



BUSINESS PAPER

GENERAL MEETING

**Wednesday 8 May 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 10 April, 2024 be confirmed; a copy having been distributed to all Councillors.

PETITIONS**PRESENTATIONS****RESCISSION MOTIONS****MAYORAL MINUTES****Page Number 1****Item 1 MM3/24 THE PASSING OF MR LINDSEY BROWNE****RECOMMENDATION**

THAT Council on behalf of Councillors and Council staff offer our sincere condolences to the family and friends of Mr Lindsey Browne, whose contribution to the community was significant.

ITEMS PASSED BY EXCEPTION / CALL FOR SPEAKERS ON AGENDA ITEMSNote:

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

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

GENERAL BUSINESS

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

OFFICE OF THE GENERAL MANAGER**Page Number 3****Item 2 GM14/24 UPDATE - NOM 11/23 - PROPOSAL TO CHANGE BROOKLYN PARKING RESTRICTIONS**

RECOMMENDATION

THAT Council:

1. Note the direction provided by the Department regarding car parking management in McKell Park and adopt the attached roll out plan (Attachment 2) as the means for Council to ensure legislative compliance as land managers of Crown Land.
2. Support a suitably constituted community group to enter into a tenure arrangement with the Department in either Upper McKell Park (overflow area), Parsley Bay or near the slip road/behind the Hawkesbury River Marina as the means to accommodate offshore resident parking requirements on a Crown Reserve.
3. Retain the current car parking management arrangements in the Dangar Road (wharf) carpark until an approach to a tenure with the Department has been resolved to accommodate offshore resident parking – noting potential foreshore public domain improvements are earmarked for this location via the Brooklyn Place Plan.
4. Undertake a further review of village centre parking to ensure that car parking management arrangements maximise the economic outcomes of the village in accordance with the roll out plan.
5. Not proceed with a Special Circumstances Parking Permit and encourage offshore residents to apply for Disability Parking Permits (where appropriate) and/or to consider utilising a private marina with associated car parking.
6. Investigate a Shire Wide Resident Parking Scheme in conjunction with paid parking as per the adopted Car Parking Management Study 2020.
7. Continue to advocate to Transport for NSW to unlock transport land and to provide improved services to Hawkesbury River Station including commuter and regular user parking for train and ferry customers and support the use of the train as a means for all to access Brooklyn.
8. Re-commence the place planning process for Brooklyn and brief the incoming Council on planning undertaken to date.

CORPORATE SUPPORT DIVISION

Page Number 14

Item 3 CS13/24 INVESTMENTS AND BORROWINGS FOR 2023/2024 - STATUS FOR THE PERIOD ENDING 31 MARCH 2024

RECOMMENDATION

THAT the contents of Director's Report No. CS13/24 be received and noted.

Page Number 17

Item 4 CS15/24 2023/24 BUDGET - MARCH 2024 QUARTER REVIEW

RECOMMENDATION

THAT the March 2024 Quarter Review of the Operational Plan (Budget) for 2023/24 be received and noted.

COMMUNITY AND ENVIRONMENT DIVISION**Page Number 25****Item 5 CE4/24 DRAFT SOCIAL PLAN****RECOMMENDATION**

THAT:

1. The draft Social Plan attached to the Director's Report No. CE4/24 be placed on public exhibition for a period of 28 days.
2. Following exhibition, a report on submissions be presented to Council for its consideration

Page Number 30**Item 6 CE5/24 DRAFT ARTS & CULTURAL PLAN****RECOMMENDATION**

THAT:

1. The draft Arts & Cultural Plan attached to the Director's Report No. CE5/24 be placed on public exhibition for a period of 28 days.
2. Following exhibition, a report on submissions be presented to Council for its consideration.

PLANNING AND COMPLIANCE DIVISION**Page Number 34****Item 7 PC7/24 HORNSBY LOCAL PLANNING PANEL - APPOINTMENT OF EXPERT PANEL MEMBERS****RECOMMENDATION**

THAT:

1. Council's General Manager be authorised to appoint an additional 6 experts to the Hornsby Local Planning Panel to maintain a minimum of 15 panel members.
2. The Planning Panels Secretariat at the Department of Planning, Housing and Infrastructure be advised of Council's resolution.

Page Number 39

Item 8 PC8/24 PLANNING PROPOSAL - HERITAGE AND HOUSEKEEPING

RECOMMENDATION

THAT:

1. Council endorse progression of the Heritage and Housekeeping Planning Proposal attached to Director's Report No. PC8/24 for submission to the Department of Planning, Housing and Infrastructure for a Gateway Determination.
2. The Planning Proposal be publicly exhibited in accordance with the Gateway Determination and consultation strategy identified in this report.
3. Following exhibition, a report on submissions be presented to Council for consideration.

Page Number 49

Item 9 PC9/24 HORNSBY DEVELOPMENT CONTROL PLAN 2024

RECOMMENDATION

THAT:

1. The draft Hornsby Development Control Plan 2024 attached to Director's Report No. PC9/24 be placed on public exhibition for a period of 28 days.
2. Following exhibition, a report on submissions be presented to Council for consideration.

INFRASTRUCTURE AND MAJOR PROJECTS DIVISION

Nil

PUBLIC FORUM – NON AGENDA ITEMS

QUESTIONS WITH NOTICE

MAYOR'S NOTES

Page Number 54

Item 10 MN4/24 MAYORS NOTES 01 APRIL 2024 TO 30 APRIL 2024

NOTICES OF MOTION

Page Number 56

Item 11 NOM3/24 OFF-ROAD BIKE FACILITIES IN GALSTON

COUNCILLOR WADDELL TO MOVE

THAT:

1. Council consider, within the adoption of the 2023-24 Operational Plan, a feasibility study to assess the viability of establishing an off-road bike facility between Galston Aquatic Centre and Hayes Oval whilst ensuring alignment with site constraints and environmental considerations.
2. Subject to Council adopting the above a briefing of Councillors be undertaken following the completion of the feasibility study, if viable, to develop a plan involving the local community for its implementation.

SUPPLEMENTARY AGENDA

MATTERS OF URGENCY

1 THE PASSING OF MR LINDSEY BROWNE

Council joins with many people in celebrating the life of much-respected Hornsby resident and former Shire President Mr Lindsey Browne who passed away recently.

Lindsey Browne was elected to Hornsby Shire Council in September 1987 and he was elected Shire President in his first year after his name was pulled out of hat due to a tied contest.

During this period Lindsey Browne oversaw structural changes within Hornsby Council. He had a background in engineering and development management both in Australia and overseas, as well as a contract as Engineer of North Sydney Council. Because of his background he advocated for a new structure within Council.

The Shire Clerk was now titled as General Manager and department heads were now 'Executive Managers' with appropriate name changes to reflect the modern society. He encouraged councillors to wear Corporate Executive clothing to identify the Hornsby Council brand at local, state, and federal levels.

He also strongly advocated for senior staff and councillors to attend management training where aims and goals for forward planning for the shire were devised.

During his term as Shire President a Mission Statement was adopted.

"Our mission is to protect the environment and provide cost-effective service to our customers."

He also championed the birth of the all-new Hornsby Mall and the establishment of the 'Hornsby CBD'. He liaised with the artist Victor Cusack with regards to the creation of the renowned Man, Time, and the Environment Water Clock.

He was instrumental in arranging for the refurbishment of the old Council Chambers and created a 'Councillors' Room' where meetings with members of the public, staff and other councillors could be held.

He devised the conception of and coordinated 4 major local organizations to contribute to the erection of The Flag at historic Dame Mary Gilmore Park, Thompsons Corner, West Pennant Hills as part of Australia's Bicentenary.

Lindsey Browne was a leader who instituted great change and created a new direction for the vastly expanding Hornsby Shire.

Lindsey Browne died on 9th April 2024 and will be sorely missed.

RECOMMENDATION

THAT Council on behalf of Councillors and Council staff offer our sincere condolences to the family and friends of Mr Lindsey Browne, whose contribution to the community was significant.

The Honourable Cr PHILIP RUDDOCK

Mayor

Attachments:

There are no attachments for this report.

File Reference: F2004/05878

Document Number: D08869297

ITEM 1

2 UPDATE - NOM 11/23 - PROPOSAL TO CHANGE BROOKLYN PARKING RESTRICTIONS

EXECUTIVE SUMMARY

- Further work has been undertaken on car parking management in Brooklyn following Council's resolution associated with Notice of Motion (NOM)11/23 – including investigations associated with permit parking schemes and the evaluation of the reduced number of timed car parking spaces on the riverfront.
- Following the resolution to reduce timed parking on the river front, utilisation of the associated car parking areas exceeded an average of 85% during the trial period, the accepted standard for maximum sustainable occupancy.
- A resident parking scheme cannot be accommodated in Lower McKell Park due to the recreational value of the land and its use for the public purpose of public recreation. The Department of Planning, Housing and Infrastructure – Crown Lands and Public Spaces (the Department) has provided written advice to this effect (Attachment 1). The Department has indicated that they will consider a resident parking scheme in the form of a tenure in either Upper McKell Park (overflow area), Parsley Bay or near the slip road/behind the Hawkesbury River Marina.
- The Department (as landowner) has provided written direction to Council (as land manager) to manage parking in Lower McKell Park for “on reserve” purposes and has explicitly stated that resident parking on the reserve is not consistent with the reserve purpose. New time restrictions that will comply with this direction have been included in this report as part of the car parking management roll out plan (Attachment 2).
- Options for a Special Circumstances Parking Permit have been evaluated and Councillors were provided with an informal briefing. It is not recommended that such a permit system progress due to concerns that a priority of access approach based on a person's age, carer status or work status may be contrary to anti-discrimination legislation and would also constrain future uses of Council's operational land holdings noting that very little appropriate land is available within the immediate Brooklyn precinct.
- No changes are recommended to current time restricted parking in the Dangar Road (wharf) carpark – subject to a review linked to the negotiations associated with a tenure for resident parking in either Upper McKell Park (overflow area), Parsley Bay or near the slip road/behind the Hawkesbury River Marina.

RECOMMENDATION

THAT Council:

1. Note the direction provided by the Department regarding car parking management in McKell Park and adopt the attached roll out plan (Attachment 2) as the means for Council to ensure legislative compliance as land managers of Crown Land.
2. Support a suitably constituted community group to enter into a tenure arrangement with the Department in either Upper McKell Park (overflow area), Parsley Bay or near the slip road/behind the Hawkesbury River Marina as the means to accommodate offshore resident parking requirements on a Crown Reserve.
3. Retain the current car parking management arrangements in the Dangar Road (wharf) carpark until an approach to a tenure with the Department has been resolved to accommodate offshore resident parking – noting potential foreshore public domain improvements are earmarked for this location via the Brooklyn Place Plan.
4. Undertake a further review of village centre parking to ensure that car parking management arrangements maximise the economic outcomes of the village in accordance with the roll out plan.
5. Not proceed with a Special Circumstances Parking Permit and encourage offshore residents to apply for Disability Parking Permits (where appropriate) and/or to consider utilising a private marina with associated car parking.
6. Investigate a Shire Wide Resident Parking Scheme in conjunction with paid parking as per the adopted Car Parking Management Study 2020.
7. Continue to advocate to Transport for NSW to unlock transport land and to provide improved services to Hawkesbury River Station including commuter and regular user parking for train and ferry customers and support the use of the train as a means for all to access Brooklyn.
8. Re-commence the place planning process for Brooklyn and brief the incoming Council on planning undertaken to date.

PURPOSE

The purpose of this Report is to respond to Part 2, 3 and 4 of the Council resolution associated with the Notice of Motion (NOM) 11/23.

BACKGROUND

At the April 2023 General Meeting, Council considered Report No. GM1/23 which outlined proposed changes to car parking management in Brooklyn. It was resolved that Council:

1. Acknowledge the efforts and contribution of community and stakeholders to this process, particularly in trying to seek a common understanding and way forward on a long-standing issue for the Brooklyn and River community.
2. Adopt the proposed car parking management staged, roll out schedule attached to General Manager's Report No. GM1/23 implementing the roll out as part of future Delivery Programs and an Informal Councillor Briefing be held following the trailer removal process to further consider timed parking restrictions.
3. Not proceed with the proposed leased car park in Upper McKell Park overflow area but continue to operate the car park as a free to use parking area in the short to medium term.
4. Note the proposed alternate leased parking locations nominated by the community and further address this matter in the place planning process.
5. Undertake further consultation with the community to determine the extent of need for residents who are not eligible for a Disability Parking Permit but may still require special parking arrangements.
6. Undertake further consultation on the introduction of paid parking in McKell Park and Parsley Bay to respond to community demand for flexible parking.

This resolution was progressively implemented throughout 2023. Trailer management initiatives resulted in approximately 50 trailers removed from Upper McKell Park without significantly impacting upon nearby streets. A revised approach to managing parking in Parsley Bay was implemented which resulted in greater flexibility for users. 4P parking signage was installed on the river side row of parking in Lower McKell Park and throughout the Dangar Road (wharf) carpark. A small number of 30-minute parking spaces were introduced at key locations.

At the December 2023 General Meeting, Council considered NOM11/13 and resolved THAT Council:

1. Acknowledge the challenges that the trial of the Brooklyn Parking scheme has presented to the local community.
2. Act immediately to:
 - a) Adjust the number of recently implemented 4P timed parking spaces within both the foreshore and ferry wharf area to a total of 35 timed spaces for a four-month trial period, thereby reducing the restricted 4P spaces by a total of 40 spaces.
 - b) Implement these changes as a matter of urgency and immediately following the approval of the Local Traffic Committee.
 - c) Provide temporary, motion-activated lighting to provide safety and security for all residents during this trial period.

