently within Council's care and control), however after gazettal the reserve was incorrectly spelled 'Forsters' Reserve.
- To correct the name of the Reserve, Council would need to submit a proposal to the NSW Government Geographical Names Board. Council has received advice from the Geographic Names Board that noting that as this is a correction rather than renaming of the reserve, a public exhibition period is not required.
- This report recommends that Council submit a proposal to the Geographic Names Board to rectify the spelling of 'Forsters' Reserve and 'Forsters' Waterhole to Fosters Reserve and Fosters Waterhole.

RECOMMENDATION

THAT a proposal to correct the spelling of 'Forsters' to 'Fosters' Reserve and Waterhole, Middle Dural be submitted to the Geographical Names Board of New South Wales.

PURPOSE

The purpose of this Report is to seek a resolution of Council to correct the spelling of 'Forsters' reserve and 'Forsters' waterhole to 'Fosters' reserve and 'Fosters' waterhole.

BACKGROUND

Members of the Dural and District Historical Society approached Council in 2023 advising that the correct historical spelling of 'Forsters Reserve' and 'Forsters Waterhole' should in fact be 'Fosters Reserve' and 'Fosters Waterhole', and seeking that Council amend the name to reflect the correct spelling.

The NSW Government Geographical Names Board have advised that correcting the name would require a proposal to be submitted by Council following a formal resolution of Council.

DISCUSSION

The Dural and District Historical Society advise the reserve was named after John Williams Foster who previously owned the land which is currently within Council's care and control and is named 'Forsters' Reserve. Further, within the reserve exists the locally significant 'Forsters' Waterhole which was a popular swimming location for local residents and the surrounding community.

Advice provided by the Dural and District Historical Society note John Williams Foster (1843-1927) owned more than 200 acres of land in Middle Dural (including what is now 'Forsters' Reserve) from 1875 until approximately 1920. He did not live on this property until 1900 and resided at Castle Hill.

His large home at Castle Hill was called Southleigh. It stood on the land now occupied by St Gabriel's School and Gilroy College. In 1900 John Foster moved to his farm at Middle Dural and maintained an Orchard, with a flock of goats and was noted for his horse and carriage.

On 18 April 1958 part of portion 90 Parish North Colah (about 23 acres) was dedicated for Public Recreation. On 6 September 1965 about 4 acres was revoked and dedicated for a rubbish depot. Later in 1965, Sydney Electricity acquired an easement through the reserve to build infrastructure for the supply of electricity.

Given the information available regarding the history of the reserve, and the request of the Dural and District Historical Society for its correction; it is recommended that Council submit a proposal to correct the spelling of 'Forsters' Reserve and Waterhole to 'Fosters' Reserve and Waterhole.

CONSULTATION

In the preparation of this Report there was consultation with the Dural and District Historical Society who have provided information in support of the correct spelling of the reserve and waterhole.

The Geographic Names Board have also advised that noting the proposal would seek to correct the spelling of the reserve, a formal public exhibition would not be required.

BUDGET

There are no budgetary implications associated with this Report.

POLICY

There are no policy implications associated with this Report.

CONCLUSION

Following a request and information provided by the Dural and District Historical Society highlighting that 'Forsters' reserve and waterhole should in fact be spelled 'Fosters' reserve and waterhole, it is

recommended that Council submit a proposal to the Geographic Names Board to formalise the name as 'Fosters' reserve and waterhole.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Manager Environment – Dr Peter Coad - who can be contacted on 9847 6766.

PETER COAD
Manager - Natural Resources
Community and Environment Division

STEPHEN FEDOROW
Director - Community and Environment
Community and Environment Division

Attachments:

There are no attachments for this report.

File Reference: F2004/08086
Document Number: D08817021

6 REPORT ON SUBMISSIONS – RURAL LANDS PLANNING PROPOSAL

EXECUTIVE SUMMARY

- Council's Rural Lands Study (RLS) sets the strategic direction for managing rural lands into the future. The Study was finalised in June 2022, along with Action Plan A to implement Short Term Recommendations and Action Plan B to implement the Long Term Recommendations.
- At its meeting on 12 July 2023, Council considered the Rural Lands Planning Proposal and Hornsby Development Control Plan (Hornsby DCP) amendments to progress the short term recommendations. The Planning Proposal aims to amend zone objectives, introduce new controls to address land use conflict, clarify dual occupancy requirements, amend the definition of "roadside stall" and allow lot handles to be included when calculating lot size in rural areas.
- Council resolved to submit the Planning Proposal to the Department of Planning and Environment (DPE) for endorsement for public exhibition. A Gateway Determination was received on 30 August 2023 permitting exhibition of the Planning Proposal, subject to removal of changes to the definition of roadside stalls as this issue is intended to be considered on a state wide basis as part of a future Department review.
- The amended Planning Proposal and Hornsby DCP were publicly exhibited between 15 September 2023 and 20 October 2023. Eight submissions were received. Concurrent to the exhibition, consultation was undertaken with public authorities, who raised no concerns.
- It is recommended that Council finalise the Planning Proposal and enact the changes to the Hornsby LEP and DCP changes to implement the short term recommendations of the RLS.

RECOMMENDATION

THAT:

1. Council progress the Rural Lands Planning Proposal, attached to Director's Report No. PC1/24 to the LEP plan making stage for finalisation.
2. Council approve the draft amendments to the Hornsby Development Control Plan, as attached to Director's Report No. PC1/24.
3. Notification of the approved amendments be published on Council's website and submitters be advised of Council's decision.

PURPOSE

The purpose of this Report is to address matters raised in submissions received during the exhibition of the Rural Lands Planning Proposal and associated Hornsby DCP amendments.

BACKGROUND

In June 2022, the Hornsby RLS was finalised outlining the vision and strategic direction for managing rural lands in the Shire. The Study includes detailed recommendations for landscape areas, villages and general recommendations that apply to the rural area as a whole.

In finalising the RLS, Council adopted a staged approach to implementing the Study recommendations which separates recommendations into short term planning control amendments and longer term strategic investigations.

At its meeting on 12 July 2023, Council considered the Planning Proposal and associated Hornsby DCP amendments which seek to implement short term recommendations of the RLS.

The Planning Proposal outlined five changes to the Hornsby Local Environmental Plan 2013 (Hornsby LEP) and the Standard Instrument as follows:

- Amend zone objectives of RU1 Primary Production, RU2 Rural Landscape, RU4 Primary Production Small Lots and C3 Environmental Management zones in the Hornsby LEP to reflect the intent of the zones to support value adding activities for agriculture.
- Include optional Standard Instrument Principal Local Environmental Plan Clause 5.16 in the Hornsby LEP to require consideration of land use conflicts.
- Amend Hornsby LEP Clause 6.9 to clarify controls for attached dual occupancies.
- Amend the definition of Roadside Stalls to allow stalls to sell produce and hand-crafted goods from the local region.
- Amend requirements for lot size calculation in Clause 4.1 of the Hornsby LEP so that access handles are included in lot size calculations in rural areas.

The Hornsby DCP amendments aim to increase protection of landscape character and environmental management for rehabilitation of extractive industry, provide design guidelines for development along Old Northern Road and ensure consistency between the Hornsby DCP and amendments proposed under the Planning Proposal.

Council resolved that:

1. *Council endorse progression of the Rural Lands Planning Proposal attached to Director's Report No. PC15/23 for submission to the Department of Planning and Environment for a Gateway Determination.*
2. *Upon receipt of a Gateway Determination, the Planning Proposal be placed on public exhibition in accordance with the Determination and consultation strategy outlined in this report.*
3. *Council endorse the amendments to the Hornsby Development Control Plan 2013 attached to Director's Report No. PC15/23 for exhibition concurrently with the Planning Proposal.*
4. *Following exhibition, a report on submissions be presented to Council for consideration*

In accordance with Council's resolution, the Planning Proposal was submitted to DPE for a Gateway Determination for endorsement for exhibition. DPE issued a Determination on 30 August 2023,

permitting the Planning Proposal to proceed to exhibition, subject to conditions. The conditions and subsequent amendments are discussed below.

DISCUSSION

1. Gateway Determination

On 30 August 2023, DPE provided a Gateway Determination allowing the Planning Proposal to proceed to community consultation subject to conditions. The Gateway Determination is attached to this report.

The Gateway Determination required the Planning Proposal be amended prior to public exhibition. This included additional detail to justify the Planning Proposal and removal of the proposed amendment to roadside stalls.

Additional justification

The Planning Proposal was updated to include additional information on the proposed change that would allow access handles to be included when calculating minimum lot size. Further detail included an estimate on the total number of dwellings that could be delivered under the change (approximately 30-40), a discussion on how viable rural land would be protected and further discussion on the objectives of the Greater Sydney Regional Plan and North District Plan.

Removal of change to Roadside Stalls

Definitions in council LEPs across the State are mandated through the Standard Instrument Order. The current definition of roadside stalls applies across the State and allows the sale of produce and goods originating from the property or adjoining property. The RLS suggests the definition is overly restrictive and there is opportunity to expand the definition to support the viability of the agricultural industry. The Planning Proposal sought to amend the land use to allow the sale of goods from the local region.

