



BUSINESS PAPER

GENERAL MEETING

**Wednesday 14 August 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 July 2024, be confirmed; a copy having been distributed to all Councillors.

THAT the Minutes of the Workshop Meeting held on 24 July 2024, be confirmed; a copy having been distributed to all Councillors.

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

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

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

GENERAL BUSINESS

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

OFFICE OF THE GENERAL MANAGER

Nil

CORPORATE SUPPORT DIVISION**Page Number 1**

**Item 1 CS20/24 LOCAL GOVERNMENT NSW - 2024 ANNUAL CONFERENCE -
SUBMISSION OF MOTIONS**

RECOMMENDATION

THAT Motions dealing with; 1. Roadside Stalls, 2. Ministerial Statement of Expectations Order; as detailed in Director's Report No. CS20/24, be submitted for consideration at the 2024 Local Government NSW (LGNSW) Annual Conference.

Page Number 6**Item 2 CS33/24 COUNCILLOR EXPENSES AND FACILITIES POLICY - REPORTING
REQUIRED BY SECTION 15 OF THE POLICY****RECOMMENDATION**

THAT Council note that details regarding the provision of Councillor expenses and facilities for the period from 1 July 2023 to 30 June 2024 have been tabled in accordance with the Councillors' Expenses and Facilities Policy.

Page Number 12**Item 3 CS34/24 SCHEDULE OF COUNCIL MEETINGS AND ORDER OF BUSINESS TO
APPLY AT THOSE MEETINGS - OCTOBER 2024 TO SEPTEMBER 2025****RECOMMENDATION**

THAT Council adopt the:

1. Schedule of ordinary Council meetings for the period October 2024 to September 2025 as set out in Attachment 1. of Director's Report No. CS34/24
2. Order of business for the ordinary Council meetings to be held in the period October 2024 to September 2025 as set out in Attachment 2. of Director's Report No. CS34/24

Page Number 15**Item 4 CS40/24 INVESTMENTS AND BORROWINGS (PRE-AUDIT) FOR 2023/2024 -
STATUS FOR THE PERIOD ENDING 30 JUNE 2024****RECOMMENDATION**

THAT the contents of Director's Report No. CS40/24 be received and noted.

Page Number 18**Item 5 CS41/24 ADOPTION OF LONG TERM FINANCIAL PLAN 2024/25 TO 2033/34****RECOMMENDATION**

THAT:

1. The contents of Director's Report No. CS41/24 be received and noted.
2. Council adopt the 2024/25 to 2033/34 Long Term Financial Plan.
3. Council writes to submitters thanking them for their feedback.

COMMUNITY AND ENVIRONMENT DIVISION

Nil

PLANNING AND COMPLIANCE DIVISION

Page Number 23

Item 6 PC13/24 PLANNING AGREEMENT - 36-56 DAVID ROAD, CASTLE HILL

RECOMMENDATION

THAT Council endorse the Planning Agreement attached to Director's Report No. PC13/24 to facilitate dedication of land to Council comprising Turpentine Forest, an extension to Tahlee Park, public road widening, footpath and drainage works at David Road, Castle Hill.

Page Number 31

Item 7 PC15/24 MINISTERIAL STATEMENT OF EXPECTATIONS ORDER

RECOMMENDATION

THAT Council:

1. Note the contents of the Director's Report No. PC15/24 concerning the updated Statement of Expectations Order issued by the Minister for Planning and Public Spaces.
2. Write to the Minister outlining the issues raised in Director's Report No. PC15/24 and highlighting Council's experience that the lodgement timeframe is unrealistic and likely to result in a higher percentage of rejected applications and increased angst in the community.

Page Number 38

Item 8 PC16/24 REPORT ON SUBMISSIONS - ALL ELECTRIC DCP AMENDMENTS

RECOMMENDATION

THAT:

1. Council endorse the Hornsby Development Control Plan 2024 amendments for all electric buildings attached to Director's Report No. PC16/24.
2. Notification of the approval be published on Council's website.
3. Submitters be advised of Council's decision.

Page Number 44**Item 9 PC17/24 DRAFT HORNSBY AFFORDABLE HOUSING STRATEGY****RECOMMENDATION**

THAT:

1. The draft Hornsby Affordable Housing Strategy attached to Director's Report No. PC17/24 be placed on public exhibition for a period of 28 days.
2. Following exhibition, a report on submissions be presented to Council for consideration.