- d) Monitor and evaluate all parking changes during this trial period and report back to Council with a report recommending any further changes not later than the May 2024 Council Meeting.
3. Commence action to research and investigate a resident parking scheme together with the concept of a Special Circumstances Parking permit for reporting back to Council in conjunction with the evaluation of the current parking changes.
4. Progress long term solutions and funding opportunities within the Brooklyn Place Plan concurrently with this trial and request an update to an Informal Councillor Briefing before March 2024.

DISCUSSION

Measurement

Following Council's adoption of NOM 11/23, the changes to car parking management in Brooklyn (part 2a and 2b were rapidly implemented within several days. Per part 2a of the resolution, the new car parking management arrangements have been trialled for over four months, from mid-December 2023 and remain in place at the time of writing. Works as per part 2c of the resolution have commenced and are being assessed as to what further can be implemented. To comply with the need to review the trial and prepare a report to Council for a May General Meeting (part 2d), formal measurement of the car parking occupancy was conducted in mid to late March 2024.

Car parking occupancy results show that, on average across the Friday and Sunday when the study was undertaken, car parking utilisation rates for Lower McKell Park and the Dangar Road (wharf) carpark exceeded 85% - which is the technical threshold at which additional time restrictions to parking should be considered. Utilisation rates for these two car parking locations were also over 85% when measurements were undertaken in 2019 to inform the Car Parking Management Study 2020. It is noted that car parking utilisation in Lower McKell Park was found to be an average of 90% over a 12-hour period between 6am and 6pm during the Friday and Sunday of the study period.

This result suggests that an insufficient number of 4P parking spaces have been retained following the December Notice of Motion to reduce the number of 4P parking spaces in both car parking locations.

One possible, contributory factor for this utilisation outcome is the use of the 4P parking by Disability Parking Permit holders. It is noted that this use of the 4P parking by Disability Parking Permit holders is legal and was the recommended approach to managing the mobility and access needs of car park users. Additional 4P parking spaces should be considered if the goal of the timed car parking is to reduce utilisation below 85% and increase the chances of visitors finding a car parking space. The use of the 4P spaces by those with a Disability Parking Permit and the obvious availability this has provided is one very positive outcome of the changes made to date.

Tube counts were undertaken during the week of the Easter long weekend. Results indicate that 7,630 vehicles entered the Brooklyn village east of the railway line over the course of the seven days of the study. Of those, 2,834 cars entered Dangar Road (opposite Lifeboat Seafood) during the survey week – an average of 405 cars per day. As such, tube count data suggest that 37% of all vehicles entering Brooklyn village are entering McKell Park – likely seeking car parking. Peak arrival times were between 11am and 1pm.

Undertaking a tube count during a peak demand period such as the week of Easter is atypical and is not normally used for planning purposes. However, in this instance it was chosen as the study period

to understand the peak visitor demand for parking at McKell Park – which is a Crown Reserve set aside for public recreation.

Taken together, tube count data and utilisation data suggest that few visitors to the Crown Reserve of McKell Park were likely to find a car parking space.

In summary, the introduction of additional timed parking should be considered if Council wishes to operate a town centre carpark that supports the economic activity of the village centre and a regional park (on Crown Land) that is accessible for use by members of the community.

Permits

Notice of Motion - NOM 11/23 required the research and investigation of a resident parking scheme and a Special Circumstances Parking Permit. A resident parking scheme is dealt with in the first instance.

Over recent years, numerous community submissions have been received from offshore residents with respect to resident parking schemes. The location focus of these requests has been the carpark in Lower McKell Park and the Dangar Road (wharf) carpark. Lower McKell Park carpark is part of the Crown Reserve. Dangar Road (wharf) carpark is largely Council owned operational land. There is also a section of this car park towards the waterfront that is a Crown Reserve – which was recently re-categorised as operational land. Given the different tenures and associated management responsibilities of the two locations, the applicability of a resident parking scheme on both sites requires consideration of different legislation.

Lower McKell Park

Council has previously consulted with the Department regarding resident parking in McKell Park and was advised that a lease (tenure) was required to facilitate this outcome. This advice continues to be the case. Specifically, under the Crown Lands Management Act 2016, resident parking on a Crown Reserve with a reserve purpose of public recreation is not consistent with that purpose. As such, resident parking on Crown Land is considered a “secondary interest” under the Act. To facilitate this use, a tenure is required. Section 2.19 of the Act sets out the conditions under which a secondary interest may or may not be granted. Essentially, Section 2.19 sets out that a secondary interest tenure can be granted if it is both in the public interest to do so and would not be likely to materially harm the reserve’s use for the purpose for which it had been dedicated or reserved.

Attachment 1 is correspondence from the Department which outlines this approach. This letter specifically comments on the use of Lower McKell Park for a resident parking scheme/tenure. It is understood that due to the material harm that a tenure in the riverfront area of Lower McKell Park would cause to the recreational value of the reserve, a resident permit scheme in this location has not been supported by the Department. The Department has indicated that Upper McKell Park may be considered the most appropriate location for a resident parking tenure as Council may be able to demonstrate that it is in the public interest and this location is least likely to not materially harm the reserve’s use for the purposes of public recreation. Earlier correspondence between Council and the Department has indicated that a tenure in Parsley Bay also received in principle support. The Department has verbally commented that Council should first consider the option near the slip road/behind the Hawkesbury River Marina prior to the site being presented to the Department for comment as a potential tenure site. It is noted that this location option is categorised as “natural area” in the Plan of Management for McKell Park.

Further, the attached letter from the Department (as landowner) directs Council (as land manager) to manage car parking in Lower McKell Park to facilitate access to the reserve for the reserve purpose of

public recreation. Whilst the Department has not been explicit in this direction, it is contended that “on reserve” recreational uses may extend throughout the day but would not extend to multiple days given that there are no provisions for overnight stays on the reserve. For instance, camping is not permitted in the reserve so multi day stays are not envisaged. As such, a regime that requires a car parking space to turn over at least once per day would be consistent with an “on reserve” use.

A roll out plan is attached (Attachment 2) to this report and outlines a car parking management regime that ensures compliance with the directions received from the Department. This is specifically achieved through the reinstatement of the 4P parking option along the waterfront in Lower McKell Park per the April 2023 resolution of Council (GM1/23). This time restriction provides for car parking to turn over at the peak morning arrival time to the precinct at or around 10am, with the exception of those who hold a valid Disability Parking Permit. A new 8P parking option has also been included along the hill side of the Lower McKell carpark. This longer stay parking option will provide the maximum flexibility for reserve users, whilst still being enforceable by Council and meeting the Department’s direction.

The 4P parking may be reinstated at Council’s earliest convenience after the adoption of this Report given that the signage plan has already been endorsed by the Local Traffic Committee. The introduction of 8P parking would require Local Traffic Committee endorsement prior to implementation to ensure that the signage is enforceable.

Dangar Road (wharf) Carpark Precinct

As Council owned operational land, the land encompassing this carpark (as well as the adjoining properties of 2-4, 6, 8 and 10 Dangar Road) provides Council with greater discretion to implement a permit system compared to Crown Land. Unlike McKell Park where Council is the Crown Land Manager on behalf of the State Government and must comply with the Crown Lands Management Act 2016, the Local Government Act 1993 is the relevant legislative framework to consider both time restrictions to parking and permit parking on Council owned, operational land.

Chapter 6 (Part 2) of the Local Government Act 1993 describes the classification of public land as community land or operational land. *“The purpose of classification is to identify clearly that land which should be kept for use by the general public (community) and that land which need not (operational). The major consequence of classification is that it determines the ease or difficulty with which land may be alienated by sale, leasing or some other means.*

Operational land would ordinarily comprise land held as a temporary asset or as an investment, land which facilitates the carrying out by a council of its functions or land which may not be open to the general public, such as a works depot or a council garage.”

The Council owned operational land along Dangar Road provides a unique opportunity for Council to deliver on part of the place vision for Brooklyn. At its July 2021 General Meeting via Report No. GM31/21, Council endorsed the following guiding principles to develop the Brooklyn Place Plan:

- A town centre that celebrates and preserves its connection to the river, the environment and its heritage.
- A town centre that is well maintained, attractive and with community custodianship.
- A town centre that supports local business.
- A town centre that is walkable, integrated, connected and active. A town centre that incorporates an appropriate community facility as a hub.

- A town centre that functions as a transport interchange.
- A town centre that maximises benefits from visitors for locals.
- A town centre that is a vibrant and welcoming visitor destination with an active spine along Dangar Road.

Until Council resolves otherwise, the strategic focus of the operational land in Brooklyn is to deliver on the adopted vision for Brooklyn. It is not recommended that Council offer additional permits on any of the Council owned operational land in Brooklyn – be they resident permits or Special Circumstances Parking Permits – as this approach will encumber future decision making around the Brooklyn Place Plan and use of these important community assets.

Council currently offers a “permit” parking system in the form of a yearly, licenced use of 12 car parking spaces behind its properties on Dangar Road. This licenced use is operated on a waiting list system. It is recommended that this permit system continue until such time as a Place Plan is adopted for Brooklyn and a more detailed strategic direction for these properties is adopted. Further, it is recommended that these licences be market tested to ensure that Council is operating in a manner that is consistent with the Local Government Act and that it is not inadvertently undercutting the private sector by providing subsidised car parking and thereby acting in an anti-competitive fashion. Car parking spaces are clearly highly valued in Brooklyn.

A Special Circumstances Parking Permit may, in theory, be applicable to these 12 licenced car parking spaces. However, a priority of access policy which prioritises access to a service based on an attribute associated with a person’s age, carers status or work status (for example) may be considered to be in breach of anti-discrimination legislation. A desktop review of similar permit systems has been undertaken. From those permit systems examined, priority has only been afforded to those residents with a Disability Parking Permit – which is an existing and accepted mechanism for managing priority access to parking. For those river residents who seek access to a Special Circumstances Parking Permit but are not eligible for a Disability Parking Permit, using a private marina is likely to provide an outcome whereby the owner’s car is located in close proximity to their boat. Ferry users should be encouraged to use the Transport for NSW (TfNSW) owned carpark for commuter parking on Brooklyn Road. Council will continue to advocate to TfNSW to unlock transport land and to provide improved services to Hawkesbury River Station, including commuter and regular users of the train and ferry. If Council is of the mind to proceed with a Special Circumstances Parking Permit, it is recommended that a policy be drafted, and legal advice sought in the first instance to ensure that the policy is legally sound and non-discriminatory prior to offering it to the community.

A permit system may also be applicable on the Dangar Road (wharf) carpark given that it is Council owned operational land. The use of a public carpark in a town centre – in this case the Dangar Road (wharf) carpark for private parking purposes is considered to be an inappropriate use of public land and would set a precedent across the Shire that would be difficult to adhere to. Council owned public carparks on operational land are used throughout the Shire to support the economic operation of town and village centres and typically offer time restricted parking to exclude long stay parking. For example, Hornsby Town Centre, Pennant Hills, and Beecroft Village centre carparks are all time restricted. To facilitate the private long-term use of these critical parcels of land (via a permit scheme) is not consistent with the adopted guiding principle for Brooklyn associated with “a town centre that supports local business.”

A way forward

Throughout the engagement process associated with car parking management in Brooklyn, it is noted that the community users associated with the Brooklyn Mooring Co-operative (BMC) have outlined to Council that in approving the development application for the BMC pontoons off McKell Park, Council is obliged to provide safe access to parking for BMC users.

Council's records show that the original Council Report and subsequent temporary, development consent associated with the BMC conferred no rights associated with the development consent for parking. At its meeting on 1 July 1982, Council resolved that:

the Dangar Island Residents Co-operative be notified that Council has no objection to the provision of mooring facilities by Dangar Island Residents on a co-operative basis at or near the preferred location (Site 'B' on map marked 9070, received 25 June 1982), provided that the facilities and consequent permissive occupancy are not of a permanent nature and no ensuring (sic) rights are construed to exist by Dangar Island resident for the parking of their vehicles near this facility

The Department (then known as the Land Board Office, Department of Lands), in granting consent for the BMC to erect the pontoons, also noted that that no parking rights were being considered in their approval to lodge a development application. The Department of Lands commented in 1982 that:

- (iv) *vehicular parking facilities at the Park not (their emphasis) being determined at the present time.*

Council's conditions of consent for the approved development application (No. DA202/82) stated the following:

2. *No rights for the parking of vehicles owned by Dangar Island residents at or near this facility exist by the virtue of this development approval.*
4. *No activity or use being conducted which would give rise to nuisance or interference with the enjoyment of the park's facilities by the general public.*

BMC subsequently applied for an expansion of their pontoons in 1984 and Council sought to investigate the likely impacts of parking associated with the proposed expansion, following which BMC indicated to Council in writing that:

"the parking of motor vehicles is beyond the scope of the objects of the Brooklyn Mooring Co-operative Limited. The Board is therefore unable to enter into any parking arrangements and is not seeking any rights to parking at or near the Society's mooring facilities. It accepted this condition (car parking) in relation to Development Application No 202/82 and re-stated it in the Development application now under consideration".