Any change to the Standard Instrument to the land use definition of “roadside stalls” would apply across the State, which would affect all councils in NSW. As part of the Gateway Determination process, DPE noted that Council’s suggested change to the land use may have merit but would need to be considered by the Department on a state-wide level to identify benefits, risks and stakeholder feedback. DPE identified that a review would be investigated as part of any future policy work for Agritourism and / or the Standard Instrument. Accordingly, the roadside stall change was removed from the Planning Proposal prior to community consultation.

Aside from the removal of the roadside stalls element, the changes requested by the Gateway Determination do not fundamentally alter the content or desired outcomes of the Planning Proposal.

2. Public exhibition and community submissions

The amended Planning Proposal was publicly exhibited from 15 September 2023 to 20 October 2023. During the exhibition, eight submissions were received, including three State agency submissions (discussed separately) and five community submissions. Of the community submissions, three object to the proposal and two provide general comments.

The key issues raised in community submissions are discussed below.

Rural Lands Subdivision

Two submissions recommend changes to rural lands subdivision controls. One submission recommends that rural properties be allowed to subdivide to provide additional housing opportunities, whilst the other recommends the prevention of further subdivision to preserve rural landscapes.

Comment

The RLS recommends that areas for primary production be protected from further fragmentation to allow the ongoing use of rural land for rural purposes. It further recommends that beyond the peripheries of rural villages, current lot sizes be maintained across all rural landscapes. The RLS does not recommend any changes to minimum lot sizes, blanket prohibitions on subdivision of rural land or investigation of other subdivision patterns such as “concessional lots”.

Any future changes to rural living opportunities are identified to be investigated as part of the Long Term Recommendations – Action Plan B and are outside the scope of this Planning Proposal. Action Plan B of the RLS will be progressed as separate projects which will investigate areas surrounding rural villages where additional housing opportunities may be beneficial to support the function of the village and act as an appropriate buffer to rural lands.

Recommendation

That no change be made to the Planning Proposal or draft Hornsby DCP in response to submissions discussing rural land subdivision.

Support for pick your own produce farms

One submission requests that Council support pick your own produce farms.

Comment

The Hornsby RLS recommends supporting primary production businesses by allowing them to diversify income streams through methods such as pick your own produce and other agritourism activities.

In line with this recommendation, Council recently implemented “agritourism” planning controls in the Hornsby DCP to support pick your own produce farms and other forms of agritourism.

The Planning Proposal aims to implement the recommendations of the Hornsby RLS by amending the zone objectives of RU1 Primary Production, RU2 Rural Landscape, RU4 Primary Production Small Lots, and C3 Environmental Management zones to support value-adding activities for agriculture, including agritourism and tourist/visitor accommodation. These amendments would complement the existing agritourism development controls contained within the Hornsby DCP.

As outlined, Council supports agritourism in rural areas including pick your own produce operations that are operated in accordance with relevant planning regulations.

Recommendation

That no change be made to the Planning Proposal or draft Hornsby DCP in response to the submission commenting on pick your own produce farms.

Other comments

Submissions also contain commentary on the Hornsby RLS and rural lands of Hornsby Shire, with two submissions noting they believed the Study was ineffective in addressing issues around further subdivision of rural lands, seniors housing in rural areas and vacant farmland.

Comment

The RLS preparation included extensive consultation with the community and stakeholders. It is acknowledged that a diversity of views were expressed about the planning controls for the rural areas and expectations for future development. However, the RLS has been finalised by Council and the exhibited Planning Proposal and draft Hornsby DCP seek to implement the short term implementation items contained within the endorsed Short Term Implementation Plan.

Recommendation

That no change is made to the Planning Proposal or draft Hornsby DCP in response to submissions providing general feedback on the Hornsby RLS and rural lands within Hornsby Shire.

3. State Agency submissions

Notification was sent to the following government agencies in accordance with the Gateway Determination:

- NSW Rural Fire Service.
- The NSW Department of Primary Industries.
- Department of Planning – Environment and Heritage Group.

The agencies responded to Council during the exhibition period, outlining no concerns or objections to the Planning Proposal.

CONSULTATION

The Planning Proposal and draft Hornsby DCP amendments were publicly exhibited for six weeks from 15 September 2023 to 20 October 2023 in accordance with:

- Hornsby Shire Community Engagement Plan 2021.
- *Local Environmental Plan Making Guidelines 2022.*
- Section 7.5(1) of the *Environmental Planning and Assessment Act 1979; and*
- The Gateway Determination.

The exhibition included:

- Advertisement in the rural publications including Living Heritage, Galston Glenorie News, Bush Telegraph and Dooral Roundup.
- Advertisement on Council's 'Your Say Hornsby' website.
- Advertisement in Council's electronic newsletter.
- Letters to those who provided submissions on the RLS (approximately 330 letters).
- Consultation with public authorities including NSW Rural Fire Service, NSW Department of Primary Industries and Department of Planning – Environment and Heritage Group.

BUDGET

This report has no direct financial impact upon Council's adopted budget or Long Term Financial Plan.

POLICY

The draft Planning Proposal and draft Hornsby DCP amendments would finalise the short term actions of the Hornsby RLS. Should the draft Planning Proposal and Hornsby DCP be progressed to

finalisation, Council would have implemented all endorsed short term recommendations of the RLS with the exception of the recommended change to the roadside stalls definition, which would be reviewed by DPE as part of a future agritourism or Standard Instrument LEP review.

The Gateway Determination nominates Council as the Local Plan Making Authority. Therefore, if Council endorses the progression of the Planning Proposal to finalisation, Council staff would prepare drafting instructions and liaise directly with the Parliamentary Counsel's Office to make the changes to the Hornsby LEP.

Concurrently to the change to the Hornsby LEP, if endorsed, the Hornsby DCP amendments would be published on Council's website.

CONCLUSION

The Planning Proposal and draft Hornsby DCP amendments were publicly exhibited from 15 September 2023 to 20 October 2023 and eight submissions were received.

No changes are proposed to be made to the Planning Proposal or draft Hornsby DCP amendments in response to the submissions received.

It is recommended that Council resolve to progress the Planning Proposal for finalisation and that Council approve the Hornsby DCP amendments attached to Director's Report No. PC1/24. It is further recommended notification of the amendments to the Hornsby LEP and Hornsby DCP be posted on Council website, and that submitters be advised of the decision.

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.

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Attachments:

1.  Gateway Determination
2.  Planning Proposal - Rural Lands Study
3.  Draft Hornsby Development Control Plan Amendments

File Reference: PP/1/2023
Document Number: D08806449

7 LOW AND MID-RISE HOUSING REFORMS

EXECUTIVE SUMMARY

- On 15 December 2023, the Department of Planning and Environment (now Department of Planning, Housing and Infrastructure, or DPHI) placed Explanation of Intended Effect: Changes to create low and mid-rise housing (EIE) on public exhibition.
- The EIE outlines planned housing reforms to permit more apartments and medium density dwellings with 800m walking distance to train and metro stations and town centres. The definition of town centres includes E2 Commercial Centre (Hornsby Westfield) and may also include well serviced E1 Local Centre and MU1 Mixed Use zoned centres.
- The EIE proposes that dual occupancies be permitted in all R2 Low Density Residential zones. Medium density housing including townhouses, and manor houses would be permitted in the R2 Low Density Residential zone within 800m of stations and centres. Apartments would be permitted in R3 Medium Density Residential zones within 800m walking distance of stations and centres, with heights of approximately six storeys within 400m and four to five storeys within 800m. No exclusions to areas with constraints, such as bushfire, flood, heritage or biodiversity, have been identified in the EIE.
- Initial analysis by Council staff identifies that there are approximately 27,000 R2 Low Density Residential lots in Hornsby Shire where dual occupancy development would be permitted and approximately 15,000 R2 Low Density Residential lots within the station and town centre areas where medium density development would be permitted.
- The introduction of increased housing opportunities in the locations, density and form proposed under the reforms has the potential to result in significant loss of vegetation and tree canopy, change to the character of suburbs, promotion of private vehicle use and increased dispersed housing provision contrary to the stated aim of the reforms.
- Council has a proven track record of preparing strategic plans to facilitate housing supply and has commenced the process of preparing a medium density housing strategy. Council should be provided the opportunity to progress its own local strategy that responds to the character of our area and community expectations.
- It is recommended that Council make a submission regarding the EIE, outlining Council's strategy for appropriate housing delivery, raising concerns regarding the impacts of the reforms and requesting the State Government set clear targets for mid and low rise housing and allow councils to develop local responses before implementing the one-size-fits-all reforms.

RECOMMENDATION

THAT Council make a submission in response to exhibition of the *Explanation of intended effect: Changes to create low and mid-rise housing* outlining Council's:

1. Concerns and recommendations outlined in Director's Report No. PC3/24 including the absence of local planning, density of development permitted under the controls, impacts on character, heritage, natural environment and tree canopy loss, infrastructure and risks of over development in hazard areas.
2. Commitment to facilitate the delivery of a diverse range of housing as detailed in Hornsby Local Housing Strategy 2020.
3. Current preparation of a local medium density housing strategy and request the opportunity to progress Council's own local strategy that responds to the character of our area and community expectations to gain exemption from the proposed changes.
4. Willingness to continue to investigate opportunity for appropriate housing delivery in the future, should a medium density housing target be identified.