Page Number 50**Item 10 PC18/24 HORNSBY TRANSPORT ORIENTED DEVELOPMENT REZONING PROPOSAL****RECOMMENDATION:**

THAT Council:

1. Raise concerns about the progression of the Hornsby Transport Oriented Development rezoning proposal, as exhibited, for reasons including that the proposal:
 - 1.1 Lacks certainty that essential local and State infrastructure will be funded and delivered to support projected growth;
 - 1.2 Would likely increase landowner uncertainty and speculation, stifling delivery of housing, in contradiction to Council's Masterplan and the National Housing Accord;
 - 1.3 Increases development potential on State Government land while removing commitments to provision of community infrastructure and employment opportunities;
 - 1.4 Is deficient in prioritising affordable housing provision.
2. Endorse the submission attached to Director's Report No. PC18/24 highlighting Council's concerns.
3. Seek a meeting between the Mayor, General Manager and Minister for Planning and Public Spaces to emphasise Council's concerns and outline opportunities to improve the Proposal.

INFRASTRUCTURE AND MAJOR PROJECTS DIVISION

Nil

CONFIDENTIAL ITEMS**Item 11 CS35/24 LICENCE OF OPERATIONAL LAND, WEST PENNANT HILLS**

This report should be dealt with in confidential session, under Section 10A (2) (d) of the Local Government Act, 1993. This report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the council; or (iii) reveal a trade secret.

Item 12 CS38/24 APPEAL AGAINST COMPENSATION - COMPULSORY ACQUISITION OF A PROPERTY AT HORNSBY

This report should be dealt with in confidential session, under Section 10A (2) (g) of the Local Government Act, 1993. This report contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege. Discussion of the matter in an open Meeting would, on balance, be contrary to the public interest because the Report includes communications between Council and its legal representatives. To disclose this information could provide an advantage to other parties by giving insight into Council's proposed course of action or claim. This would jeopardise Council's ability to achieve the best result for its constituents.

Item 13 GM44/24 LEGAL ADVICE

This report should be dealt with in confidential session, under Section 10A (2) (g) of the Local Government Act, 1993. This report contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege. Discussion of the matter in an open Meeting would, on balance, be contrary to the public interest because the Report includes communications between Council and its legal representatives. To disclose this information could provide an advantage to other parties by giving insight into Council's proposed course of action or claim. This would jeopardise Council's ability to achieve the best result for its constituents.

PUBLIC FORUM – NON AGENDA ITEMS

QUESTIONS WITH NOTICE

MAYOR'S NOTES

Page Number 58

Item 14 MN6/24 MAYORS NOTES 01 JUNE 2024 TO 31 JULY 2024

NOTICES OF MOTION

Page Number 60**Item 15 NOM6/24 RETAIN 3 JOHNSON ROAD GALSTON AS PARKLAND**

COUNCILLOR SALITRA TO MOVE

THAT Council:

1. Cease any further work on the planning proposal to rezone 3 Johnson Road, Galston to E4 General Industrial.
2. Resolve to reclassify 3 Johnson Road as Community Land and prepare a Plan of Management that authorises its use for unstructured recreational park uses and natural areas.
3. Conduct a Councillor Workshop to discuss the implications, process and resources required to evaluate rezoning of the site to RE1 Public Recreation and C2 Environmental Conservation.
4. Include consideration of investigating the feasibility and cost of implementing a BMX jumps track at 3 Johnson Road, in this Councillor Workshop.

Page Number 63**Item 16 NOM7/24 FUNDING FOR UPPER MCKELL CAR PARK IMPROVEMENTS**

COUNCILLOR SALITRA TO MOVE

THAT with regard to car parking in Brooklyn, Council:

1. Identify potential improvements to lighting, security and accessibility to the Upper McKell overflow carpark at Brooklyn, to provide safe and easier to access parking for residents and visitors.
2. Discuss improvement options, including financial implications for council and options for seeking grants to help fund or contribute funds for any identified improvements, at a Councillor Workshop by end of 2024.
3. Provide a report on options by the first scheduled Council meeting for 2025.
4. Give consideration to the funding of improvements in the development of the 2025/26 Operational Plan.