It is clear from Council's files that there was no lack of clarity in respect of the BMC entitlement to parking in McKell Park. The most recent correspondence from the Department received by Council (Attachment 1) makes it clear that resident parking is not consistent with the reserve purpose of McKell Park. Whilst it may be beyond the current scope of the BMC to enter into a lease for land to provide resident parking or parking for its members, it is recommended that staff commence discussions with the community about the formation of an entity that may enter into a tenure agreement with the Department for the purposes of providing resident car parking – should they wish to do so.

The Department has provided Council with direction to manage car parking in Lower McKell Park for on reserve uses and not resident parking uses. It has been negotiated to leave the remaining sections of McKell Park (i.e. the slip road and portions of Upper McKell Park) without car parking time restrictions until such time as an approach to a tenure is finalised. This will allow Council to move

towards ensuring its legislative compliance in managing parking on McKell Park for on reserve purposes in a timely fashion.

It is noted that Council first offered the area in Upper McKell Park to the community for use as a leased car park in August 2022 via Report No. GM28/22. In April 2023 via Report No. GM1/23, Council resolved to withdraw this offer on the basis of community feedback on this proposal. Given that in recent correspondence, the Department has identified a potential resident parking leased area in either Upper McKell Park (overflow area) or Parsley Bay, Council would need to resolve once again to offer this location as part of a leased tenure. Coupled with Part 4 of the resolution associated with Report No. GM1/23 which addressed a community generated, potential leased parking area off the slip road/behind Hawkesbury River Marina, it would be appropriate that moving forward, Council consult with the community on a leased carpark location at either Upper McKell Park (overflow area), Parsley Bay or near the slip road/behind the Hawkesbury River Marina.

Consultation and Implementation of Changes to Parking

Council has undertaken significant consultation with the community regarding car parking changes in Brooklyn over recent years, and indeed over previous decades. The re-instatement of previously adopted car parking restrictions (timed parking) in McKell Park and Dangar Road (wharf) carpark that were amended in December 2023 need no further consultation if Council resolves to reinstate these following the recent trial of removing some of these time restricted parking spaces.

The community was consulted on these time restrictions between September and October 2022. Report No. GM1/23 notes that “prior to Council resolving to put the proposed changes to car parking management in Brooklyn on exhibition at the August 2022 General Meeting, 201 written submissions were received by Council from the community. These submissions have been reviewed and considered in the preparation of this Report. It is noted that many of these pre-exhibition submissions sought to not have the exhibition period commence until such time as the community had been consulted on the contents of the proposed changes to car parking management in Brooklyn. At the time, the community contended that the proposed changes, especially in relation to a leased car park in Upper McKell Park, were unsuitable.

Once on exhibition, a further 504 submissions were received - 38 written submissions were received on the proposed changes and 466 online surveys were completed on Council’s Your Say Hornsby webpage. Staff also met with nine individuals at their request during the exhibition period and attended fortnightly meetings with the Brooklyn Hawkesbury Parking Collaboration – a newly formed group who represent the various community organisations in the Lower Hawkesbury area. The group formed itself to find common ground on which to progress an approach to car parking management. This was not achieved by the end of the exhibition period and the group’s submission on the proposed parking changes and alternate solutions did not receive the support of the Brooklyn Community Association.

The exhibition period lasted nine weeks throughout September and October 2022. It should be noted that the community dedicated significant time, effort and resources into preparing their submissions and in some cases conducted their own surveys and undertook consultation with their stakeholders. Council acknowledges this extensive body of work and thanks the community members involved and for sharing their results”.

With respect to the proposed introduction of eight-hour (8P) parking along the hillside row of the carpark in Lower McKell Park Council will not be undertaking further consultation in order to comply with the direction from the Department to manage parking for on reserve purposes. Previously, extensive consultation had been undertaken to date as outlined above and parking preferences of the

community and stakeholders are well understood. Council published the results of the above-mentioned survey in January 2023 and noted that 53% of respondents preferred some form of time restrictions in Lower McKell Park and 42% preferred unrestricted parking. Numerous written submissions have also been received by Council allowing staff to understand the preferences of users.

8P parking is a compromise between the requirements of the Department, feedback received from the community and a duration of stay that is enforceable by Council. Council will proactively inform residents who previously engaged with Council on car parking management changes via the YourSay website and will also update the Brooklyn Place Planning webpage as this business paper is made publicly available.

Car parking management and any controls put in place is a highly contested and unpopular process to navigate which Council is delegated to undertake, while considering the multiple, competing uses and stakeholder requirements.

Car parking management matters do not typically require a resolution of Council to implement, and it is noted that there is a ten-day exhibition period that comes with the business paper process which allows the community to comment on the recommendations being put forward. Coupled with earlier extensive consultation and feedback, it is recommended that the exhibition of this Report prior to the consideration of the Report by Council will be adequate to meet the consultation requirements associated with the Local Traffic Committee regarding the inclusion of an 8P parking option in Lower McKell Park.

Consultation on the location of a leased car park location will take place via targeted consultation with community groups in the first instance. Such an approach needs to be community driven with appropriate time limits placed on the community to provide a response. This response deadline to resolve an approach should be linked to the likely exhibition of the Brooklyn Place Plan in mid-2025.

Once Council has resolved its direction in relation to car parking management in Brooklyn, a communication plan to inform the community of the decision and next steps will be prepared and implemented.

CONSULTATION

In the preparation of this Report Council consulted with the Department of Planning, Housing and Infrastructure – Crown Lands and Public Spaces (the Department). Various other local government parking permit systems were reviewed online and feedback from the community regarding the challenges of parking in Brooklyn from previous consultations and from submissions to Council whilst it considered NOM 11/23 have informed the recommendations in this report.

Report No GM1/23 provides detail on recent consultation undertaken on car parking management in Brooklyn.

BUDGET

There are no budgetary implications associated with this Report. If adopted, the recommendation will be implemented within recurring budget allocations.

POLICY

There are no policy implications associated with this Report. The Report does not recommend the progression of a Resident Parking Scheme or a Special Circumstances Parking Permit.

CONCLUSION

The debate around car parking management in Brooklyn has occupied Council for over 30 years. The recent debate has been with respect to access to parking permits in Lower McKell Park given strong advocacy by the BMC. The attached letter from the Department clearly articulates that a resident permit in Lower McKell Park would not be supported under the legislation due to the material harm that the tenure would cause to the recreational value of the riverfront land. In principle, support has been provided by the Department for a tenure to accommodate offshore resident parking in Upper McKell Park or Parsley Bay.

The Department's direction for Council to manage parking for on reserve purposes gives clear direction that unrestricted parking is inconsistent with use for on reserve purposes. Community submissions on the proposed car parking changes have indicated that the parking area is used by them to leave the reserve for days at a time. The Department has clearly articulated that resident parking is not consistent with the reserve purpose. This has resulted in a recommendation to time restrict all car parking in Lower McKell Park (in the first instance) to ensure that members of the public who wish to use the reserve for its intended purposes can do so.

Council has more discretion when it comes to managing parking on Council owned operational land. The offer of permits, either a resident permit or a Special Circumstances Parking Permit will constrain the limited, available land for future community uses and inhibit the delivery of the Place Plan for Brooklyn – should it be progressed. The legality of a Special Circumstances Parking Permit should also be tested with Council's legal counsel after the development of a detailed policy should Council wish to progress this element of the parking management package noting that Council already provides 12 spaces at the rear of the existing Dangar Road properties for residents. At this stage, it is not recommended that this policy be developed.



RESPONSIBLE OFFICER

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

JULIE RYLAND
Manager Strategy and Place
Office of the General Manager

STEVEN HEAD
General Manager
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Attachments:

1.  Crown Lands letter to Hornsby Shire Council regarding McKell Park
2.  Attachment 2 - Roll Out Plan - Brooklyn Car Parking Management (Updated May 2024)

File Reference: F2019/00117

Document Number: D08838765

3 INVESTMENTS AND BORROWINGS FOR 2023/2024 - STATUS FOR THE PERIOD ENDING 31 MARCH 2024

EXECUTIVE SUMMARY

- This Report provides details of Council's investment performance for the period ending 31 March 2024 as well as the extent of its borrowings at the end of the same period.
- Council invests funds that are not, for the time being, required for any other purpose. The investments must be made in accordance with relevant legislative requirements and Council's policies and the Chief Financial Officer must report monthly to Council on the details of funds invested.
- All of Council's investments have been made in accordance with the requirements of the Local Government Act, the Local Government (General) Regulation and Council's Investment of Surplus Funds Policy and Investment Strategy.
- In respect of Council's cash and term deposit investments, the portfolio achieved an annualised return for March 2024 of 5.81% which includes a positive yield of 15.59% from TCorp Managed Funds. On a financial year to date basis the portfolio achieved an annualised return of 5.08% which includes a positive yield of 9.55% from TCorp Managed Funds.

RECOMMENDATION

THAT the contents of Director's Report No. CS13/24 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 31 March 2024 is detailed in the attached document. In summary, the portfolio achieved an annualised return for March 2024 of 5.81%. On a financial year to date basis the portfolio achieved an annualised return of 5.08% which includes a positive yield of 9.55% from TCorp Managed Funds.

For the month ending 31 March 2024 Council has exceeded the 5% policy limit on an individual financial institution (AMP) which has a credit rating of BBB as a result of changing portfolio composition when investments mature. This will resolve in April 2024 as AMP's credit rating was upgraded to BBB+ on 3 April 2024, allowing Council to invest up to 15%.

The Borrowings Schedule as at 31 March 2024 is attached for Council's information, noting that Council became debt free on 1 July 2023 with no loans entered into since. Therefore, the Borrowings Schedule only 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 31 March 2024 was \$1,387,655, which includes an unrealised gain of \$292,189 from TCorp Managed Funds.

Budgeted investment income year to date at 31 March 2024 was \$7,367,797. Total investment income year to date at 31 March 2024 was \$11,200,130 which includes a year-to-date unrealised net gain of \$1,587,562 from TCorp Managed Funds.

Approximately 53.47% 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 can experience 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 31 March 2024 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 March 2024
2.  HSC Borrowings Summary Report March 2024

File Reference: F2004/06987-02

Document Number: D08857292

4 2023/24 BUDGET - MARCH 2024 QUARTER REVIEW

EXECUTIVE SUMMARY

- Accountable organisations like Council review their budget and operational performance at least each quarter. In this regard, the March 2024 Quarter Review of the 2023/24 Operational Plan and Budget is attached.
- 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 the December 2023 Review included no budget changes. This March 2024 Review recommends no net budget changes.
- While no net budget changes have been made that affects the forecast surplus the Capital Works Program has been reduced by \$22.4 million and will be returned in future years to complete capital projects as planned.
- An internal budget re-allocation has been made from the saving in the Remediation of Council Administration building project towards upgrading lifts and replenishing the Employee Leave Entitlement (ELE) reserves.
- 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 March 2024 Quarter Review of the Operational Plan (Budget) for 2023/24 be received and noted.

PURPOSE

The purpose of this Report is to present for Council's consideration the March 2024 Quarter Review of the 2023/24 Operational Plan.

BACKGROUND

On 28 June 2023, Council adopted its Delivery Program 2023-26 which includes the Operational Plan for 2023/24. The Fees and Charges for 2023/24 were also adopted by Council on 28 June 2023. The Delivery Program and Operational Plan set out the manner in which Council intends to deliver services and measure performance.

In line with Office of Local Government requirements, a Quarterly Budget Review Statement (QBRS) must be submitted for Council's consideration at the end of each quarter. The Statement must be based on key financial indicators and the estimate of income and expenditure set out in Council's Operational Plan for the relevant year.

DISCUSSION

This Review includes the third 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 \$1.7 million or approximately 1% 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. The September 2023 Review reduced the surplus by \$1K to \$39K whilst the December 2023 Review included no budget changes. This March 2024 Review also recommends no net budget changes.

It should be noted that a deficit was first forecast in the Budget because of the temporary cashflow timing of SRV income compared to projected expenditure in the first year of the Special Rate Variation (SRV). To address this cashflow timing in the first year, a transfer of \$2.5 million from Council's Debt Retirement and 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, noting that the SRV is forecast to provide sufficient operating capacity into the future.

Capital Works Program

The current revised capital works budget for 2023/24 is \$91.9 million, largely funded from external reserves such as grants and development contributions.

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 as part of the 2023 September Budget 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.

As reported to the 14 February 2024 General Meeting (refer to General Manager's Report No. GM3/24) the General Manager had requested that project managers review the likely delivery of their

2023/24 capital works program due to any operational constraints and make any necessary budget adjustments as part of the March 2024 Quarter Review of the Budget.

The review by project managers has been completed and has resulted in an overall decrease in the total capital works budget by \$22.4 million from \$91.9 million to \$69.5 million. The individual capital projects reduced by a total of \$22.4 million will be transferred to the 2024/25 financial year or future years if they are multi-year projects to enable completion. The details of the revised Capital Works Program have been included in this report as Attachment 2 - Revised Capital Works Program 31 March 2024.

It should be noted that the revision of the capital works program by project managers has resulted in each individual project having their cashflow reassessed, revised timelines for delivery for some projects and improved budgeting practices for large capital budgets that take place over several financial years to reflect only that year's funding allocation.

Discussions are currently being held with project managers in respect to the amount of capital works reduced in this March 2024 Budget Review and the impact on the delivery of next financial years capital budget program. Further details around these discussions will be reported to a future Quarterly Budget Review.

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 if the anticipated increase in heavy vehicle movements occurs.

Council Officers are currently reviewing options to stabilise all or part of the road. 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.