PURPOSE

The purpose of this report is to provide an overview of the *EIE: Changes to create low and mid-rise housing* placed on public exhibition by the DPHI and seek endorsement of a submission outlining Council's concerns with the reforms.

BACKGROUND

The Federal Government's National Housing Accord 2022 (the Accord) seeks to address housing supply issues contributing to low rental vacancies, lack of affordable housing and housing shortages. It sets a target of 1.2 million new dwellings across Australia by 2029. Of these, 377,000 homes are allocated to NSW by 2029, which equates to approximately 75,000 each year.

On 30 October 2023, the Minister for Planning and Public Spaces, wrote to NSW councils concerning housing delivery targets. This letter was presented to Council at its 13 December 2023 meeting in Director's Report PC33/23. In part, the letter:

- Asks councils to begin work identifying well-located areas where more low and mid-rise homes (such as terraces, small unit blocks or well-designed mid-rise apartments) can be permitted.
- Suggests that limitations across residential zones constraining diversity of housing should be reviewed by councils. The limitations relate primarily to most councils not allowing terraces, townhouses, and manor homes in the R2 Low Density Residential zone.

Director's Report PC33/23 detailed Council's strategic planning to accommodate housing growth, in line with NSW Government targets and the delivery of housing in the Shire. It also outlined Council's track record for the timely assessment of development applications and broader macroeconomic barriers for housing delivery outside of local planning controls. This is evidenced by at least 1,180 dwellings being approved by Council since 2020 that have yet to be delivered by the development industry.

The report also noted that, notwithstanding the Minister's request in his letter, a month later on 28 November 2023, the Government announced changes to fast-track a greater diversity of homes like residential flat buildings of 3-6 storeys, terraces, townhouses, duplexes and smaller apartment blocks in suburbs where they are not currently allowed.

In response, Council resolved that:

1. *Council note the letter from the Minister for Planning and Public Spaces requesting councils review their planning policies to increase housing supply and diversity.*
2. *Council write to the Minister for Planning and Public Spaces outlining Council's:*
 - *Current medium density housing project.*
 - *Proven track record of housing delivery via strategic planning initiatives and the timely assessment of planning applications.*
 - *Commitment to facilitate housing provision in accordance with the initiatives outline in the Hornsby Local Housing Strategy 2020.*
 - *Willingness to continue to investigate opportunities for appropriate housing delivery in the future in accordance with any revised housing targets.*

- *Observation that the housing crisis is not limited to council zoning and application determination timeframes but that macro-economic factors also need to be addressed.*
3. *Council's letter to the Minister also note the recent announcement of planning reforms by the State Government appears to conflict with his request that councils plan for medium density housing locally and raise concerns that such an approach may not appropriately respond to constraints such as bushfire, flooding, vegetation and infrastructure capacity.*

In accordance with Council's resolution, the letter was sent to DPHI on 4 January 2024. To date, no response has been received.

On 15 December 2023, details of the planning reforms to fast-track apartments, terraces and dual occupancies in areas they are not currently permitted were released. This report discusses the proposed reforms and implications for Hornsby Shire.

DISCUSSION

On 15 December 2023, the *Explanation of intended effect: Changes to create low and mid-rise housing* (EIE) (copy attached) was placed on public exhibition. The EIE outlines reforms that aim to deliver more housing in areas that have capacity to accommodate growth by capitalising on current and future investment in public infrastructure.

The EIE provides the following context for the reforms:

- The NSW Productivity Commission Report Building More Homes Where Infrastructure Costs Less found cost of servicing new housing with infrastructure can be up to \$75,000 more expensive per dwelling in outer suburbs compared to inner suburbs.
- Across Sydney, 77% of residential areas are zoned low density, 12% medium density and 2% high density.
- Multi-Dwelling Housing is prohibited in 82% of low-density zoned properties across Sydney.
- Dual occupancies are prohibited on 14% of low-density zoned properties.
- The average building height in medium density zones is 9.9 metres with a maximum floor space ratio of 0.73:1.
- The average building height in high density zones is 15.8 metres with a maximum floor space ratio of 1.25:1.

The public exhibition of the EIE concludes on 23 February 2024. The public exhibition website suggests the reforms will take effect in the 2024 calendar year. At a recent presentation by Department representatives, it was indicated the changes are likely to come into effect in the third quarter of the year and at this stage, no further exhibition of the draft legislation is programmed.

1. Summary of reforms

1.1 Definitions

The reforms include the following definitions:

Mid-rise housing: Residential flat building and shop top housing that is generally between three and six stories.

Low-rise housing: Multi dwelling housing, multi dwelling (terrace), manor houses and dual occupancies generally one or two stories and sometimes incorporating a habitable roof.

Multi dwelling houses are typically known as villas or townhouses. Multi dwelling housing (terraces) are attached developments where all homes front the street. Manor houses are essentially residential flat buildings limited to two stories.

Station and town centre precincts: Areas in the Six Cities Region that are within 800m walking distance of train or metro stations, land zoned as E2 Commercial Centre or SP5 Metropolitan Centre or land zoned as E1 Local Centre or MU1 Mixed use. E1 Local Centre or MU1 Mixed use must contain a wide range of frequently needed goods and services, such as full line supermarkets, shops and restaurants.

Non-refusal standards: Legal conditions, usually established in State planning instruments, that establish minimum standards for development. Non-refusal standards override LEP or DCP provisions. Development that meets or exceeding the standards cannot have that specific aspect used as the basis for refusal, regardless of local controls.

1.2 Changes to land use permissibility and controls

The EIE proposes several changes to land use permissibility in the R2 Low Density Residential and R3 Medium Density Residential zone, as well as non-refusal standards. These proposed changes are discussed below.

1.2.1 Dual occupancies

Council’s current controls do not allow dual occupancies in low density zones. Under the reforms dual occupancies are proposed to be permitted in all R2 Low Density Residential zones.

If a proposed development meets the following proposed non-refusal standards, a consent authority cannot refuse consent:

- Maximum height: 9.5m.
- Maximum FSR: 0.65:1.
- Minimum site area: 450sqm.
- Minimum lot width: 12m.
- Minimum car parking: 1 space per dwelling.

The EIE comments that these non-refusal standards are designed to encourage dual occupancy development and provide more and diverse housing. It states the controls would provide sufficient space for three to four bedroom dwellings, with reasonable front and back yards, side setbacks and garage for each dwelling.

1.2.2 Low rise housing

Council’s current controls allow Dwelling Houses and Group Homes in R2 Low Density Residential zones. The reforms propose to make multi dwelling housing, multi dwelling housing (terraces) and manor houses permitted in R2 Low Density Residential zones within station and town centre precincts.

If a proposed development meets the following proposed non-refusal standards, a consent authority cannot refuse consent:

Control	Multi dwelling house	Multi dwelling house (Terrace)	Manor house
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Maximum height	9.5m	9.5m	9.5m
Maximum FSR	0.7:1	0.7:1	0.8:1
Minimum site area	600sqm	500sqm	500sqm
Minimum lot width	12m	18m	12m
Minimum car parking	1/dwelling	0.5/dwelling	0.5/dwelling

The EIE comments that these non-refusal standards are designed to encourage medium density dwellings rather than freestanding houses. It states the controls would provide sufficient space for two to three bedroom dwellings, with reasonable front and back yards, side setbacks and car parking for most dwellings.

The definition of Manor house currently limits development to four units. This cap is proposed to be removed.

The EIE states the assessment of development applications for low-rise housing, including dual occupancies, must consider the *Low Rise Housing Diversity Design Guide for development applications* (Low Rise Design Guide). The Low Rise Design Guide was released alongside previous Low Rise Housing Diversity Code reforms in July 2020. It provides design guidance where local controls do not provide medium density housing controls. The EIE does not state if local design controls would be overridden by the Design Guide.

All developments may be strata titled. The Torrens title subdivision of multi dwelling housing (terrace) developments is also proposed to be permissible.

1.2.3 Mid-rise housing

Council's current controls allow Residential flat building, Multi dwelling housing, Semi-detached dwellings, Seniors housing, Dwelling houses and Group homes in R3 Medium Density Residential zones, which are mandatory permitted land uses in the zone. The current maximum height limit under the HLEP allows three storey developments, consisting of two full storeys and rooms in roofs.

The reform would permit residential flat buildings across all station and town centre precincts in the Six Cities Region.

If a proposed residential flat building development meets the following proposed non-refusal standards, a consent authority cannot refuse consent:

Control	Within 400m walking distance of a precinct	Within 400m to 800m walking distance of a precinct
Maximum height	21m (approx. six stories)	16m (approx. four or five storeys)
Maximum FSR	3:1	2:1

The Apartment Design Guide, which establishes uniform design criteria for apartments in NSW, is proposed to be amended for mid-rise apartment buildings, including:

- Building separation for five and six storey buildings to be reduced to requirements for four storey buildings.

- Front setbacks are to be an average of neighboring buildings, with a maximum of 6m required.
- Design of basement and ground floor buildings are not required to accommodate large vehicles entering or turning around within the site (e.g., waste collection vehicles).
- A minimum of 8sqm of communal open space is to be provided per apartment, up to a maximum 25 per cent of the site area.
- Uniform deep soil and planting requirements will be set, depending on the size of the site.
- Uniform car parking rates are to be set (detail not provided).