SUPPLEMENTARY AGENDA**MATTERS OF URGENCY**

LOCAL GOVERNMENT NSW - 2024 ANNUAL CONFERENCE - SUBMISSION OF MOTIONS

EXECUTIVE SUMMARY

- The 2024 Annual Conference of Local Government NSW (LGNSW) is scheduled to be held at Tamworth Regional Entertainment and Conference Centre (TRECC) from Sunday 17 to Tuesday 19 November 2024
- The Conference provides the opportunity for Council delegates to network and be involved in discussions and consideration of motions about matters which affect local government across NSW
- In considering the submission of motion/s by Council, regard has been given to resolutions made by Council over the past 12 months, discussions between Councillors and members of the Executive Leadership Team (ELT), discussions at NSROC and recommendations emanating from ELT members in respect of matters for which their Divisions are responsible. Based on the feedback received, it is proposed that two motions be submitted by Council for consideration at the Conference

RECOMMENDATION

THAT Motions dealing with; 1. Roadside Stalls, 2. Ministerial Statement of Expectations Order; as detailed in Director's Report No. CS20/24, be submitted for consideration at the 2024 Local Government NSW (LGNSW) Annual Conference.

PURPOSE

The purpose of this Report is to provide an opportunity for Council to submit matters for consideration and debate at the 2024 LGNSW Annual Conference.

BACKGROUND

The 2024 LGNSW Annual Conference was scheduled to be held at Tamworth Regional Entertainment and Conference Centre (TRECC) from Sunday 17 to Tuesday 19 November 2024.

The Conference traditionally provides the opportunity for Council delegates to network and be involved in discussions and consideration of motions about matters which affect local government across NSW.

Councils have been invited to submit motions for consideration at the Annual Conference. Motions proposed by councils will be grouped under one of the six categories:

1. Industrial relations and employment
2. Governance and accountability
3. Economic
4. Infrastructure and planning
5. Social and Community
6. Environment

And will be included in the Conference Business Paper where the LGNSW Board determines that the motions:

1. Are consistent with the objects of the Association (see Rule 4 of the Association's rules¹)
2. Relate to Local Government in NSW and/or across Australia
3. Concern or are likely to concern Local Government as a sector
4. Seek to advance the Local Government policy agenda of the Association and/or improve governance of the Association
5. Have a lawful purpose (a motion does not have a lawful purpose if its implementation would require or encourage non-compliance with prevailing laws)
6. Are clearly worded and unambiguous in nature
7. Do not express preference for one or several members over one or several other members

Motions which do not advance the local government policy agenda will not be included in the Business Paper. Therefore, a motion will not be included if it is: operational, rather than strategic; a matter which could be actioned by LGNSW without going to Conference; not local government business; focused on a local issue only; or if the motion is consistent with longstanding actions of LGNSW.

Motions for the 2024 Conference are to be submitted online and must include the following details:

- Motion category
- Title
- Motion (a sentence or two which states the issue and the call to action)

- Background note (a paragraph or two to explain the context and importance of the issue to the local government sector)
- Indicate if the motion conflicts with one or more of the Fundamental Principles
- Evidence of council support for the motion

Fundamental Principles Conflict

Fundamental Principles are the overarching principles that direct LGNSW's response to broad matters of importance to the local government sector. These Fundamental Principles are endorsed (or amended) by LGNSW members at the Annual Conference. Motions submitted to the 2024 Conference are to indicate whether the motion conflicts with any of LGNSW's Fundamental Principles.

DISCUSSION

Motions

In considering the development of draft motion/s, regard has been given to resolutions made by Council over the past 12 months, discussions between Councillors and members of the Executive Leadership Team (ELT), discussions at NSROC and recommendations emanating from ELT members in respect of matters for which their divisions are responsible. Motions for debate at Conference can be lodged from Monday 17 July 2024 to Sunday 20 October 2024 via the online portal however LGNSW are encouraging Councils to have their motions submitted by Thursday 15 August 2024 to allow for assessment of motions and distribution of the Business Paper before Conference.

Based on the feedback received and requests from Councillors, it is proposed that the following four motions be submitted by Council for consideration at the 2024 Annual Conference:

Motion 1.

Category: Infrastructure and Planning

Title: Roadside Stalls

Motion Wording:

That Local Government NSW calls on the NSW Government to expand the definition of Roadside Stalls in the Standard Instrument Order to permit the sale of produce and hand-crafted goods from a rural property in the local region.

Background

Definitions in council Local Environmental Plans across the State are mandated through the Standard Instrument Order. The current definition of roadside stalls applies across the State and allows the sale of produce and goods originating from the property or adjoining property. This narrow definition may restrict income generation of farms, as it does not allow for multiple smaller operators to consolidate sales at a roadside stall in the local region or sell from a location which may have greater exposure for passing sales.

Allowing roadside stalls to sell produce and hand-crafted goods from the local region may assist support the ongoing viability of the agricultural industry. The change would support the agricultural use of land and add value to existing roadside stalls by allowing them to be operated by multiple properties, not necessarily adjacent to one another.