Foxglove Oval

A risk has been reported in successive Quarterly Review reports to Council that the future cost of landfill remediation works at Foxglove Oval could exceed the balance on hand in Council's Domestic Waste Management externally restricted asset reserve. If this situation occurs it was noted that it would be financially prudent to borrow funds from Council's Capital Projects and Restricted Working Funds internally restricted asset account, with the amount borrowed to be repaid over future years from Domestic Waste Annual Charges.

During the quarter the relevant Director and Project Manager have prepared an estimate of the total costs required to remediate the site in line with a forecast program of work over the next four financial years, which has a total estimated cost of \$23.38 million. Accounting standards require that a provision is set aside for this amount in the 30 June 2024 Financial Statements, noting that the NSW Audit Office will assess the reasonableness of the provision as part of their standard procedures during the year end external audit. Future costs will be drawn down from the provision over the next four years as they are incurred.

Following the preparation of the cost estimate and provision it is financially prudent to set aside funding to cover future costs. Accordingly, \$23.38 million has been set aside from Council's Capital Projects and Restricted Working Funds internally restricted asset account that will fund an internal

loan to Domestic Waste for this purpose, with all costs incurred to be recovered most likely through future increases in Domestic Waste Annual Charges.

Whilst Council remains in a stable financial position a reduction in cash of this size will weaken Council's liquidity position until the loan can be repaid. This places greater emphasis on the need for prudent fiscal management over future years including the continuation of the adoption of a balanced budget each year and a focus on mitigating the risk of cost escalations from major projects through the allocation of adequate contingencies, project staging, the inclusion of termination clauses within contracts and the establishment of project governance committees for each major project in line with Council's previously established Capital Governance framework.

A separate report to provide a detailed overview of the history of the project to date as well as the forecast program of works and future risks will be referred to Council later in the year.

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 March 2024 the following projects have been endorsed by the ELT:

- \$1 million – Drainage Improvement Works. Larool Creek drainage upgrade (with \$1 million of funding also available within Council's Asset Management Plans).
- \$160K - Community Climate Change Mitigation and Adaptation. Employment of an Emergency Management Coordinator and development of a Community Resilience Program.
- \$80K - Hello Hornsby. To provide a range of activities for seniors, youth, families and communities, and people living with a disability.
- \$300K - Renew Our Public Amenities. Female friendly toilets and improved amenities at Montview Oval (with \$240K of grant funding also available).
- \$300K - Improve Sportsgrounds Change Rooms. Upgraded changerooms and public toilets at Greenway Park.
- \$319K – Bushfire Risk Mitigation. To undertake actions identified in the Bushfire Risk Management Plan.

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. Unspent SRV funds at 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.

At the request of the General Manager, Council Officers have commenced a project to fast track the preparation of prioritised work schedules for each Strategic Initiative with the aim of increasing the delivery rate of projects to the community next year and beyond.

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 recreation purposes.

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 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.

Currently, \$50 million of funding is available from the NSW Government's Stronger Communities Fund provided in June 2018, and 100% of the grant (plus around \$5.4 million of 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.

A budget of \$30 million is allocated for bulk earthworks and site rehabilitation to create the landform for the site and address site wide stability issues. Works for this stage of the project are well progressed and are forecast to be completed in late 2024. An allocation of \$5 million of the project budget has been provided for the regeneration of the vegetation communities on the site, with this funding set aside in an internal restricted asset account to cover the cost of ongoing vegetation management into the future.

In accordance with resolutions at the 8 March 2023 General Meeting (in Deputy General Manager's Report No. IM2/23 – Hornsby Park) and the 23 August 2023 General Meeting (in Director's Report No. IM4/23 – Hornsby Park - Stage 1 Embellishments – Tenders) funds have also been allocated to progress embellishments.

The total life to date expenditure on the project to 31 March 2024 (excluding the acquisition costs of \$25.1 million), including vegetation communities is \$41.38 million. Year to date expenditure to 31 March 2024 is \$8.91 million compared to a year-to-date budget of \$15.9 million. The variance is due to the timing of project works and the annual budget is expected to be largely expended by 30 June 2024.

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 Master Plan and Plan of Management for the site 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 subsequently lodged on 22 September 2023.

Currently, \$40 million of funding is available, provided in June 2018 from the NSW Government's Stronger Communities Fund. 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 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.

The total life to date expenditure to 31 March 2024 on this project (excluding the acquisition costs of \$21 million funded by development contributions) is \$4.245 million noting that all funding is fully committed against the delivery of stage one. Financial year to date expenditure at 31 March 2024 is \$1.139 million, compared to a year to date budget of \$1.543 million.

The redevelopment of the site is Council's second largest project, therefore it would be financially prudent to follow the same mitigation strategies as noted for Hornsby Park as the project progresses.

- **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 have been completed.

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 at the start of the new financial year 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 March 2024 on this project is \$4.750 million out of a budget of \$9.3 million. Year to date expenditure at 31 March 2024 is \$85K compared to a year to date budget of \$1.875 million, noting that a budget change is included within this review to reduce the budget to \$90K, with funds for Asquith to Mount Colah now budgeted in 2024/25.

- **Galston Aquatic Centre Refurbishment** – The delivery of the new aquatic centre is now open and operational.

Practical completion was reached in late November 2023 and a soft opening to the public occurred on 15 December 2023 prior to a grand opening on Saturday 3 February 2024.

The total life to date expenditure to 31 March 2024 on this project is \$7.469 million out of the total budget of \$7.6 million, noting that a reconciliation of full project costs will be completed after all invoices have been received.

As this project is now complete it is not intended to report on this in future quarterly reports.

- **Remediation of Council Administration Centre** – The project involved the refurbishment of Council's existing office at 296 Peats Ferry Road, as well as a plan to deliver a significant community space on the ground floor of the building with a total budget allocated of \$14 million.

Refurbishment of the office space was completed on time with Council staff moving back into the building on 11 March 2024. The project team have revised down the total forecast project cost by \$3.2 million to \$10.8 million as the 30% contingency provided will not be required.

The Budget Group considered this project saving of \$3.2 million and have deemed it prudent for this amount to be allocated as follows:

- \$1.1 million towards upgrading aged elevators in the building that have been identified as needing replacement in the future. Additionally, a need to reactively replace the elevators on the George Street Pedestrian bridge has also been raised by Council Officers, with an increasing number of service issues reported over past months impacting accessibility.
- \$2.1 million be returned to Council's ELE Reserve which had originally allocated \$3.1 million from this reserve to fund this project.

As this project is now complete it is not intended to report on this in future quarterly reports.

BUDGET

This Report provides the March 2024 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.

Details of budget changes to the 2023/24 Capital Works Program have been included in this report as Attachment 2 - Revised Capital Works Program 31 March 2024 resulting in a decrease of \$22.4 million. This amount has been offset by the need to set aside these funds in reserves so that they can be reallocated in future years to complete these capital projects.

The savings identified in the Remediation of Council Administration Centre project of \$3.2 million be reallocated as stated above towards lift upgrades of \$1.1 million and a return of \$2.1 million to the ELE Reserve.

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 March 2024 Quarter Review has reduced the total amount of the capital works budget with these funds to be transferred to the following financial years so that these projects can be completed as originally planned.

Council remains in a stable position to deliver local services and facilities in a financially responsible manner while noting that the funds set aside for the remediation of Foxglove Oval has materially depleted liquidity levels.



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.  Quarterly Budget Review Statement
2.  Revised Capital Works Program 31 March 2024

File Reference: F2023/00012

Document Number: D08862436

5 DRAFT SOCIAL PLAN

EXECUTIVE SUMMARY

- The development of a Social Plan is identified as a key initiative in Council's 2022/23 Delivery Program & Operational Plan.
- The Social Plan is designed to outline how Council will make the Shire more inclusive through strengthening communities and helping to build pathways to a more inclusive community in the Shire. It will help to inform Council, the community, and other tiers of government about social and community issues in Hornsby Shire.
- Council engaged the consulting company WSP and, throughout 2024, they have been supporting Council in developing a Social Plan for the Shire.
- The draft plan has been produced following extensive community and staff consultation and is centred around three strategic focus areas as follows:
 1. A welcoming and inclusive Hornsby Shire
 2. A connected community
 3. A healthy resilient community
- Once adopted, the Social Plan will form one of Council's key strategic planning documents and be reported on via the Annual Report and the Integrated Planning and Reporting process.
- Council's endorsement is sought to place the draft Social Plan on public exhibition for a period of 28 days.

RECOMMENDATION

THAT:

1. The draft Social Plan attached to the Director's Report No. CE4/24 be placed on public exhibition for a period of 28 days.
2. Following exhibition, a report on submissions be presented to Council for its consideration

PURPOSE

The purpose of this Report is to enable Council to consider and adopt the draft Social Plan for public exhibition.

BACKGROUND

- Hornsby Shire Council's Social Plan 2005 - 2010 was a strategic planning framework which guided Council in the provision of appropriate and accessible services and to meet the social needs of people within Hornsby Shire in a fair and equitable manner. Due to the introduction of the Integrated Planning and Reporting Framework (IP&R) in 2009 the development of a separate social plan was not progressed post 2010, noting that a number of actions relating to strengthening an inclusive community.
- The development of a Social Plan is identified as a key initiative in Council's 2022/23 Delivery Program & Operational Plan as the development of a specific plan will assist in prioritising resources and programs into the future.
- Council's new draft plan is a meaningful and effective document to take the Council forward. It identifies and addresses social issues in Hornsby Shire that may affect the community over the next ten years.
- The new plan will become a strategic document that will also identify the key trends and issues affecting all across the Shire.
- It outlines how Council will make the Shire more inclusive through strengthening communities and helping to build pathways to a more inclusive Shire.
- The actions will also inform the Delivery Program, including the Operational Plan in future years.

DISCUSSION

- Throughout 2024, WSP consultants have been supporting Council in developing a Social Plan for the Shire.
- The draft Social Plan was promoted and consulted through:
 1. An online survey
 2. A paper survey available through Council facilities
 3. Contacting organisations and individuals directly via phone or email.
 4. Local papers
 5. Social media
 6. Face to face consultations – forums and pop-ups
 7. Council website
- 870 responses were received through the public and staff survey, 214 participants attended five pop-ups, 37 participants attended four community forums and 15 stakeholder interviews took place all of which have informed the development of the Social Plan.
- Of the respondents 48% were from couples with children, 25.5% couples without children, 16.1% single persons, 4.75% others (non-binary), 4.2% single parents and 1.6% groups (e.g., Shared house). This community consultation included but was not limited to consulting

members of the First Nations, CALD, LGBTQIA+ communities, people with disabilities, seniors, and youth across the whole Shire.

- 75.3% of respondents only spoke English at home and 24.7% spoke a language other than English.
- The top five most significant social needs and issues were:
 1. 42.8% adequate public transport connections – residents felt that without improved public transport the Shire will feel like a place that is divided.
 2. 35.4% Affordable housing – this is an issue that impacts existing residents of Hornsby Shire as well as people who want to move to the area.
 3. 32.7% community connection – social connections is still an issue post COVID 19, the community wants to feel connected to themselves and one another.
 4. 31.6% availability of open space – the community highly values the natural landscape including bushland and waterways.
 5. 31.2% opportunities for young persons – including specialist services such a mental health, provision of youth spaces such as drop-in centres and youth programs tailored to current community needs and trends.

Based on the community needs as identified above and through their research, reviewing thirty strategic plans and policies, WSP have now formulated a draft Social Plan 2024-2034 and have addressed the issues through three overarching strategic directions, below.

Strategic Direction 1: A welcoming and inclusive Hornsby Shire	Strategic Direction 2: A connected community	Strategic Direction 3: A healthy and resilient community
Focus area 1.1: Help ensure Hornsby Shire is a place to call home at all life stages.	Focus area 2:1: Support improved access to community and public transport across the Shire.	Focus area 3.1: Support community wellbeing initiatives through strategic partnerships and interagency networks.
Focus area 1.2: Recognise, reflect, and celebrate Hornsby Shire as a place that is connected to Country and First Nations culture.	Focus area 2:2: Improve opportunities for people to walk and cycle throughout Hornsby Shire.	Focus area 3.2: Make space for diverse community voices to be heard.
Focus area 1.3: Celebrate the Shire's rich cultural diversity.	Focus area 2:3: Establish more opportunities for people to access and enjoy the Shire's bushland areas.	Focus area 3:3: Offer pathways for communities to play a role in a climate resilient Hornsby Shire.
Focus area 1.4: Support opportunities for young people to age in place and enjoy life in the Shire.	Focus area 2:4: Reduce social isolation through more opportunities for interaction and connection.	Focus area 3:4: Retain and protect bushland areas and increase the tree canopy in Hornsby Shire.
Focus area 1.5: Support opportunities for older people	Focus area 2:5: Support digital literacy, competency,	Focus area 3:5: Foster thriving sustainable regional centres

to age in place and enjoy life in the Shire.	and access to opportunities for Hornsby Shire communities.	/economies.
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The strategic directions reflect the key social issues, priorities and themes identified by the community and stakeholders, and through desktop research of contemporary and best practice plans.

CONSULTATION

In the preparation of this Report there was consultation with the community, staff of Hornsby Shire, Non-Government Organisations, and selected individuals.

The results of the consultation that have been undertaken are also being directly utilised in the development of the next Community Strategic Plan, which is required to be adopted by the next Council prior to 30 June.

The draft Social Plan will be exhibited on Council's Your Say webpage for people to submit their responses. The exhibition will be advertised through local newspapers, Council's eNewsletter, Councils weekly community engagement newsletter and via social media. Notifications will be sent to those community members who have previously provided their details.