1.2.4 Affordable housing bonus provisions

The EIE notes that the NSW Government's recent affordable housing bonus provision of the Housing SEPP would continue to apply. The provisions allow a 30 per cent increase to permissible height and FSR where a development provides at least 20 per cent of residential floor space as affordable housing for a period of at least 15 years.

For mid-rise housing, this would mean a site within 400m of a station or town centre precinct and with a 15 per cent affordable housing commitment could have a maximum height of 27m (approx. eight or nine stories) and FSR of 3.9:1.

2. Implications for Hornsby Shire

Spatial analysis has been undertaken to determine the extent to which the reforms would apply within Hornsby Shire.

The EIE does not provide guidance on how to measure walking distance or if the reforms would apply to battle-axe properties. This analysis assumes walking distance originates from station entrances and the edge of centre zoned lands. It also assumes the reforms would not apply to battle-axe properties, as these are generally excluded from similar housing types in *State Environmental Planning Policy (Exempt and Comply Development Codes) 2008* and design guides. Should other walking distance standards be required or existing battle-axe lots be included, estimates would change.

The Shire contains approximately 35,700 R2 Low Density Residential lots. Of these, approximately 27,000 lots meet the property size non-refusal standards for dual occupancy development namely they are greater than 450m² in area, wider than 12 metres and are not battle-axe allotments. The number of allotments would be approximately 34,000 lots should the reforms apply to battle-axe lots.

Approximately 19,000 R2 Low Density Residential lots have been identified in potential Station and town centre precincts. The following number of lots are estimated to meet the non-refusal standards, by housing type:

- Multi dwelling house: 14,200 lots.
- Multi dwelling house (terrace): 9,600 lots.
- Manor house: 15,000 lots.

Approximately 200 R3 Medium Density Residential lots have been identified as being within 400m walking distance of stations or centres, meaning the proposed 21m maximum building height would apply. A further 110 lots are between 400 and 800m walking distance, meaning the proposed 16m maximum building height would apply.

It is acknowledged that a number of these properties have been developed for medium density housing in accordance with the zoning changes under Council's previous Housing Strategy and would therefore be less likely be developed. However, the proposed changes would provide a significant increase in development opportunity and heights for undercapitalised lands resulting in a discrepancy in built form within the precincts. This issue is discussed further below.

2.1 One size fits all approach

The EIE states the proposed reforms are 'the first step' towards addressing housing supply issues, with a longer-term aim to enable better planning that is led locally.

Hornsby Council has a proven track record of planning for the delivery of well-located and diverse housing, protecting local character and environmental outcomes. The most effective way the planning system can support these outcomes is by establishing an evidence base and setting policy goals, while supporting local planning authorities to identify solutions that best fit local conditions.

The Hornsby Local Housing Strategy 2020 (LHS) is Council's 20-year strategic vision for housing in the Shire. It was developed following extensive consultation with the Hornsby community and was reviewed and endorsed by the (then) Department of Planning and Environment. The LHS sets a clear program of strategic planning projects to respond to Council's obligations under State housing priorities.

These projects continue to be realised, with the recent Council adoption of the Hornsby Town Centre Masterplan. The Masterplan will facilitate the delivery of almost 5,000 new dwellings in a highly accessible and well serviced location, ideal for the provision of high-quality housing near existing and new supporting infrastructure and easy access to Greater Sydney. The NSW Government's recent announcements that it will be implementing the Masterplan is evidence of the high-quality outcomes that come from local expertise.

The LHS acknowledges the need for more medium density housing in the Shire and recommends that Council progress the identification of additional land for medium density housing, subject to the application of Council planning controls. This approach was endorsed by the Department at the time. Council has started the process of preparing its own strategy for medium density housing and it would be appropriate to request the opportunity to progress the strategy that responds to the character of our area and community expectations.

The DPHI project webpage for the reforms indicates that councils may implement local provisions to achieve equivalent or greater residential housing capacity. However, the process and targets for a council to follow is not clear. No information has been provided by DPHI regarding what it understands local capacity increases might be, if such provisions would exempt Council from the reforms, or the timeline for such a process.

The uniform and widespread non-refusal standards proposed and the spatial extent to which they would apply appear to conflict with the commitment to local strategic planning delivering State strategic vision. They also conflict with the recent letter from the Minister for Planning and Public Spaces (discussed above) which encouraged councils to develop planning rules to allow more medium density housing.

Recommendation: It is recommended that Council request the NSW Government set clear targets for mid and low rise housing and allow councils to develop local responses that would deliver that capacity. It is acknowledged that should councils not meet those targets, reforms such as those in the EIE could then be applied.

2.2 Town Centre Precincts

The EIE proposes that certain town centres would trigger the mid and low rise housing reforms, allowing mid and low rise development within 800m walking distance. The spatial analysis discussed above, demonstrates that this aspect of the reform would significantly increase residential capacity if applied to all stations and centres in the Shire.

The EIE suggests that only town centres that contain 'a wide range of frequently needed goods and services such as full line supermarkets, shops and restaurants' would trigger the reforms. Full line supermarkets are not formally defined in the EIE, but typically exceed 2,400sqm. The EIE requests input from councils to determine which centres contain an appropriate level of goods, services and amenities to be included.

Council's *Employment Lands Study* (ELS) provides an analysis of centres across the Shire, with a centre hierarchy outlining the role and function of those centres. This includes Strategic Centres, Local Centres, Neighbourhood Centres. This hierarchy was adopted in the Hornsby Development Control Plan in 2023.

A review of the ELS and E1 Local Centre lands shows that centres with the potential capacity to deliver goods and services within walking catchments are typically adjacent to stations. These centres either have established businesses that have the potential to service additional populations or the potential for consolidation and redevelopment to support such businesses. Limiting the application area of the reforms to the stations would ensure access to the Hornsby Strategic Centre and the broader Greater Sydney Area while also being within walking distance of these local centres for day to day needs.

Limiting the changes to station precincts would also be consistent with the stated aim of the reforms to provide well located housing with access to public transport and employment opportunities and limiting the use of private vehicles.

Recommendation: Should the reforms be progressed, it is recommended that they be limited to station precincts, as these provide ready access to the Hornsby Strategic Centre and the broader Greater Sydney area.

2.3 Infrastructure planning

The EIE maintains that local development contributions towards infrastructure (known as Section 7.11 and Section 7.12 contributions) will continue to fund local development contributions. It requests feedback on how councils prefer to identify and address additional infrastructure needs associated with the reforms.

As discussed in Council's recently approved Special Rate Variation application, the costs associated with the delivery and maintenance of local infrastructure and services have outpaced Council's ability to generate funds through levies and development contributions. This has worsened with recent supply chain and cost escalation issues in recent years.

Typical strategic planning initiatives include detailed analysis of existing infrastructure, the potential demand associated with additional users and how the gap will be met. This has been undertaken as part of the Hornsby Town Centre Masterplan and previous Housing Strategies prepared by Council with detailed planning regarding where needed infrastructure would be best located and associated costs.

The approach of the reforms to enable dispersed capacity increases throughout the residential areas of the Shire limits the ability for Council to plan for necessary infrastructure improvements. This would

be of particular concern where dual occupancy development is permissible throughout low density areas across the Shire. Without significant planning, this would likely have significant impacts on the provision of community facilities, parks, traffic infrastructure and other Council delivered infrastructure.

Recommendation: It is recommended that DPHI work with Council to identify the anticipated capacity and population increases over time and support Council's planning for the provision of new infrastructure. In addition, the recently commenced State Housing Contribution Fund should be allocated for expenditure within the Region in which it is collected to cater for the increased costs in servicing the anticipated increase in development.

2.4 Hierarchy of controls

The EIE has indicated several changes to the *Apartment Design Guide* and *Low Rise Design Guide*, including the potential for the Low Rise Design Guide being a formal matter for consideration in the assessment of a development application. While the ADG currently supersedes local controls for apartment buildings three stories and over, local controls apply to medium density development, including one and two storey apartment buildings, that requires a development application.

Recommendation: It is recommended that the Low Rise Diversity Design Guide continue its role as guidance for local government areas, setting minimum standards where there are gaps with local controls. Where local controls provide clear guidance for the design of medium density development, it is recommended that they continue to apply.

2.5 Medium density and transitional character

As part of the implementation of previous housing strategies, Council has rezoned well serviced and accessible areas to R3 Medium Density Residential, with a 12m height limit. This has allowed for the development of townhouses in these areas, facilitating the orderly transition of neighbourhood character over time. These neighbourhoods have served as transition areas, scaling down intensification away from centres. Council is continuing to plan for such transition areas in the preparation of its new Medium Density Housing Strategy.

Council has also rezoned new five-storey neighbourhoods with the R4 High Density Residential zone. These precincts have provided diverse and well-located housing near train stations.

The proposed reforms would result in incompatible height and density in these neighbourhoods that was unforeseen when planning controls were established. This level of density would surpass that associated with Council's higher density precincts. The proposal to permit residential flat buildings in medium density zones ranging in heights of 4 storeys to six storeys has the potential to result in significant amenity impacts for residents of existing medium density developments including privacy loss, overshadowing, noise and visual impact associated with the bulk and scale of development.

There may also be delays for further development in Council's R3 Medium Density Residential zone, as developers and builders may not have the capital or expertise to develop higher density projects. Delays would also be expected in seeking to address solar access, privacy and other impacts resulting from the high density development.