BUDGET

- The draft Social Plan identifies a range of actions for Council to implement over the coming 10 years. Many of the actions included in the draft document are things that Council is already doing and will continue to do, such as seniors social connections. Some actions will be developed as part of existing programs and will also not require additional resources, including expanding youth mental health.
- Other actions, such as increasing Councils programs celebrating and connecting the Shire's diverse cultures. will require additional resources to be identified, whether through Council's budgetary process or grant or State or Federal programs, should Council decided to prioritise them. In this way, overall implementation of the draft strategy will be subject to the strategic priorities of Council, and the availability and allocation of resources by Council.
- To accelerate delivery of the actions, Council will seek alternative funding pathways such as applying for grants and working in collaboration with partners. Formal adoption of strategies is often a precursor to successful funding applications from providers such as the NSW and federal governments.

POLICY

There are no policy implications associated with this Report.

CONCLUSION

Council has produced the draft Social Plan in consultation with the community and staff of Hornsby Shire, outlining the steps that Council can take to help to build a more inclusive community. The contents of the plan should be considered as core business for local government in that they seek to ensure that all Council services and functions can be engaged with by the community as a whole.

It is recommended that Council adopt the draft Social Plan 2024 - 2034 for the purposes of public exhibition.

RESPONSIBLE OFFICER

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

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

STEPHEN FEDOROW
Director - Community and Environment
Community and Environment Division

ITEM 5

Attachments:

1.  Draft Social Plan

File Reference: F2023/00234

Document Number: D08861127

6 DRAFT ARTS & CULTURAL PLAN

EXECUTIVE SUMMARY

- The development of an Art and Cultural plan is identified as a key initiative in Council's 2022/23 Delivery Program & Operational Plan.
- Council appointed an Arts and Cultural Group in late 2022 and then consultants Positive Solutions in 2023, who have developed the Arts and Cultural Plan.
- The draft plan has been produced following extensive community and staff consultation and is centred around four strategic focus areas as follows:
 1. Creating places and spaces for the arts to flourish
 2. Activating the Hornsby Shire through arts and creativity.
 3. Supporting our creative community.
 4. Communicating and connecting to engage our community.
- Based on the needs identified through their research and consultation, Positive Solutions have now formulated a draft Arts and Cultural Plan.
- Council's endorsement is sought to place the draft Arts & Cultural Plan on public exhibition for a period of 28 days.

RECOMMENDATION

THAT:

1. The draft Arts & Cultural Plan attached to the Director's Report No. CE5/24 be placed on public exhibition for a period of 28 days.
2. Following exhibition, a report on submissions be presented to Council for its consideration.

PURPOSE

The purpose of this Report is to enable Council to consider and adopt the draft Arts & Cultural Plan for public exhibition.

BACKGROUND

- Hornsby Shire Council's 2008-2010 Cultural Plan was a strategic document which guided Council in the provision of arts and cultural services across the Shire. Due to the introduction of the Integrated Planning and Reporting Framework (IP&R) in 2009 the development of any further arts and cultural plans were not progressed.
- The development of an arts and cultural plan was identified as key initiative in Council's 2022/23 Delivery Program & Operational Plan.
- Throughout 2023 and 2024, Positive Solutions, Council's appointed consultants, have been supporting Council in developing an Arts and Cultural Plan for the Shire.
- Council's appointed Arts & Cultural Advisory Group have also helped to inform the development of this plan and members have held one on one discussions with the consultants and regularly meet to provide feedback to progress the development of a new Arts and Cultural Plan.
- The new draft plan identifies and addresses arts and cultural issues and assists in forward planning in Hornsby Shire over the next five years.

DISCUSSION

The draft plan was developed with and for the community this included but was not limited to consulting with members of the Arts & Cultural Group, Hornsby Council staff, arts related organisations and individuals and the public in general.

The draft plan was promoted and consulted through:

1. An online survey
2. A paper survey available through Council facilities
3. Contacting organisations and individuals directly via phone or email.
4. Local papers
5. Social media
6. Face to face consultations – forums and a pop-up in Hornsby Mall.
7. Council website

503 responses were received through the public and staff surveys and 110 responses were received from individuals from the arts and creative industries. Several stakeholder interviews took place and the consultants benchmarked Hornsby Council arts programs and facilities against other local government areas and Council arts plans.

In summary:

85% of respondents were residents of the Shire, with 78% residing in the area for six or more years. 17% had lived in the shire for 1-5 years, and 5% for less than a year.

62% of respondents were female, 34% male, and 4% identified as non-binary. The largest age cohort was 35-49, representing 29% of respondents.

26% of respondents speak a language other than English at home, with Chinese languages (Cantonese and Mandarin) being the most common.

Points raised in the consultation included:

1. Over 50% of respondents mentioned the importance of a strong connection to the natural environment.
2. 21% of respondents felt there was adequate provision of arts and culture in the Shire.
3. 17% of respondents highlighted diversity, cultural heritage and inclusivity and multiculturalism as attractive characteristics of Hornsby Shire.
4. 13% identified a need for more concerts, bands and musical events.
5. Respondents said that they were unaware of galleries, exhibitions and cultural activities taking place in the Shire.
6. Respondents acknowledged the strengths of many committed organisations and individuals within the sector.
7. The vibrancy of murals celebrating arts and culture as they bring colour and life to our Shire was highlighted.
8. Improvements needed in facilities including a dedicated purpose built central performing arts venue or enhancements to council facilities in the short term.

Based on their research and consultation, the consultants have now formulated a draft Arts and Cultural Plan which is a meaningful and effective document to take the Council forward. It identifies and addresses arts and cultural issues in Hornsby Shire. It has four focus areas and outcomes and has been designed to give Council strategic directions, below,

1. FOCUS AREA 1	2. FOCUS AREA 2	3. FOCUS AREA 3	4. FOCUS AREA 4
5. Creating Places and spaces for the arts to flourish.	6. Activating Hornsby Shire through arts and creativity.	Supporting our creative community.	7. Communicating and connecting to engage our community.
8. OUTCOME: Cultural asset planning is integrated into our local planning and decision-making	9. OUTCOME: Cultural asset planning is integrated into our local planning and decision-making	10. OUTCOME: Strong recognition of our creative community and retention and growth of our creative sector	11. OUTCOME: Arts and Cultural programs that reflect and evolve with our community's needs

CONSULTATION

In the preparation of this Report there was consultation with Councils Arts & Cultural Group, staff of Hornsby Shire, arts related organisations and the public across community forums, a pop-up session, online surveys, contacting identified persons directly via phone, email and Teams, local papers, social media, and Council's website.

The draft Arts & Cultural plan will be exhibited on Council's Your Say webpage for people to submit their responses. The exhibition will be advertised through local newspapers, Councils eNewsletter,

Councils weekly community engagement newsletter and via social media. Notifications will be sent to those community members who have previously provided their details.

BUDGET

The draft Arts & Cultural Plan identifies a range of actions for Council to implement over the coming five years. Many actions included in the draft document Council are already delivering, such as art prizes, and will continue to do, some actions will be developed as part of existing programs and will not require additional resources such as developing a public art policy.

Other actions will require additional resources to be identified, whether through Council's budgetary process, grants or State or Federal programs such as upgrades to identified Council facilities. In this way, overall implementation of the draft plan will be subject to the strategic priorities of Council, and the availability and allocation of resources by Council.

POLICY

There are no policy implications associated with this Report.

CONCLUSION

Council has produced the draft Arts & Cultural Plan in consultation with the community and staff of Hornsby Shire, outlining the steps needed to move Council forward within an arts and cultural context.

Identified individuals and organisations will be informed that the plan is placed on public exhibition for comment.

It is recommended that Council adopt the draft Arts & Cultural Plan for the purposes of public exhibition.

RESPONSIBLE OFFICER

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

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

STEPHEN FEDOROW
Director - Community and Environment
Community and Environment Division

Attachments:

1.  draft Arts and Cultural Plan 2024-2029

File Reference: F2023/00235
Document Number: D08861882

7 HORNSBY LOCAL PLANNING PANEL - APPOINTMENT OF EXPERT PANEL MEMBERS

EXECUTIVE SUMMARY

- Council will need to nominate a minimum of 6 additional expert Panel members by 1 July 2024 to enable the continued operation of the Local Planning Panel.
- The Department of Planning, Housing and Infrastructure is currently recruiting a new pool of experts for the next 3-year term and an expression of interest process commenced in January 2024.
- The release of the approved list of experts by the Department to assist appointment of new panel members was originally anticipated to occur before the end of 2023. However, the finalisation of the list has been delayed and will not be available to councils until the end of May/early June.
- The delay by the Department in providing the list of experts will not allow adequate time for Councillors to interview candidates or reporting to Council for endorsement. Accordingly, the Department recommends that authority to appoint new Panel members be delegated to the General Manager.
- It is recommended that Council delegate to the General Manager to appoint 6 experts on the Hornsby Local Planning Panel to maintain a minimum of 15 panel members.

RECOMMENDATION

THAT:

1. Council's General Manager be authorised to appoint an additional 6 experts to the Hornsby Local Planning Panel to maintain a minimum of 15 panel members.
2. The Planning Panels Secretariat at the Department of Planning, Housing and Infrastructure be advised of Council's resolution.

PURPOSE

The purpose of this report is to advise Council of the current timeframes for selection of expert Panel members on the Hornsby Local Planning Panel (HLPP) and recommend delegation of the appointment of the experts to the General Manager.

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.

At each meeting, the Panels comprises a Chair and two independent experts and a community representative. The expert members of the Panel are rotated from a pool of a minimum of 15 expert Panel members. A member of a panel may not hold office as a member of that panel for more than 6 years in total.

At its meeting on 14 February 2024, Council considered a report on the composition of the HLPP including the appointment of Chairs and expert members. It was noted that although the Department of Planning, Housing and Infrastructure (DPHI) had commenced the expression of interest process for the selection of new members, the process would not be completed to enable councils to select new members before the expiration period for Chairs and some current expert members. Accordingly, the Minister issued a direction requiring councils to appoint interim Chairs and expert panel members for the period 28 February 2024 to 30 June 2024. Councils were also able to continue with a reduced pool of experts during this period.

On 25 January 2024, DPHI commenced an expression of interest recruitment process for new chairs 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 recruit new expert panel members prior to 30 June 2024. The Department has advised that it is anticipated that the Minister-approved list of experts will be provided to councils by the end of May/early June at the latest.

The appointment of Chairs is undertaken by the Minister for Planning and Public Spaces. On 4 April 2024, the Department forwarded a shortlist of potential chairs to Council and requested feedback by 16 April 2024 before the final recommended list would be provided to the Minister in early May for endorsement. An extension of time was requested to enable discussion of the matter at an Informal Workshop on 17 April 2024. Following discussion with Councillors, a submission was forwarded to the Department suggesting the Chairs for the HLPP be selected from the current expert members of the Panel given their understanding of local issues, Council's planning controls and community expectations.

The Department has recommended that, as councils approach the local government election caretaker period, they consider delegating to the General Manager the appointment of expert members.

DISCUSSION

This report discusses the process for the appointment of expert members of the HLPP and the nominations forwarded to the Department for Chairs of the Panel.

Expert Panel Members

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.

A member of a local planning panel may not participate on that panel for more than 6 years. A number of expert panel positions reached their maximum term at the end of February 2024 and are therefore, are not eligible to continue on the Panel. The current 3-year appointment of two other expert members will expire also on 30 June 2024. The term of 9 other members continues until 12 April 2026. Accordingly, Council is required to nominate a minimum of 6 additional expert Panel members by 1 July 2024 to enable the continued operation of the Panel.

The list of current expert Panel members on the HLPP comprises:

Panel Member	End of Term
Scott Barwick	30 June 2024
Alison McCabe	30 June 2024
John Brockhoff	12 April 2026
Marjorie Ferguson	12 April 2026
Greg Flynn	12 April 2026
Anthony Hudson	12 April 2026
Elizabeth Kinkade	12 April 2026
Stephen Leathley	12 April 2026
Michael Leavey	12 April 2026
Larissa Ozog	12 April 2026
Heather Warton	12 April 2026

Expert Panel members are required to be selected from a pool of experts endorsed by the Minister for Planning and Public Spaces. The Department has advised that the list of potential experts will not be available until the end of May/early June.

In the past, Council's practice has been to short list possible candidates to be interviewed in consultation with Councillors before a report is presented to Council for endorsement. This process ensures our elected representatives have assurance that panel members have the appropriate expertise and understanding of local planning controls. This process takes about 4-6 months.

The delay by the Department in providing the list of experts will not allow adequate time for Councillors to interview candidates or reporting to Council for endorsement.

Council has written to the Department expressing concerns with the delay in the release of the approved list and requesting an extension of the current membership of the Planning Panel for 6

months from the date of receipt of the Minister-approved list of expert members. An extension of time has also been requested to provide comment on the list of potential chairs to facilitate discussion with Councillors. At the time of preparing this report, a reply has not been received.

The Department has recommended that, as councils approach the local government election caretaker period, they consider delegating the appointment of expert members to the General Manager. Should Council agree to the delegation of this function, the following process would be undertaken for selection of appropriate expert members:

- A panel comprising two Directors and the Manager, Development Assessments undertake short listing and recommend expert members.
- Candidates be considered against criteria including:
 - whether the candidates nominated Hornsby Shire as their preferred Local Government Area;
 - qualifications and depth of experience;
 - mix of related disciplines on the Panel;
 - knowledge of Hornsby LGA; and
 - understanding of local community expectations.
- A workshop be conducted with Councillors to discuss the short list of candidates.
- The short list be presented to the General Manager for endorsement.

To ensure Council maintains a pool of 15 expert panel members in accordance with the Minister's section 9.1 Direction to facilitate the continued operation of the HLPP from July this year, it is recommended that the General Manager be authorised to appoint an additional 6 experts to the HLPP to maintain a minimum 15 panel members.

Panel Chair Feedback

The Department of Planning, Housing and Infrastructure forwarded a shortlist of chairs to Council and requested feedback by 16 April 2024 before the final recommended list would be provided to the Minister for his endorsement.

At the Councillor Workshop on 17 April 2024, it was generally agreed that the following candidates for Chair be forwarded to the Department for consideration:

Penny Holloway	Stephen Leathley
Scott Barwick	Michael Leavey
Anthony Hudson	Alison McCabe
Elizabeth Kinkade	Heather Warton

The above candidates are currently expert members of the Hornsby Panel and 7 are currently Acting Chairs. The candidates have a demonstrated understanding of Council planning controls, processes, and community expectations. The above shortlist was forwarded to the Department on 18 April 2024.

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

On 2 April 2024, the DPHI provided an update on the LPP chair and expert member recruitment process and advised that it is anticipated the Minister-approved list of experts will be provided to councils by end of May/early June at the latest. The timing will not provide adequate opportunity for Councillors to interview candidates or reporting to Council. Accordingly, the Department recommends that councils delegate appointment of expert members to General Manager.

To ensure the continued operation of the HLPP from July this year, it is recommended that Council authorise the General Manager to appoint experts on the HLPP following a further workshop with Councillors to discuss a recommended shortlist of candidates.

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

Attachments:

There are no attachments for this report.

File Reference: F2017/00294#003
Document Number: D08857486

8 PLANNING PROPOSAL - HERITAGE AND HOUSEKEEPING

EXECUTIVE SUMMARY

- This report presents a Council-initiated Planning Proposal to amend the *Hornsby Local Environmental Plan 2013* (HLEP 2013) to implement heritage amendments to Schedule 5 and the Heritage Map and to remove references to land outside the Hornsby local government area (LGA) from the written instrument and maps.
- Council is currently undertaking a large body of work under its Comprehensive Heritage Study (CHS) to respond to the changing development context, demography and community expectations regarding the identification and protection of the heritage of the Shire. Although this work is ongoing, several heritage amendments have been identified as priorities or to improve the administration and interpretation of heritage.
- In 2016, the Local Government (City of Parramatta and Cumberland) Proclamation amended the local government boundaries of Hornsby Shire and City of Parramatta. The amendment transferred land south of the M2 Motorway, from the jurisdiction of Hornsby Council to Parramatta Council. The HLEP 2013 continued to apply to the transferred land until such time that a comprehensive LEP was made to apply to the new Parramatta LGA.
- In March 2023, the *Parramatta Local Environmental Plan 2013* was made and applies to all land in the Parramatta LGA. Although the HLEP 2013 no longer applies to land in the Parramatta LGA, the LEP still includes references to the land. It is appropriate to remove all references to land outside the Hornsby LGA.
- The overall objective of the Planning Proposal is to improve the operation, accuracy and interpretation of the HLEP 2013 and ensure the heritage schedule is up to date.
- It is recommended the Planning Proposal be progressed for Gateway Determination to allow public exhibition.

RECOMMENDATION

THAT:

1. Council endorse progression of the Heritage and Housekeeping Planning Proposal attached to Director's Report No. PC8/24 for submission to the Department of Planning, Housing and Infrastructure for a Gateway Determination.
2. The Planning Proposal be publicly exhibited in accordance with the Gateway Determination and consultation strategy identified in this report.
3. Following exhibition, a report on submissions be presented to Council for consideration.

PURPOSE

The purpose of this report is to present a Council-initiated Planning Proposal to implement heritage and housekeeping amendments to the *Hornsby Local Environmental Plan 2013* (HLEP 2013).

BACKGROUND

The background to the Planning Proposal is discussed below in terms of heritage amendments and administrative changes in response to the adjustment of local government boundaries as part of the State Government amendment of local government boundaries.

Heritage amendments

In 2018, Council resolved to undertake a Comprehensive Heritage Study (CHS) to respond to the changing development context, demography and community expectations regarding the identification, policy and protection of the heritage of the Shire.

In 2019, the Hornsby Shire Heritage Action Plan (HAP) was prepared to identify the strategic tasks required to guide the scope of the CHS and inform a program of works. The program of works commenced in October 2020 to be undertaken over several years.

To date, two component projects of the CHS have been endorsed by Council, namely, the Hornsby Thematic History and the Heritage Interpretation Strategy.

As part of the CHS, Council has also engaged consultants to undertake reviews of existing and potential new heritage items, archaeological sites and HCAs. The objective of the reviews is to assess the condition of known sites, to provide clarity to aid interpretation of heritage and to identify new items of potential heritage significance.

As part of the review process, Council has identified a range of amendments to Schedule 5 Environmental Heritage of the Hornsby LEP 2013 and associated mapping. The intent of the heritage amendments is to improve the accuracy, administration and interpretation of heritage in Hornsby Shire and to prepare the HLEP 2013 for future heritage amendments as Council progresses the CHS.

Housekeeping amendments

In 2016, the Local Government (City of Parramatta and Cumberland) Proclamation (the Proclamation) amended the local government boundaries of Hornsby Shire and City of Parramatta (Parramatta). The Proclamation transferred land south of the M2 Motorway, from the jurisdiction of Hornsby Council to Parramatta Council. The HLEP 2013 continued to apply to the transferred land until such time that a comprehensive LEP was made to apply to the new Parramatta local government area (LGA).

In March 2023, the NSW State Government made the *Parramatta Local Environmental Plan 2023*, a comprehensive planning instrument applying to all lands within the Parramatta LGA. Section 1.8(2) of the Parramatta LEP 2023 stipulates that the Hornsby LEP 2013 ceases to apply to land to which the Parramatta LEP applies.

As the HLEP 2013 no longer applies to the land transferred to Parramatta Council, it is appropriate for the HLEP to be amended to delete all references to that land.

DISCUSSION

1. The Planning Proposal

The Planning Proposal seeks amendments to the HLEP 2013 in two components. The first component consists of amendments to Schedule 5 Environmental Heritage and the Heritage Map to reflect heritage items and archaeological sites more accurately. The second component consists of

housekeeping amendments throughout the written instrument and maps to remove references to land outside the Hornsby LGA. Further context for these changes is provided below. The proposed amendments would apply Shire-wide. No accompanying amendments to the Hornsby Development Control Plan 2013 are proposed.

The amendments proposed by the Planning Proposal are summarised as follows:

Heritage amendments

- Four new landscape heritage listings;
- Four additions to existing heritage listings, referencing additional heritage quality of a site, but not affecting additional properties;
- Six 'dual listed' heritage listings, identifying lands as having both landscape and archaeological value;
- Four recategorised heritage listings, between archaeological and landscape heritage;
- Two consolidated sites, currently consisting of five listings, for consistent management;
- Four minor mapping amendments;
- 20 name changes;
- 16 corrections to names, addresses and property descriptions; and
- Removal of 12 existing heritage listings within the Hornsby LGA.

Housekeeping amendments

- Deletion of all references to land outside the Hornsby LGA from the written instrument;
- Removal of all existing heritage items and HCAs located outside the Hornsby LGA; and
- Redrawing of all LEP maps to reflect the current Hornsby LGA boundaries.

The Planning Proposal is supported by inventory sheets and a report prepared by heritage consultant (Umwelt) that provides context and justification, where relevant, for the proposed heritage amendments.

2. Strategic and Statutory Context

Relevant policies and legislation are discussed below.

Greater Sydney Region Plan – A Metropolis of Three Cities and North District Plan

The Greater Sydney Region Plan - A Metropolis of Three Cities (Regional Plan) has been prepared by the NSW State Government to guide land use planning decisions for the next 40 years (to 2056). The *North District Plan* (District Plan) is a guide for implementing the Regional Plan at a District level and is a bridge between regional and local planning.

The plans set strategies and actions for accommodating Sydney's future population growth and identifies key targets such as dwelling numbers, infrastructure planning, liability, sustainability and productivity.

The Planning Proposal gives effect to the liveability objectives and actions of the State and local strategic planning framework by seeking to improve the administration and interpretation of heritage items, archaeological sites and HCAs in Hornsby Shire.

Under the Regional Plan, Objective 13 seeks to ensure that environmental heritage is identified, conserved and enhanced. In the District Plan, under Planning Priority N6: Creating and renewing great places and local centres, and respecting the District's heritage, the following action is relevant to the proposal:

Action 21: Identify, conserve and enhance environmental heritage by:

- a. *Engaging with the community early in the planning process to understand heritage values and how they contribute to the significance of the place.*
- b. *Applying adaptive re-use and interpreting of heritage to foster distinctive local places.*
- c. *Managing and monitoring the cumulative impact of development on the heritage values and character of places.*

The Planning Proposal seeks to amend Schedule 5 and Heritage Map of the Hornsby LEP 2013 to improve the administration and interpretation of heritage in Hornsby Shire.

Supporting information, in the form of inventory sheets, provide context and justification for the amendments that are not administrative (simple name, address or property description changes). These inventory sheets have been prepared by heritage consultants engaged by Council to undertake reviews as part of the CHS. The sheets contain information about an item's heritage and archaeological significance.

Section 9.1 Local Planning Directions

Section 9.1 of the EP&A Act allows the Minister for Planning (the Minister) to provide direction to Council concerning the preparation of draft LEPs. The directions considered for the Planning Proposal commenced on 1 March 2022 and include:

- Direction 1.1 Implementation of Regional Plans
- Direction 3.2 Heritage Conservation
- Direction 6.1 Residential Zones

Direction 1.1 Implementation of Regional Plans

The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans (e.g. the Greater Sydney Region Plan). The direction requires a planning proposal to be consistent with a Regional Plan released by the Minister.

Part 3 of the Planning Proposal considers consistency with the Regional Plan and the District Plan, identifying relevant strategies and actions and the Planning Proposal's alignment.

The amendments to Schedule 5 and the Heritage Map of the Hornsby LEP 2013 would provide a more accurate record of heritage in the Hornsby Shire, allowing for more effective management and interpretation. This would result in preservation of heritage value for current and future generations.

As such, the Planning Proposal is consistent with the Regional Plan and District Plan.

Direction 3.2 Heritage Conservation

The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. The direction requires planning proposals to include provisions that facilitate the conservation of items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, and Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes.

The intent of the proposed amendments to Schedule 5 and Heritage Map is to provide an up-to-date register of heritage items, archaeological sites and HCAs. This would serve to improve the administration and interpretation of heritage in Hornsby Shire.

Some of the amendments are supported by inventory sheets prepared by heritage consultants which provide current information regarding the condition and significance of certain heritage items and archaeological sites.

The Planning Proposal is consistent with this direction.

Direction 6.1 Residential Zones

The objectives of this direction are to encourage a variety of housing types for existing and future housing needs, make efficient use of accessible infrastructure and services and minimise the impact of residential development on the environment and resource lands.

The direction requires that planning proposals broaden the choice of the housing market, make more efficient use of infrastructure and services, reduce land consumption for housing and be of good design. Planning proposals are to be for land that is or can be adequately serviced and not reduce permissible residential density.

The amendments sought by the Planning Proposal do not result in the rezoning or limiting of permissible uses on residential land in Hornsby Shire. The up-to-date identification of heritage items, archaeological sites and HCAs would assist in guiding appropriate residential development within and adjacent to any such identified item or HCA.

The Planning Proposal is generally consistent with this direction.

Hornsby Local Strategic Planning Statement and Hornsby Shire Heritage Action Plan

The Hornsby Local Strategic Planning Statement (LSPS), endorsed by Council in February 2020, sets out a 20 year vision for land use in Hornsby Shire, identifying the special character and community values that are to be preserved as well as how Council will manage growth and change.

The relevant priority of the LSPS is LP5: Protecting, conserving and promoting our natural, built and cultural heritage. The underlying actions of LP5 relevant to this Planning Proposal are:

- Action LA12: Prioritise and adopt recommendations from the Hornsby Heritage Action Plan 2019; and
- Action LA14: Undertake the tasks to complete the Hornsby CHS.

The objectives of the HAP include the analysis of best practices for the identification, protection and preservation of heritage within the NSW legislative framework, the identification of gaps, inconsistencies and anomalies in Hornsby Shire's existing heritage studies and planning controls and to develop a plan to address these gaps, including priority actions.

The amendments sought in this Planning Proposal would fulfil actions outlined in the HAP and thereby further the progress of the Hornsby CHS.

The proposed amendments to Schedule 5 and the Heritage Map would address anomalies and errors, reflect the current Hornsby LGA boundaries and provide updated inventory sheets for certain items to address gaps including lack of detail, outdated photographs and descriptions and outdated statements of significance.

These amendments culminate in delivering an updated Schedule 5 and Heritage Map that is accurate and has information which aids the administration and interpretation of heritage in Hornsby Shire.

The Planning Proposal is consistent with the liveability priorities of the LSPS and the HAP.

Hornsby Housing Strategy

The Hornsby Housing Strategy, adopted by Council in November 2020, sets out a 20-year vision and priorities for housing in Hornsby Shire in response to the Regional Plan and the District Plan. An objective of the Hornsby Housing Strategy that is of relevance to the Planning Proposal includes the need to:

Protect sensitive areas from development, and ensure new housing does not detract or erode an area's local character.