The reforms would apply to Heritage Conservations Areas within the Shire permitting allotment sizes and intensity of development inconsistent with the established subdivision pattern and character of these areas. Concern is raised that subdivision of dual occupancy developments on allotments of 450m² or greater would significantly erode the historic character of these areas which are characterised by residential allotments of 500-600m² or larger with established gardens, generous

setbacks, and tree canopy. Heritage Conservation Areas should be excluded from the application of the reforms.

Recommendation: It is recommended that the proposed height limit and design controls for development of R3 Medium Density land within station and centre precincts under the reforms be revisited to provide greater consistency with existing Council controls that apply within the zone. Further, Heritage Conservation Areas should be excluded from the application of the reforms.

2.6 Environmental constraints and hazards

The EIE identifies that controls for flood control lots would continue to apply. Details regarding application of controls for bush fire prone lands and biodiversity are not provided.

As discussed in the Hornsby Local Strategic Planning Statement and Housing Strategy, NSW Rural Fire Service has raised concerns regarding the impact of additional residential growth north of Mount Colah on evacuation in the event of a bushfire. These concerns have recently been reiterated in consultation with the RFS associated with the development of the Medium Density Housing Strategy.

The proposed reforms have the potential to significantly increase residential capacity in the Mount Colah, Mount Kuring-gai, Berowra, Berowra Heights, Cowan and Brooklyn communities. Council has not been provided with reporting that suggests that the RFS concerns have been addressed or the risks overcome.

In its assessment of Council's Vegetation Planning Proposal, the Gateway Determination and reporting encouraged Council to undertake new biodiversity mapping and submit it as part of a future planning proposal. This project has recently been funded by Council and is underway. As many low density residential neighbourhoods, including those near centres and precincts, are near intact and remnant bushland, this project is critical to understanding the potential impacts of the proposed reforms.

Recommendation: It is recommended that the reforms be excluded from application on bushfire prone land and lands mapped as having high biodiversity value, either in State or local planning controls. These areas require careful planning and evaluation of environmental and capacity constraints.

2.7 Landscaping and tree canopy

The EIE proposes modest tree canopy targets of between 15 and 20 per cent for mid-rise housing and 15 to 30 per cent for low rise housing, depending on site area. Only 'small trees' are required on the smallest sites, with 'medium trees' required on larger sites. No guidance is provided on when the canopy would need to be established, or the size of a tree at the time of planting.

The NSW Government's Greater Sydney Region Plan has set an urban tree canopy cover target of 40 per cent by 2036. The EIE targets appear to be derived from the NSW Government's *Greener neighbourhoods guide*. However, the rates are lower (e.g., fewer and smaller trees) than that Guide. As an example, a 1,000sqm apartment site would require 200sqm of tree canopy with four medium trees, with the EIE only requiring 150sqm of tree canopy and three medium trees.

An explanation as to why the NSW Government's targets have reduced is not provided.

The potential station and town centre precincts in addition to the R2 Low Density Residential zones with the Shire are characterised by substantial existing canopy trees at the front and rear boundaries. These would likely be impacted by the large building envelopes associated with low-rise housing developments. The remaining lower density areas, where dual occupancies would be permitted, could

see substantial impacts to landscaping and canopy at the rear of sites, should detached dual occupancies be permitted.

Further, low density neighbourhoods within the Shire are characterised by large canopy trees. These trees contribute to the overall urban canopy and associated benefits. The proposed intensity of development including floor space ratio would result in significant loss in tree canopy. These impacts would be exacerbated when new or relocated driveways are provided and other associated services constructed.

Council's experience with the delivery of medium and higher density precincts is that the best outcomes for new developments and their surrounding communities is to retain trees on site and complement them with new growth. These outcomes are sought through existing controls that require deep soil areas on the periphery of sites.

Recommendation: It is recommended that the targets outlined in the EIE be increased to align with the *Greener neighbourhoods guide* as a minimum, with local DCP controls providing additional details on how targets are achieved. It is also recommended that, separately, canopy and planting rates are established for streetscapes in front of low and mid-rise development. This would assist achieve the broader outcomes of the guide and encourage the retention of expansion of canopies in low density neighbourhoods.

2.8 Design excellence

The controls described in the EIE would allow for significant fragmentation of R2 Low Density Residential land, particularly within station and town centre precincts. The Hornsby DCP existing frontage control of 30m encourages consolidation of multiple sites. Larger sites allow for the efficient delivery of shared infrastructure, such as waste, stormwater and car parking, as well as higher quality landscaping, private open space and building design.

These benefits would not be realised if individual R2 Low Density Residential lots are no longer required to consolidate to deliver medium density housing. Additional space is required for the duplication of access and services, with less space available for landscaping and other positive design elements.

Compared to detached dwellings, dual occupancy development can result in less efficient use of space across a lot. Although the EIE states that it is encouraging two storey development, the large lots in Hornsby Shire may encourage sprawling single storey development across large building footprints, with a doubling of space dedicated to services and site access. Should detached dual occupancies be permitted, the amount of impermeable areas associated with driveways would more than double.

As noted above, tree canopy, deep soil and tree planting rates increase based on site area, while height and FSR remain static. From a developer perspective, this could have the effect of discouraging the consolidation of sites, as more space would be required for non-buildable area.

The collection of waste is a significant issue for councils, not only regarding cost but also due to the amenity impacts of storage and collection. The proposed reforms dismiss the issue and indicate that onsite collection will not be required, and a waste management plan is to be submitted. No detail or criteria for the waste management plan are provided.

Where medium density housing is proposed in locations unable to be serviced by heavy rigid vehicles, councils will be required to negotiate future waste contracts to require use of smaller vehicles to service developments that front streets not accessible by HRVs. This additional cost will

be a burden for all residents. Consideration should also be given to future requirements for waste collection such as food organics.

Council's experience in discussions with the development industry and residents is that there is a reasonable expectation that each dwelling will have access to a minimum of 1 car parking space. A minimum of one parking space should be required for all forms of medium density housing.

Provision should also be included for bicycle parking, visitor parking and electric vehicle charging. Consideration should be given to specifying higher parking rates for middle and outer fringe councils in comparison to inner city councils which have a higher level of access to public transport and services.

Recommendation: As many of the benefits of medium density development are associated with efficient design, it is recommended that the reforms be amended to encourage the consolidation and delivery of larger lots to realise those benefits. Further, reforms should be packaged with locally relevant site coverage requirements in LEPs, designed in partnership between DPHI and councils to allow for the delivery of envisioned FSR in two storey formats. It is also recommended that dual occupancy controls be amended to require the sharing of services.

3.0 Submission to Department of Planning, Housing and Infrastructure

It is appropriate that Council lodge a submission with DPHI regarding the reforms outlined in the EIE identifying the concerns and recommendations discussed in this report. In summary, the submission should:

- Note Council has started the process of preparing its own strategy for medium density housing and request the opportunity to progress the strategy that responds to the character of our area and community expectations.
- Raise concerns that the introduction of increased housing opportunity in the form of dual occupancy development and duplexes throughout the low-density zones will change the character of suburbs, promote private vehicle use and increase dispersed housing provision contrary to the stated aim of the reforms.
- Support the application of council controls for flood controls allotments and suggest that bushfire prone lands, mapped vegetation of high biodiversity value and heritage conservation areas should be excluded from the application of the proposed reforms as they require careful planning and evaluation of environmental and capacity constraints.
- Request the density of housing proposed under the reforms including floor space ratio be reviewed as it will significantly reduce tree canopy in established low density areas.
- Suggest that as many of the benefits of medium density development are associated with efficient design, the reforms should encourage the consolidation and delivery of larger lots to realise those benefits. Further, development should be required to have regard to local council site coverage requirements, setbacks and landscaped area.
- Raise concerns that the proposal to permit residential flat buildings in medium density zones ranging in heights of 4 storeys to six storeys has the potential to result in significant amenity impacts for residents of existing medium density developments.
- Note that the reform approach to untargeted density increases would limit the ability for Council to plan for necessary infrastructure improvements. Without appropriate planning, this

would likely have significant impacts on the provision of community facilities, parks, traffic infrastructure and other Council delivered infrastructure.

- Suggest that the recently introduced State Housing Contribution Fund be available to be spent in the district in which it is collected to assist address the demands associated with anticipated housing growth.
- Request that further consideration be given to arrangements for waste collection.
- Suggest that a minimum of one parking space should be required for all forms of medium density housing and provision should also be included for bicycle parking, visitor parking and electric vehicle charging.

BUDGET

There are no budgetary implications associated with this report.

POLICY

As discussed in this report, Council's Local Housing Strategy 2020 establishes the need for additional medium density housing capacity, with work being undertaken to meet this need. Council is already well placed to review policy settings for medium density, with the current Medium Density housing project commenced to identify opportunities for medium density dwellings in suitably located and serviced areas.

The draft Medium Density Strategy will be progressed to enable reporting to Council in the first half of 2024 for endorsement for exhibition. However, it will be appropriate to review options for progression of the Strategy in consideration of the implications of the proposed reforms for medium density housing.

CONCLUSION

The Department of Planning, Housing and Infrastructure has placed the *Explanation of intended effect: Changes to create low and mid-rise housing* on public exhibition, with comments due by 23 February 2024. The EIE outlines proposed reforms that would significantly increase the capacity for medium density housing and apartments throughout the Shire.