The proposed heritage and housekeeping amendments will enable efficient administration and operation of the HLEP 2013. Updating the written instrument and maps to reflect the current LGA boundaries and to provide up-to-date information about the Shire's heritage is appropriate.

The Housing Strategy prioritises the delivery of future housing supply in locations that are close to transport and local services. The Strategy focuses the provision of new housing in high density formats centralised in the Hornsby Town Centre which opens the opportunity to provide up to 4,900 new homes. The State-led Cherrybrook Station precinct is a further opportunity to provide up to 3,200 new homes in a medium to high density residential format. Council is also conducting investigations into existing medium density housing precincts and developing a strategy to encourage future medium density residential development.

The proposed heritage and housekeeping amendments would not impact Council's obligations to meet the State Government's housing targets. Of the four new heritage listings proposed, only one, for an Oak tree at No. 458 Galston Road, Dural is located on private property. The other three are located on Council land. The Hornsby Housing Strategy does not identify Dural as an area for increased housing supply. The density of residential development permissible at No. 458 Galston Road would not be impacted by the proposed heritage listing.

The heritage amendments also include the proposed removal of 11 heritage listings located on private land. Three of the delisted properties are within precincts zoned for higher density housing. With Council approval, two of these have already been redeveloped for high density housing in accordance with the desired future character of the housing precincts.

The proposed heritage amendments would not change the land use zones of affected properties and consequently, there would be no reduction in permissible residential densities. The amendments are intended to improve the accuracy and interpretation of Council's heritage listings. This would provide certainty about the heritage controls that apply to the land, assisting the preparation and assessment of future residential development applications (DA).

The Planning Proposal is consistent with the Hornsby Housing Strategy.

Hornsby Shire Community Strategic Plan

The Hornsby Community Strategic Plan, endorsed by Council in June 2022, identifies the community's main priorities and aspirations for the next ten years and sets the broad strategic direction for Council's long term planning documents.

The amendments proposed as part of this Planning Proposal are consistent with Goal G2.1: Quality, liveable and sustainable urban design and development and its underlying action to '*protect our heritage items, heritage conservation areas and cultural heritage*'.

Hornsby Local Environmental Plan 2013

The Planning Proposal would amend the provisions and maps of the HLEP 2013. These amendments would not cause incompatibility with any of the existing LEP provisions and have regard to the requirements of the *Standard Instrument Principal Local Environmental Plan*.

3. Impacts of the Proposal

The potential impacts of the Planning Proposal are discussed below.

New heritage listings

The introduction of four new landscape heritage items in Schedule 5 would not result in adverse environmental, social or economic impacts. The significance of these items is noted in the Planning Proposal, with further detail provided in the respective inventory sheets in Appendix A of the Planning Proposal. Three of the new items are located on Council land while one, at No. 458 Galston Road, Dural, was nominated by the property owner.

The proposed item at No. 458 Galston Road is in recognition of the aesthetic values of an English Oak tree on the property that contributes to the streetscape and landscape of the local area. The addition of this listing to Schedule 5 of the HLEP 2013 would require future DAs to consider how proposed development would impact the Oak tree under Section 5.10 of the Hornsby LEP 2013. However, the listing would not affect the land use zoning of the property nor its permissible land uses.

Additions to existing heritage listings

Four additions to existing heritage listings are proposed. These additions are elements of heritage significance located on listed properties that are not currently identified by the existing listing. The significance of all four proposed additions is detailed in Appendix A of the Planning Proposal.

The proposed additions would not modify the existing mapped areas of the affected items, nor would they impact the land use zoning or permissible land uses of the listed properties. The additions would not result in adverse environment, social or economic impacts.

Dual listed heritage listings

Six dual listed items are proposed. Dual listed items are items that have a current listing under Part 1 Heritage Items or Part 3 Archaeological Sites of Schedule 5 but are nominated to have another listing in the other part. Dual listing an item is an acknowledgement that it possesses both heritage and archaeological values.

The dual listing of each site would not result in additional land being included in their mapped areas and would not impact the land use zoning or permissible land uses of the listed properties. Dual listing of items would not result in adverse environment, social or economic impacts.

Recategorised heritage listings

Four existing archaeological sites are proposed to be recategorised as landscape heritage items. Reviews undertaken by archaeological and landscape heritage consultants have determined that these items do not possess sufficient archaeological potential but do have landscape heritage qualities.

All four recategorised items are located on Crown or Council land and would have no adverse environmental, social or economic impacts.

Remapped heritage listings

Four existing heritage listings are proposed to have their mapped areas amended. A review of these items undertaken by landscape and archaeological heritage specialists identified that the existing

mapped areas of these items should be enlarged because they do not fully capture elements of heritage or archaeological significance that are, or may be, present within the mapped area or adjoining land. The significance of the remapped items is noted in the Planning Proposal with further detail provided in the inventory sheets in Appendix A.

All four remapped items are located on Crown or Council land and would have no adverse environmental, social or economic impacts.

Consolidated heritage listings

Five existing listings are proposed to be consolidated into two. All listings relate to schools in Hornsby Shire, Arden Anglican School and Barker College.

The intent for the proposed consolidation is to simplify ongoing heritage management for both schools.

The proposed consolidation would not have any adverse environmental, social or economic impacts to the affected properties.

Renamed and corrected heritage listings

20 heritage listings would be renamed and a further 16 listings subject to corrections to name, addresses and property description. These amendments are administrative, intended to improve the accuracy and interpretation of Council's existing heritage listings. They would have no adverse environmental, social or economic impacts to the affected properties.

Four listings located on private properties would have their property descriptions amended as a result of approved land subdivision. Resultant lots which do not contain the listed item do not form part of the heritage significance. Notwithstanding, development on these subdivided lots would need to consider the impact on the adjoining heritage item in accordance with the provisions of the Hornsby DCP 2013.

Removed heritage listings within the Hornsby Shire LGA

12 heritage listings would be removed or amended with reduced mapped areas. The listed items have either been removed under an approved DA or reviewed by heritage specialists as no longer exhibiting heritage or archaeological values. The removal of these items is supported by inventory sheets and a report prepared by heritage consultant, Umwelt, in Appendix A and B respectively of the Planning Proposal.

The removal of these heritage items would not impact the land use zoning of the affected properties or their permissible land uses. Adverse environmental, social or economic impacts are not anticipated.

Removal of references to land outside the Hornsby Shire LGA

The removal of all references to land outside the Hornsby LGA will have no impact to the operation of the LEP on land within the Hornsby Shire LGA. The removal of these outdated references from the written instrument and maps would provide clarity and improve the interpretation of the HLEP 2013. The heritage listings removed from Schedule 5 that are located outside the Hornsby Shire LGA would still be protected under the Parramatta LEP 2023.

Exempt and complying development

The State Environmental Planning Policy (Exempt and Complying Development) 2008 (Codes SEPP) does not permit exempt or complying development on land which is identified as an item of

environmental heritage or a heritage item by an environment planning instrument or on which an item so identified is located.

Of the new heritage items proposed, only the Oak tree at No. 458 Galston Road, Dural is located on private property. Listing of this item would exclude the undertaking of complying development on this property.

CONSULTATION

Local Planning Panel Advice

The Planning Proposal was referred to the Hornsby Local Planning Panel for advice on 27 March 2024, in accordance with Section 2.19(1)(b) of the EP&A Act. Section 2.19(1)(b) requires the Local Planning Panel to provide advice on a Planning Proposal before Council considers whether to forward it to the Department of Planning, Housing and Infrastructure (DPHI) for a Gateway Determination.

The Panel noted that the proposed heritage amendments aim to largely recategorise and reclassify items, remove some items that no longer possess any historic significance and expand items where there is greater significance and extend their curtilage. The Planning Proposal also seeks to rectify anomalies and inconsistencies and is largely housekeeping in nature.

The Panel considered that the Planning Proposal has strategic merit and advised it supports the progression of the proposal for a Gateway Determination.

Planning Proposal Consultation Strategy

Should the Planning Proposal receive a positive Gateway Determination, the consultation would follow the requirements of the Determination, the Hornsby Shire Community Engagement Plan and the public exhibition requirements of the Local Environmental Plan Making Guidelines.

Consultation for the Planning Proposal would include:

- Advertisement on Council's 'Your Say Hornsby' website. This will be the primary source for all exhibition material.
- Advertisements in local publications identifying the Planning Proposal and providing a weblink to where the exhibition materials can be viewed.
- Letters to affected owners.
- Display at the Hornsby library.
- Consultation with public authorities identified in the Gateway Determination. A copy of the Planning Proposal and relevant supporting material would be provided.

BUDGET

Costs associated with the preparation of the Planning Proposal are covered by the Strategic Land Use Planning operational budget.

POLICY

Section 2.19(1)(b) of the EP&A Act requires that the Local Planning Panel must give its advice on the Planning Proposal before Council considers whether or not to forward it to DPHI for a Gateway determination. The Panel advised it supports the progression of the proposal for a Gateway Determination.

CONCLUSION

The report presents a Council-initiated Planning Proposal for heritage and housekeeping amendments to the Hornsby LEP 2013. The Planning Proposal seeks to:

- Introduce new heritage items and amend or remove existing items in Schedule 5 Environmental Heritage.
- Remove text and mapping references to land within the Parramatta LGA.

The Planning Proposal has strategic merit due to its consistency with the Greater Sydney Region Plan, North District Plan, Section 9.1 Local Planning Directions, the Hornsby LSP, Hornsby Shire Heritage Action Plan, the Hornsby Housing Strategy and the Hornsby Community Strategic Plan.

There is a clear community benefit to improving the operation and accuracy of the HLEP 2013 and the administration and interpretation of Hornsby Shire's heritage.

Accordingly, it is recommended that Council support the progression of the Planning Proposal for submission to DPHI for Gateway Determination.




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.  Draft Heritage and Housekeeping Planning Proposal
2.  Appendix A Inventory Sheets
3.  Appendix B Umwelt Report March 2024

File Reference: PP/1/2024
Document Number: D08858675

9 HORNSBY DEVELOPMENT CONTROL PLAN 2024

EXECUTIVE SUMMARY

- In 2016, the Local Government (City of Parramatta and Cumberland) Proclamation amended the local government boundaries of Hornsby Shire and City of Parramatta. The amendment transferred land south of the M2 Motorway from the jurisdiction of Hornsby Council to Parramatta Council.
- The Proclamation prescribed that the existing Hornsby Development Control Plan 2013 (Hornsby DCP 2013) continued to apply to transferred land until repealed.
- Since the Proclamation, there have been several amendments to the Hornsby DCP adopted by both Hornsby and Parramatta Council. These amendments and application of the DCP over two local government areas has resulted in the DCP becoming increasingly complex.
- On 23 August 2023, Parramatta Council adopted a new Parramatta DCP which repeals all existing DCPs that apply to the Parramatta LGA. The adoption of the new DCP repeals the sections of the Hornsby DCP that apply to the transferred land south of the M2. Therefore, it is appropriate that superseded sections of the Hornsby DCP be removed.
- A draft Hornsby Development Control Plan 2024 has been prepared to modernise the document and improve useability. The draft Hornsby DCP 2024 is based on the current Hornsby DCP. However, updates are included to the strategic context of the sections of the DCP based on Council's adopted Local Strategic Planning Statement and supporting studies. In addition, references to land transferred to Parramatta Council are removed, and administrative amendments included to improve interpretation and modernises references to government bodies, legislation and supporting documentation.
- The new Hornsby DCP does not seek to amend Council's existing DCP controls or introduce additional development controls. It is recommended that the draft Hornsby DCP 2024 be exhibited for public comment.

RECOMMENDATION

THAT:

1. The draft Hornsby Development Control Plan 2024 attached to Director's Report No. PC9/24 be placed on public exhibition for a period of 28 days.
2. Following exhibition, a report on submissions be presented to Council for consideration.

PURPOSE

The purpose of this report is to present the changes that inform the draft Hornsby Development Control Plan 2024 (Hornsby DCP 2024) and seek Council endorsement to publicly exhibit the draft.

BACKGROUND

In May 2016, the Local Government (City of Parramatta and Cumberland) Proclamation (the Proclamation), transferred land south of the M2 Motorway from Hornsby Council to the City of Parramatta Council. The Proclamation prescribed that the existing development control plan from the previous authority continues to apply until repealed for an amalgamated area. Accordingly, the Hornsby DCP 2013 continued to apply to the transferred land.

On 13 October 2021, Council considered Director's Report No. PC15/21 which acknowledged ongoing issues associated with the application of the Hornsby DCP 2013 over two LGAs. Whenever Hornsby Council altered development controls related to the Hornsby LGA, or Parramatta made amendments for land south of the M2, this resulted in duplication of sections in the Hornsby DCP.

Director's Report No. PC15/21 identified that two separate DCPs would resolve duplication and administrative issues and recommended preparation of a new DCP that would apply to the Hornsby LGA only. Council resolved to prepare a new DCP for Hornsby Shire excluding the transferred land.

Since Council's resolution, several amendments have been required to the Hornsby DCP 2013 which have prolonged preparation of a new DCP. The amendments have included:

- Corrections to transport and parking controls applicable to Epping Town Centre (Parramatta Council).
- Amendments to the hierarchy of Hornsby commercial centres based on the adopted Employment Lands Study.
- Clarification of lot widths for residential battle-axe subdivisions.
- Amendment to total floor areas for rural secondary dwellings.
- Amendments to support development of the Hornsby RSL club and Hornsby War Memorial Hall.
- Addition of controls for agritourism land uses in rural areas.
- Introduction of controls for electric vehicle charging infrastructure.
- Introduction of controls for seniors housing developments in heritage conservation areas.

On 28 August 2023, Parramatta Council adopted a new Parramatta Development Control Plan and repealed all past DCPs that applied to the Parramatta LGA. The new Parramatta DCP applies to the transferred land south of the M2 Motorway and supersedes the Hornsby DCP 2013 for this area.

The application of the Parramatta DCP to the transferred land removes the requirement for the Hornsby DCP to contain applicable development controls. As a result, Therefore, it is appropriate that superseded sections of the Hornsby DCP be removed.

DISCUSSION

This report outlines preparation of a new DCP for Hornsby Shire to modernise the document, update strategic context, improve usability, update references, and remove any remaining unnecessary references to Parramatta. This report also presents a proposed community consultation strategy for exhibition of the draft Plan.

Draft Hornsby DCP 2024

The draft Hornsby DCP 2024 is an update to the current DCP to remove outdated references and controls relating to transferred land. The following changes are proposed:

- Updates to strategic context for each section, based on the adopted Local Strategic Planning Statement, Housing Strategy and other supporting studies.
- Removal of content referring to land transferred to Parramatta Council.
- Updates to references to Australian Standards where required.
- Updates to references to legislation and policies where relevant.
- Updates to website links where relevant.

The draft amendments do not propose to alter development controls. The proposed changes aim to improve the interpretation of the Hornsby DCP and reinforce its objective of being a comprehensive document that provides a framework for development of land in the Shire. The draft Hornsby DCP 2024 remains consistent with companion legislation including the Hornsby Local Environmental Plan 2013 (Hornsby LEP 2013) and applicable State Environmental Planning Policies (SEPPs) and should be read in conjunction with these instruments. No changes to the function or intent of any existing Hornsby DCP controls are proposed.

A detailed outline of the proposed changes is summarised below.

Updates to Strategic Context

The draft Hornsby DCP 2024 includes recognition of the Hornsby Local Strategic Plan Statement, Sustainable Hornsby 2040 Strategy and other supporting strategic documents that have been adopted in recent years. These strategic documents outline actions including the development of future planning controls.

Removal of references to transferred land

On 28 August 2023, Parramatta Council resolved to repeal the five DCPs that applied to parts of the Parramatta LGA and adopt a new Parramatta DCP. The Parramatta DCP now applies to the transferred land south of the M2 Motorway, superseding the parts of Hornsby DCP 2013 which apply to Parramatta.

On 3 November 2023, the Hornsby DCP 2013 was amended to remove content referring to the transferred land in response to Parramatta Council's resolution. Content removed included development controls for commercial areas in Carlingford and Epping and heritage conservation areas in Epping.

The draft Hornsby DCP 2024 attached to this report would apply solely to Hornsby Shire, removing all remaining references to land south of the M2 Motorway. Removal of repealed development controls and outdated references does not alter any existing development controls applying to Hornsby Shire.

Update references to Australian Standards, legislation, policies and weblinks

Throughout the Hornsby DCP 2013, there are references to Australian Standards, legislation, policies and links to websites. These references provide clarity to Council's controls or direction to sources of further information. In preparing the draft Hornsby DCP 2024, all existing references have been reviewed and updated as outlined below:

References to Australian Standards

The Hornsby DCP 2013 refers to several Australian Standards, requiring adherence to these documents that set out specifications, procedures and guidelines for specific matters.

Australian Standards are reviewed and updated periodically by relevant industry and government bodies. These reviews may alter the name or identification number of a standard and as such it is necessary to periodically review the Hornsby DCP to ensure that up-to-date standards are being referenced. All references to Australian Standards have been reviewed and updated. Publication dates have been removed from all references to Australian Standards. This ensures that each reference is only to the latest version of a Standard and there is minimal risk that an outdated or superseded version is referenced. Additionally, the glossary of terms in Annexure A of the Hornsby DCP has been updated to include the identification numbers and titles of all Australian Standards that are referenced throughout Parts 1 to 9 of the DCP.

References to legislation

A review has been conducted of all references to Commonwealth and State Acts and agencies, Statutory Instruments, SEPPs and the Hornsby LEP 2013. Updates have been applied to remove or update references to State and Commonwealth agencies and legislation. For example, references within the Hornsby DCP to the Environmental Planning and Assessment Regulation 2000 have been replaced with the current Environmental Planning and Assessment Regulation 2021.

References to policies and guidelines

A review has been conducted of all references to government or industry policies and guidelines. Up-to-date references to current policies and guidelines assist the interpretation of development controls by providing context and further sources of information. For example, Section 1B.5 Notification and Exhibition of the Hornsby DCP 2013 which outlines the public notification strategy for development applications has been amended to refer to Council's adopted Community Engagement Plan as required by the *Environmental Planning and Assessment Act 1979*.

Section 6.6 Subdivision Masterplans has also been removed from the DCP. This section refers to the Cherrybrook Precinct Masterplan which illustrates the suburbs of Cherrybrook and Castle Hill. The section aims to encourage orderly development of these suburbs. This section of the DCP is no longer required as properties in Cherrybrook and Castle Hill are now largely developed.

References to websites

The Hornsby DCP 2013 includes weblinks to resources and information on Council's website or other websites. Over time, some of the weblinks no longer work as intended. Updated weblinks have been included in the draft Hornsby DCP 2024.

The draft Hornsby DCP 2024 is attached to this report and includes tracked changes of the proposed amendments to Council's current DCP.

CONSULTATION

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

As the draft Hornsby DCP 2024 does not include the addition or removal of development controls that apply to Hornsby Shire, it is recommended that the draft DCP be placed on public exhibition for 28 days through advertisement on Council's 'Your Say Hornsby' website.

BUDGET

There are no budgetary implications from the preparation or exhibition of the draft Hornsby DCP 2024. Costs associated with the preparation of an updated DCP, and public exhibition are covered by the Strategic Land Use Planning operational budget.

POLICY

Following the exhibition of the draft DCP, a report on submissions would be presented to Council for consideration. Subject to Council endorsement, the DCP would come into force once published on Council's website.

CONCLUSION

This report seeks Council endorsement to publicly exhibit a new version of the Hornsby DCP which removes all outdated references and controls relating to land transferred to Parramatta and includes updates and amendments to improve its interpretation. It is recommended that the draft Hornsby DCP 2024 be exhibited on Council's website for 28 days. Following exhibition, a report on submissions will be presented to Council.











RESPONSIBLE OFFICER

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Attachments:

1.  Draft HDCP 2024 Part 1 General
2.  Draft HDCP 2024 Part 2 Rural
3.  Draft HDCP 2024 Part 3 Residential
4.  Draft HDCP 2024 Part 4 Business
5.  Draft HDCP 2024 Part 5 Industrial
6.  Draft HDCP 2024 Part 6 Subdivision
7.  Draft HDCP 2024 Part 7 Community
8.  Draft HDCP 2024 Part 8 River Settlements
9.  Draft HDCP 2024 Part 9 Heritage
10.  Draft HDCP 2024 Part 10 Annexures

File Reference: F2021/00318

Document Number: D08858988

10 MAYORS NOTES 01 APRIL 2024 TO 30 APRIL 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.

Wednesday 3rd of April 2024 – The Mayor hosted two Citizenship Ceremonies in the Council Chambers at Hornsby Shire Council in Hornsby.

Wednesday 3rd of April 2024 – The Mayor attended St Leo's Catholic College Open Evening in Wahroonga.

Thursday 4th of April 2024 – The Mayor attended 2024 Hornsby/Ku-Ring-Gai District RFS Medal Presentation Ceremony in Cowan.

Friday 5th of April 2024 – The Mayor attended the ANZAC Day Assembly - Asquith Girls High School, Asquith.

Sunday 7th of April 2024 – The Mayor attended the Epping Scout Group's Annual Report Presentation, Epping.

Thursday 11th of April 2024 – The Mayor attended the Fagan Park Children's Forest opening, Fagan Park Galston.

Monday 15th of April 2024 - The Mayor attended the Pennant Hills Cumberland Forest Toastmasters Club at Pennant Hills Library, Pennant Hills.

Wednesday 17th of April 2024 – The Mayor attended the Ryde Police Area Command Community Safety Precinct Meeting, at The Epping club, Epping.

Thursday 18th of April 2024 – The Mayor attended the Beecroft Cheltenham Civic Trust Annual General Meeting in Beecroft.

Sunday 21st of April 2024 – The Mayor attended ANZAC Day Brooklyn RSL Sub-Branch Service, in Brooklyn.

Sunday 21st of April 2024 – The Mayor attended ANZAC Commemoration Service at the Galston Memorial Club, in Galston.

Sunday 21st of April 2024 – On behalf of the Mayor, Deputy Mayor Councillor Tilbury attended the Hornsby RSL Sub-Branch ANZAC March, in Hornsby.

Sunday 21st of April 2024 – On behalf of the Mayor, Councillor Pillamarri attended the Jawan Cenotaph for the ANZAC service in Cherrybrook.

Wednesday 24th of April 2024 – The Mayor attended the ANZAC Service for the Christian Brethren Community Services (CBCS), in Cherrybrook.

Thursday 25th of April 2024 – The Mayor attended the Hornsby RSL Sub Branch ANZAC Dawn Service, in Hornsby.

Thursday 25th of April 2024 – The Mayor attended the Berowra RSL Sub Branch ANZAC March and Ceremony 2024 in Berowra.

Thursday 25th of April 2024 – The Mayor attended the ANZAC Day Commemorative Mass by Bishop Anthony Randazzo DD JDL in Our Lady of The Rosary Catholic Cathedral, in Waitara.

Thursday 25th of April 2024 – The Mayor attended the Glenorie RSL ANZAC ceremony in Glenorie.

Thursday 25th of April 2024 – On behalf of the Mayor, Councillor Greenwood attended the Cenotaph, Wongala Crescent Beecroft for the ANZAC Day service in Beecroft.

Saturday 27th of April 2024 – The Mayor attended the Studio ARTES Exhibition in Wallarobba Arts And Cultural Centre, Hornsby.

Saturday 27th of April 2024 – The Mayor attended the Glenorie District Cricket Club Annual Presentation Afternoon and 130th Birthday celebrations, Glenorie.

Monday 29th of April 2024 – The Mayor attended a Photo shoot at Greenway Park off leash dog park at Greenway Park.

Tuesday 30th of April 2024 – The Mayor attended the Barker College ANZAC Observance at Barker College, Hornsby.

Tuesday 30th of April 2024 – The Mayor attended the Berowra FEC Meeting at Pennant Hills Bowling Club, Pennant Hills.

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11 OFF- ROAD BIKE FACILITIES IN GALSTON

COUNCILLOR WADDELL TO MOVE

THAT:

1. Council consider, within the adoption of the 2023-24 Operational Plan, a feasibility study to assess the viability of establishing an off-road bike facility between Galston Aquatic Centre and Hayes Oval whilst ensuring alignment with site constraints and environmental considerations.
2. Subject to Council adopting the above a briefing of Councillors be undertaken following the completion of the feasibility study, if viable, to develop a plan involving the local community for its implementation.

Note from Councillor

An essential part of any childhood are opportunities for unstructured and structured recreation. Council plays an essential role in facilitating these opportunities by providing a wide range of play and recreation assets that seek to enable this ranging from playgrounds, sportsgrounds, parks, learn-to-ride facilities, aquatic centres, skate parks, indoor and outdoor court facilities and the like.

Whilst Galston is well serviced with facilities including Fagan Park, an aquatic centre, rural sports facility, skatepark, various playgrounds and sportsgrounds, it does not have an off-road cycle facility catering for older children (upper primary and above) who may prefer unstructured recreation such as cycling.

Further, because our area lacks a designated space for off-road cycling, illegal tracks are being constructed which presents risks to both safety and the environment. I am aware that informal bike 'jumps' have been created by local children (and subsequently closed by Council and other landowners) at a number of locations including Hayes Oval, Johnson Road and at the Seventh-Day Adventist Church on Arcadia Road. By creating an official facility, we can address these concerns effectively.

Council has recognised the demand for such facilities at Hornsby Park/Old Mans Valley and Westleigh Park, however neither of these locations provide a viable option for the Galston community. To be clear, I am not advocating for a full-scale mountain bike track, rather a local jumps facility that would cater for the older children of the community. I recognise budgets are limited and note the desire from the local community to be involved in any construction or ongoing maintenance to offset costs incurred to Council.

I am of the view that the area under the high-tension powerlines between the Galston Aquatic Centre

and Hayes Oval could afford such an opportunity. The site is well located given its proximity to the local high school, skatepark, Aquatic Centre and Hayes Oval and public toilets. Further, the site is actively managed as a powerline easement and asset protection zone for bushfire protection which means the vegetation is actively maintained in a reduced state and is not considered environmentally sensitive land.

In summary, childhood experiences should include both structured and unstructured play. Council's role is vital in providing diverse recreation assets like playgrounds, parks, and sports facilities. While Galston has many amenities, there's a gap in off-road cycling for older children. I propose exploring the creation of a scaled jumps facility in the area under the powerlines near Galston Aquatic Centre. This location, close to schools and existing amenities, offers a suitable option for meeting the community's demand.

Attachments:

There are no attachments for this report.

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