Council has identified several issues related to the proposed reforms, with recommendations to address those issues. It is recommended that Council make a submission outlining the issues and recommendations and encourage the NSW Government to set clear targets for mid and low-rise housing capacity and allow councils to develop local responses that would deliver that capacity.

RESPONSIBLE OFFICER

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

KATHERINE VICKERY
Manager - Strategic Landuse Planning
Planning and Compliance Division

JAMES FARRINGTON
Director - Planning and Compliance
Planning and Compliance Division

Attachments:

1.  EIE Low and Mid Rise Housing

File Reference: F2015/00146

Document Number: D08809634

8 HORNSBY LOCAL PLANNING PANEL - INTERIM PANEL CHAIRS

EXECUTIVE SUMMARY

- Planning Panels were introduced by the State Government with the aim of ensuring the process for the assessment and determination of development applications with a high corruption risk, sensitivity or strategic importance is transparent and accountable.
- Panel expert members are selected from a pool of experts and chairs are appointed by the Minister for Planning.
- The Department is currently recruiting a new pool of experts and chairs for the next 3-year term and an expression of interest process commenced on 25 January 2024. The process has not commenced in time for councils to appoint new members before the expiration of the current term of panel members at the end of February 2024.
- The Minister for Planning has issued a direction extending the time for councils to appoint new chairs and experts until 30 June 2024. The direction requires the appointment of members for the interim period be completed by 28 February 2024.
- Any panel member who has served two terms cannot be reappointed. Therefore, the direction enables councils to have a reduced number of panel members during the interim period. Five of the current expert panel members, the chair and alternative chair will have served 6 years at the end of February and therefore, their term cannot be extended.
- It is recommended that Council appoint interim Panel Chairs on the Hornsby Local Planning Panel from the current serving panel experts. It is not necessary to appoint additional expert members as 10 current Panel members and the five appointed Community representatives have not exceeded 6 years and may continue to serve under their current 3 year term.

RECOMMENDATION

THAT:

1. Council appoint Penny Holloway, Alison McCabe, Elizabeth Kinkade, Anthony Hudson, Stephen Leathley, Michael Leavey and Heather Warton as interim Panel Chairs on the Hornsby Local Planning Panel until 30 June 2024.
2. The Department of Planning, Housing and Infrastructure and Environment be advised of Council's resolution.
3. Council write to the outgoing Panel Chairs and technical experts acknowledging their service on the Hornsby Local Planning Panel.

PURPOSE

The purpose of this report is to seek Council endorsement to appoint interim Panel Chairs on the Hornsby Local Planning Panel (HLPP).

BACKGROUND

The Hornsby Local Planning Panel was constituted by the then Planning Minister on 1 March 2018. The Panel has the function of determining a range of development applications including, but not limited to, contentious applications where 10 or more unique submissions are received, proposals involving a contravention of a development standard greater than 10 per cent, demolition of a heritage item, residential flat buildings, sex service premises, and applications submitted by Council, a Councillor or member of Parliament. The Panel also has an advisory function, providing advice to Council prior to its consideration of changes to Council's Local Environmental Plan.

The Panels consist of a chair and two independent experts appointed by Council from a Minister-endorsed pool of independent, qualified people, plus a community representative.

Independent expert members are required to have expertise in one or more of the following fields: planning, architecture, heritage, the environment, urban design, economics, traffic and transport, law, engineering, tourism, or government and public administration. Panel Chairs are required to have expertise in law or government and public administration.

A member of a local planning panel may not hold office as a member of that panel for more than 6 years in total. The current Chair, an alternate Chair and five expert panel positions will have reached the maximum term of 6 years on the Hornsby Local Planning Panel at the end of February 2024 and are therefore not eligible to continue on the Panel beyond this date.

On 25 January 2024, the Department of Planning, Housing and Infrastructure commenced an Expression of Interest Recruitment for the 2024 chair and expert lists. Once the new pool of experts has been finalised, councils will be required to select new panel members to commence from 1 July 2024.

The Department has not commenced the Expression of Interest Process in time to enable councils to recruitment new chairs and expert panel members prior to the 6-year expiry period for current Panel members. Therefore, the Minister has issued a direction (copy attached) requiring councils to appoint interim Chairs and expert panel members for the period 28 February 2024 to 30 June 2024.

Councils are not required to maintain a pool of 15 expert members during the interim period. Therefore, it is not necessary for Council to appoint additional expert members as 10 of the current Panel members and the five appointed Community representatives have not exceeded 6 years and may continue to serve under their current 3 year term.

DISCUSSION

This report recommends appointment of interim Panel Chairs on the HLPP to meet the operating requirements for the Panels.

Interim Panel Chairs

Council is required to select interim chairs from the pool of Panel Chairs approved by the Minister. The current Chair, Mr Garry Fielding and alternative Chair, Ms Jacqueline Townsend have participated on the Hornsby Planning Panel for 6 years and therefore are not eligible to continue. Ms Penny Holloway is a current Chair and is eligible to continue in the role.

Given the time constraints imposed by the Department of Planning, Housing and Infrastructure to appoint interim chairs by 28 February 2024, there is limited opportunity for Councillors to interview candidates. Further, there is likely to be a maximum of 4 meetings of the Panel conducted during the interim period.

Therefore, the existing expert members on the Hornsby Planning Panel have been reviewed against the Minister's approved pool of Chairs. Six existing technical expert Panel members are also on the Minister's list of approved Chairs. Council staff have contacted the experts to confirm their interest to also participate on the Panel as Chair.

Panel experts participate on multiple panels and are often not available for meetings. Therefore, to ensure an adequate pool of Chairs, it is recommended that Council endorse the following experts from the Hornsby Local Planning Panel to also participate as the Panel Chair, in addition to the current Chair (Ms Holloway) when necessary:

Alison McCabe	<ul style="list-style-type: none"> Registered planner with 40 years' experience Bachelor of Urban and Regional Planning UNE, Graduate Diploma Environmental Law (USYD) Panel Chair, Canada Bay and Ryde Councils, Local Planning Panel Previous role as Director of Environmental and Community Management at Leichardt Council
Anthony Hudson	<ul style="list-style-type: none"> BSc in Applied Geography (Hons) 980 (UNSW); Bachelor of Law 1986 (UTS) 34 years' experience in local government, planning and environmental law Chair of Canterbury Bankstown LPP 2018-current
Elizabeth Kinkade	<ul style="list-style-type: none"> Planner with over 26 years' experience Bachelor of Town Planning UNSW; Current LLM student UNSW Previous roles at the Department of Planning, Greater Sydney Commission (Acting CEO) Chair of Hawkesbury, Cumberland and The Hills Local Planning Panels
Stephen Leathley	<ul style="list-style-type: none"> Planner with over 30 years' experience Bachelor of Urban and Regional Planning UNE; Master of Business Administration UNE Panel member Gunnedah, Cessnock and Central Coast Regional Planning Panels Current expert, Blue Mountains and Central Coast Councils Local Planning Panels
Michael Leavey	<ul style="list-style-type: none"> Planner with over 30 years' experience Bachelor Town Planning (Hons) UNSW

	<ul style="list-style-type: none"> Expert Panel Member Georges River Council, Ku-ring-gai and Ryde Council Local Planning Panels 2016 - 2019 State Panel Member and Alternate Chair, Hunter and Central Coast Regional Planning Panels Previous roles at Department of Planning and Gosford, Leichhardt, Ryde and Penrith Councils
Heather Warton	<ul style="list-style-type: none"> Bachelor of Town Planning (Hons) UNSW Community Member, Inner West Planning Panel Expert Member, The Hills and Randwick Local Planning Panels State Appointed Member, Sydney South Regional Planning Panel Alternative for Western Regional Panel from January 2021 Previous roles as Planning Director at Botany Council and various positions at the Department of Planning

It is recommended that the Planning Panels Secretariat at the Department of Planning, Housing and Infrastructure be advised of all appointments of Chairs to the Hornsby Local Planning Panel.

BUDGET

There are no additional budgetary implications. The Minister has made a remuneration determination setting minimum per meeting rates for panel members. The cost of the operation of the Panels is covered by the Planning and Compliance Division Budget.

POLICY

There are no policy implications associated with this Report.

CONCLUSION

To meet the operational requirements for Planning Panels during the recruitment of new panel chairs and technical experts by Department of Planning, Housing and Infrastructure, it is recommended that Council endorse interim Chairs to the Hornsby Shire LPP until 30 June 2024.

It is not necessary for Council to appoint additional expert members as 10 of the current Panel members and the five appointed Community representatives have not exceeded 6 years and may continue to serve under their current 3 year term.

Council should write to the Planning Secretariat, Department of Planning, Housing and Infrastructure advising of the appointment of interim Panel Chairs on the Hornsby Local Planning Panel.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Manager, Development Assessments - Rod Pickles who can be contacted on 9847 6731.

ROD PICKLES
Manager - Development Assessments
Planning and Compliance Division

JAMES FARRINGTON
Director - Planning and Compliance
Planning and Compliance Division

ITEM 8

Attachments:

1.  Local Planning Panels Direction – Interim Appointment of Members

File Reference: F2017/00294#003

Document Number: D08814102

9 GALSTON VILLAGE PUBLIC DOMAIN PLAN

EXECUTIVE SUMMARY

- In December 2019 Council endorsed for public exhibition a concept design plan for the Galston Village main street (Report No. IR2/19). Since this time the Plan has been updated and improved with a revised *draft Galston Village Public Domain Plan* (Attachment 1) now ready for public exhibition and engagement with the community.
- The *draft Galston Village Public Domain Plan* aims to create an attractive main street and Village setting for all users. Proposed changes include revised parking arrangements, traffic calming measures and speed reduction, improvements to transport, pedestrian and cycling networks, enhanced water sensitive urban design (WSUD) drainage, improved public space, street tree planting and landscape works.
- Consultation is proposed to occur with the local community, Transport for New South Wales (TfNSW) and key stakeholders as outlined in the attached Community Engagement Plan (Attachment 2).

RECOMMENDATION

THAT:

1. Council adopts for public exhibition the *draft Galston Village Public Domain Plan* for a minimum period of twenty-eight (28) days.
2. A further report to be presented to Council following the public exhibition considering any comments received.

PURPOSE

To seek endorsement of the attached *draft Galston Village Public Domain Plan* (PDP) for public exhibition for a minimum period of twenty-eight (28) days using Council's engagement platform.

BACKGROUND

Upgrades to the main street in Galston and surrounding village have been talked about for a long time, with various plans prepared by the community and by Council over the years, with summary guidance provided through the *Hornsby Shire Development Control Plan 2013* (DCP).

The DCP provides urban design guidelines for built form, landscape, commercial servicing and public frontages. The principles outlined in the DCP seek to rationalise vehicle access and promote improved pedestrian circulation throughout the commercial core of Galston Village. The DCP recommends maximising pedestrian and retail activity by strengthening access to the Village Green and by providing more space to the shop frontage on Galston Road. Consistent with the current draft Plan, the DCP recommends the conversion of existing parking to angled parking and creating wider and continuous pedestrian retail frontage along Galston Road.

In 2018, Council engaged consultants Oculus Landscape Architecture and Urban Design to prepare a concept plan for Galston Road between the roundabout at Galston/ Mid Dural Road and the roundabout at Galston/ Arcadia Road. In 2019 Council made the decision to progress with the development a public domain plan for Galston Village as a Key Initiative in Council's Delivery Program. In March 2019, concept drawings prepared by Oculus were exhibited at a pop-up event in Galston Village along with running an on-line survey and a stakeholder meeting with the Arcadia Galston Residents Association (AGRA). Following the consultation, the concept drawings were finalised and at the December 2019 General Meeting, the Galston Main Street Concept Design Plan was endorsed for public exhibition and further community consultation was undertaken during 2020.

Since this time the Plan has been refined in relation to community feedback, speed zone reduction measures developed in liaison with TfNSW, to resolve known issues within the Village, and accounting for physical changes that have occurred within the setting since 2020.

The updated Plan seeks to retain the character of Galston Village as a semi-rural and regional attraction, while building capacity for growth and anticipated increased levels of visitation. Improvements to walking and cycling networks in a pedestrian-friendly environment will enhance the appeal of Galston Village as a local meeting place and as a tourism and leisure destination. Council's Delivery Program 2022-2026 identifies a need for the creation of vibrant town centres in Hornsby Shire, with Galston identified for improvements in 2025/26 to support the local economy and encourage visitation to the Shire. The project has also been identified in Council's Long-Term Financial Plan (LTFP) for construction in 2024/25.

DISCUSSION

The findings of numerous exhibitions and community forums have influenced designs for the main street and Galston Village with the following forming key considerations:

- Galston Road should be made safer through the introduction of traffic calming measures, improved pedestrian access, and better management of vehicle movements and parking.
- Consider introducing a vehicular speed zone reduction for the Village precinct.
- Provide more street trees and planting, furniture and bus shelters, and provide recreation and leisure spaces for the community and visitors.

- Ensure access to facilities and amenities is provided, including items such as wayfinding information, toilets, bike racks and drinking fountains.
- Upgrades should consider the rural functions and character of the area including items such as planting, horse hitching rails and rural style fences.

Works in partnership with Transport for NSW

Galston Road is classified as a State Road so any recommendation impacting the roadway setting remain subject to the approval of Transport for New South Wales (TfNSW). Council has ongoing discussions with TfNSW in relation to the *draft Galston Village Public Domain Plan* and will continue to receive feedback which may influence outcomes.

Movement and Place

The proposed works are in accordance with the principles of the TfNSW 'Movement and Place Framework', reflecting a higher commitment to the promotion of active transport solutions and the creation of pedestrian-friendly environments. The proposed upgrades represent a 'placemaking' initiative, providing an increased focus on improvements within the public domain including the road and importantly within the broader setting for the benefit of all users.

Recent works

In 2021-22, works were carried out by TfNSW near the western Mid Dural Road roundabout, including providing refuge crossings, paths and planting works. Separately, Council upgraded gateway signage and performed some path and planting works in the corner park near Arcadia Road. Some planting works undertaken by TfNSW at the western Mid Dural Road entry have been unsuccessful and are to be restored as part of the planned works. Proposed works will complement earlier TfNSW improvements by extending path networks and providing safer crossing locations. Proposed works will also upgrade the eastern entry in relation to the Arcadia Road/ Galston Road roundabout for improved and new pedestrian safety crossings, park upgrade and entry statement planting works.

Active Transport Solutions for walking and cycling.

In 2023, Council applied for TfNSW funding to develop a broader cycling network between Galston Village and Dural. In lieu of no determination on this application yet, the extent of pedestrian and cycle share path indicated on the current plan will be delivered between the intersections of Galston Road with Arcadia Road and Mid Dural Road, with consideration of an extension beyond this point should grant funding become available.

Speed Zone Reduction.

In 2023, Council commissioned a *Speed Zone Review* for various town centres including Galston Village. Funded by TfNSW, the Review is yet to be finalised however a recommendation for speed zone reduction through the Galston Village down to 40 km/h is being tabled. There is reason to be optimistic that recommendations of the Review will be approved by TfNSW.

The *draft Galston Village Public Domain Plan* illustrates traffic calming measures such as kerb buildouts, street tree planting and raised pedestrian crossings that will reinforce safer use of the setting by motorists and create a more pedestrian-friendly environment.

Whether or not approval is gained for a formal speed zone reduction, combined elements will contribute to a safer use of the roadway by motorists, improved and safer outcomes for cyclists and pedestrians, and will create a more attractive and enjoyable environment for all users.

The draft Galston Village Public Domain Plan

The *draft Galston Village Public Domain Plan* (PDP) represents a broad placemaking initiative to provide improvements to the entire Village precinct for all users, including for locals and for visitors to the region. A range of elements will contribute to this. The draft PDP illustrates proposals to:

- Undertake extensive tree planting and landscape works to create an attractive streetscape and improved spaces within the public domain for leisure and gathering.
- Create wider outdoor dining and gathering space and provide continuous circulation across the shop frontages on Galston Road.
- Create gains in the pedestrian environment by rationalisation of excess roadway, including relocation of parking further away from shop frontages and by providing safer parking arrangements, including angled parking and accessible parking and circulation options.
- Improve traffic circulation and management by the introduction of traffic calming measures and safer and improved parking arrangements, also delivering higher levels of convenient on-street parking in the vicinity of the shops.
- Ensure accessible pedestrian networks are developed to suit user needs, including wider footpaths, Disability Discrimination Act (DDA) compliant ramps, differential pavement treatments at driveway crossings, and by the introduction of raised pedestrian threshold crossings (replacing refuge crossings) in convenient and additional locations.
- Reinforce the existing gateway landscape at eastern and western roundabouts on Galston Road and provide streets and tree planting on either side of the road to enhance the setting and contribute to traffic calming.
- Reduce the speed limit on Galston Road through the village to 40km/h.
- Revise bus stop arrangements to ensure DDA compliance for accessibility and provide enhancements to existing bus stop settings, including consideration of bus shelters.
- Improve the management of overland flows and drainage, including introducing water quality improvements through WSUD drainage features.
- Provide wider footpaths throughout the Village to account for increased levels of visitation and for a range of users, including using mobility scooters.
- Improve the park at the corner of Galston and Arcadia Roads to create an inviting and useable setting and provide an attractive entry statement.
- Provide informal settings within roadside verges on the southern side of Galston Road, utilising existing shade and capitalising on views, and develop a precinct with seating and shade at the Galston Library and fruit stall frontage.
- Develop a pedestrian/ cycle share path on the southern side of Galston Road between the Arcadia/ Galston Road roundabout, extending to the west to the Mid Dural Road/ Galston Road roundabout. Note this will lay the foundation for an extension in the future beyond the Mid Dural Road intersection to link with Galston High School, Hayes Park and to Dural, however this is outside the scope of this project and will be dependent on the success of any grant funding application via TfNSW.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

An initial briefing session was held with AGRA and the wider community in November 2023 on the *draft Galston Village Public Domain Plan*. It is now proposed that Council undertake broad community

and stakeholder engagement in accordance with the attached Community Engagement Plan. The Engagement process will inform any changes and seek to confirm that:

- Proposed road, transport, circulation and landscape works have community support.
- Proposed changes to circulation and paving across the Galston Road shop frontage is supported by the community and local businesses and landowners.
- Proposed park and potential podium improvements at the corner of Galston and Arcadia Roads is supported by the community and local businesses and landowners.
- Proposed changes impacting Galston Road are acceptable to TfNSW and transport services authorities.

Engagement with the community and stakeholders will be completed in April 2024 with reporting on outcomes to follow in a further report to Council. The subsequent finalisation of the design and documentation for Public Tender is expected to take 4-6 months, followed by construction in the Financial Year 2025/26.

BUDGET

Council's Long-Term Financial Plan (LTFP) adopted in March 2019 (CS6/19) identified public domain improvements for Galston along with other sites to progress as part of investigations into public domain. The Galston Village Public Domain Project is further identified in Council's Delivery Program and Operational Plan 2022-2026 with allowances as follow:

- Design and documentation 2023/24 - \$0.5M.
- Construction 2024/25 - \$4.5M.
- Construction 2025/26 - \$2.1M.

POLICY

There are no policy implications associated with this Report.

CONCLUSION

A draft Galston Village Public Domain Plan has been prepared and is ready for public exhibition.

The upgrades seek to retain the character of Galston Village as a semi-rural and regional attraction, while building capacity for growth and anticipated increased levels of visitation. Revised parking and traffic solutions will deliver higher levels of safety and efficiency and improve commercial shop frontages along Galston Road, gaining space for pedestrian circulation and outdoor dining and gathering.

Planned upgrades seek to enhance open space to provide attractive and functional gathering and leisure spaces. Combined with improvements to walking and cycling networks in a pedestrian-friendly environment, the changes will enhance the appeal of Galston Village as a local meeting place and as a tourism and leisure destination.

As this is a State Road, TfNSW consent is being sought and a broad Engagement is proposed to be undertaken with community and stakeholders which will measure support, garner feedback, and inform any amendment being made prior to finalising for documentation and construction.

A further report will be provided to Council following the exhibition period outlining any comments received.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the acting Landscape/ Urban Design Team Leader – James Frawley - who can be contacted on 9847 6854.

JULIE RYLAND

Acting Director Infrastructure and Major Projects
Office of the General Manager

Attachments:

1.  Galston Village Public Domain Plan
2.  Community Engagement Plan

File Reference: F2018/00311-002
Document Number: D08807985

10 MAYOR'S NOTES 01 DECEMBER 2023 TO 31 JANUARY 2024

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.

Friday 1st December 2023 – The Mayor attended Coronation StrEat Opening Event, in Coronation Street, Hornsby.

Friday 1st December 2023 – The Mayor attended Bradfield Community Christmas Drinks, (celebrating Hornsby Ku-Ring-Gai Women's Shelter) for Paul Fletcher, in Lindfield.

Saturday 2nd December 2023 – The Mayor attended Studio Artes International Day for People with Disabilities, at Studio Artes, Hornsby.

Tuesday 5th December 2023 – On behalf of the Mayor, Deputy Mayor, Councillor Waddell attended Barker Junior School Celebration, at Barker College, Hornsby.

Tuesday 5th December 2023 – On behalf of the Mayor, Deputy Mayor, Councillor Waddell attended Annual Presentation Evening, at Galston High School, Galston.

Tuesday 5th December 2023 – The Mayor attended Pennant Hills High School Presentation Evening, at Pennant Hills High School, Pennant Hills.

Wednesday 6th December 2023 – The Mayor attended Walk the Talk with Women's Shed, at PCYC, Waitara.

Wednesday 6th December 2023 - The Mayor hosted four Citizenship Ceremonies in the Council Chambers at Hornsby Shire Council in Hornsby.

Wednesday 6th December 2023 – On behalf of the Mayor, Councillor Pillamarri attended Thanksgiving Eucharist and Presentation Assembly, at Mount St Benedict College, Pennant Hills.

Wednesday 6th December 2023 – On behalf of the Mayor, Deputy Mayor, Councillor Waddell attended Barker Secondary School Celebration, at Barker College, Hornsby.

Wednesday 6th December 2023 – On behalf of the Mayor, Councillor Greenwood attended The Arden School Presentation Day, at the Darling Harbour Convention Centre, Sydney.

Thursday 7th December 2023 – The Mayor attended Year 12 Presentation Day, at Clarke Road School, Hornsby.

Thursday 7th December 2023 – The Mayor attended Loreto Year 7-11 Awards Ceremony, at Loreto, Normanhurst.

Thursday 7th December 2023 – On behalf of the Mayor, Councillor Tilbury attended Carols Under the Stars, at Warrina Street Oval, Berowra.

Thursday 7th December 2023 – The Mayor and Councillors attended the Mayor's Christmas Party, which was at Storey Park, Hornsby.

Saturday 9th December 2023 – The Mayor attended The Dural and District Historical Society Lunch, held at Glenorie RSL, Glenorie.

Saturday 9th December 2023 – The Mayor attended Carols by Candlelight, at Fagen Park, Galston.

Saturday 9th December 2023 – On behalf of the Mayor, Councillor Tilbury attended Berowra RSL Sub-Branch Annual Local Veteran Function, at Club Berowra, Berowra.

Sunday 10th December 2023 – The Mayor attended Asquith Carols by Candlelight, at Mills Park Tennis Centre, Asquith.

Monday 11th December 2023 – The Mayor attended the Ku-ring-gai Financial Services Limited (KSFL) Christmas Function, at Kipling's Garage, Turramurra.

Tuesday 12 December 2023 – The Mayor attended Asquith Boys High School 63rd Presentation Day, at Asquith Boys High School, Asquith.

Tuesday 12th December 2023 – The Mayor attended Normanhurst Boys High School Presentation Night, at Hornsby RSL, Hornsby.

Wednesday 13th December 2023 – The Mayor attended Asquith Girls High School Annual Presentation Day Ceremony, at Hornsby RSL, Hornsby.

Thursday 14th December 2023 – The Mayor attended the Volunteer Christmas Party, at Hornsby Library, Hornsby.

Wednesday 17th January 2024 – The Mayor attended Coffee and Chat with Hello Hornsby, at Hornsby Library, Hornsby.

Wednesday 24th January 2024 – The Mayor attended Pennant Hills Rotary Club Australia Day Dinner, at Pennant Hills Golf Club, Pennant Hills.

Friday 26th January 2024 – The Mayor hosted an Australia Day Citizenship Ceremony, at Hornsby Park.

Friday 26th January 2024 – The Mayor attended Indian Republic Day/Australia Day Celebrations, at Delhi Heights Indian Restaurant, Dural.

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11 MURALS ON PUBLIC INFRASTRUCTURE IN MOUNT KURING-GAI AND BEROWRA

COUNCILLOR TILBURY TO MOVE

THAT:

1. Council write to the Minister for Transport and Transport for NSW seeking its permission for a mural to be painted on the Pacific Highway pedestrian overpass at Mount Kuring-Gai and on the side of the Mount Kuring-Gai road bridge.
2. Council write to the Minister for Water and Sydney Water seeking its permission for a mural to be painted on the Berowra Waters Road reservoir.
3. Subject to the agreement of either Sydney Water or Transport for NSW for murals to be painted on their assets, that Council work with local community groups that have previously expressed an interest in funding the cost of providing the mural(s).
4. Council work with local primary schools to encourage submissions for proposed mural(s) themes.

Note from Councillor

Graffiti is a societal issue that both public and private landowners have to deal with despite the fact that marking premises or property constitutes an offence under the Graffiti Control Act 2008. Notwithstanding, graffiti is still prevalent, and particularly in public settings, is unsightly and can impact negatively on community perceptions of public safety.

There are some locations such as the pedestrian overpass across the Pacific Highway in Mount Kuring-Gai and the side of the Mount Kuring-Gai road bridge itself, that are regularly tagged. The responsible authorities, in this case Transport for NSW, continue to respond and take action to remove the graffiti when they become aware of it. Whilst this is to be commended, experience shows that repeat tagging will occur and the cycle continues.

Council's experience with the mural on the Sydney Water Tank at Hookham's Corner along with other locations such as the Dural Lane, Beattie Lane, and Jersey Street murals demonstrates that well-maintained public art murals can contribute positively to the sense of community and also effectively serve to deter graffiti vandalism.

For many years the Berowra community have aspired to have a mural painted on the 1937 built concrete Sydney Water reservoir on Berowra Waters Road. I understand that the reservoir is listed on Sydney Water's stage agency heritage register as locally significant having regard to the reservoir being one of a small group of concrete elevated reservoirs with 'Egyptian' style doors.

I am advised that community members and groups have previously made direct representations to

Sydney Water regarding painting a mural on the reservoir without success. Nevertheless, community support remains for a mural on the reservoir, and I would like Council to explore with Sydney Water whether an appropriate themed mural could be painted on the reservoir.

As identified, there is strong community support for murals on both the Mount Kuring-Gai pedestrian overbridge, road bridge and the Berowra reservoir, and I understand, that subject to permission being granted by the relevant property owners, the local Berowra service clubs have offered to fund the cost of painting new public art murals in these locations.

With this in mind, I am seeking Council's support to write to both Transport for NSW and Sydney Water to seek their permission for community led, public art murals to be painted on the Mount Kuring-Gai pedestrian overpass, road bridge and the concrete water reservoir located on Berowra Waters Road.

Attachments:

There are no attachments for this report.

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