Amending the definition would align with the recently introduced farm gate premises land use definition which states that the land is “*used to provide visitors to the farm, on a commercial basis, with agricultural products predominantly from the farm, supplemented by products from other farms in the region*”. Adopting a similar “local region” restriction for the roadside stalls land use definition would allow for a similar retail outcome, but within a smaller built form than a farm gate premises.

A change to the roadside stall definition would be consistent with the intent of recent Statewide agritourism planning reforms led by the Government which seek to assist landowners to add value to their existing agricultural operations and improve resilience to the economic impacts of natural disasters and unexpected events.

Motion 2.

Category: Infrastructure and Planning

Title: Ministerial Statement of Expectations Order

Motion Wording:

That Local Government NSW calls on the Minister for Planning and Public Spaces to amend the Statement of Expectations Order to extend the timeframe for the lodgement of development applications from July 2025.

Background

On 1 July 2024, the Environmental Planning and Assessment (Statement of Expectations) Order 2024 came into effect stating the Minister's expectations for how councils should carry out development assessment, planning proposal preparation and strategic planning. From July 2025, development applications will need to be lodged within an average of 7 days from submission. In effect, 7 calendar days equates to 4–5 working days (excluding weekends and public holidays).

To achieve lodgement times of 7 days, most councils will be required to implement processes to streamline lodgements. This may require consideration of options including allocation of additional resources or return of incomplete applications in a shorter timeframe. Acceptance of substandard or incomplete applications would result in slower assessment times contrary to the Minister's requirements. However, the return of a higher percentage of applications through the Planning Portal is likely to result in increased angst from proponents.

Accordingly, the timeframe for lodgement of applications should be extended in consultation with local government to provide sufficient time for councils to complete all necessary processes before accepting a DA including checking adequacy and completeness of documentation.

BUDGET

Funds have been allocated in the 2024/25 budget for attendance by Councillors and relevant staff at the 2024 LGNSW Annual Conference.

POLICY

Councillor attendance at the 2024 LGNSW Annual Conference is in accordance with the Councillors' Expenses and Facilities Policy.

CONCLUSION

The 2024 LGNSW Annual Conference provides the opportunity for Council delegates to network and be involved in discussions and consideration of motions about matters which affect local government

across NSW. In this regard, two motions dealing with; 1. Roadside Stalls, 2. Ministerial Statement of Expectations Order, are proposed to be submitted by Council for consideration at the Conference.

RESPONSIBLE OFFICER

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

STEPHEN COLBURT
Manager, Governance and Customer Service
Corporate Support Division

GLEN MAGUS
Director - Corporate Support
Corporate Support Division

Attachments:

There are no attachments for this report.

File Reference: F2023/00176
Document Number: D08876434

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

EXECUTIVE SUMMARY

- The Councillors' Expenses and Facilities Policy, which is modelled on the Office of Local Government's Better Practice Template, requires that a report on the provision of facilities and payment of expenses to Councillors is to be tabled at a Council Meeting at six monthly intervals.
- Council last considered the required report at the General Meeting of 14 February 2024
- This report covers the 12-month period from 1 July 2023 to 30 June 2024. Details are provided of expenditure grouped according to specific categories, summarised by individual Councillor and as a total for all Councillors.
- It is recommended that Council note the contents of the Report.

RECOMMENDATION

THAT Council note that details regarding the provision of Councillor expenses and facilities for the period from 1 July 2023 to 30 June 2024 have been tabled in accordance with the Councillors' Expenses and Facilities Policy.

PURPOSE

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

BACKGROUND

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

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

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

Council last considered a report on Councillors' Expenses and Facilities at the 14 February 2024 General Meeting (Report No. CS24/24). In accordance with Section 15 of the Policy reporting takes place on a six-monthly basis. This Report includes expenses incurred in the 12-month period from 1 July 2023 to 30 June 2024.

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

General travel expenses (other than travel associated with Conferences and Professional Development)	\$5,250 total for all Councillors	Per year
Interstate, overseas and long-distance intrastate travel expenses	\$0	Per year
Accommodation and meals	As per the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, adjusted annually	Per meal/night
Professional development (includes associated travel and subsistence where applicable)	\$31,500 total for all Councillors	Per year
Conferences and seminars (includes associated travel and subsistence where applicable)	\$36,700 total for all Councillors (Increased to \$51,700 in the years where the LGNSW	Per year

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

ITEM 2

DISCUSSION

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

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

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

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

The table below provides the required information for the 12-month period from 1 July 2023 to 30 June 2024. Where an explanation or clarification is required about particular expenditures (marked with a * in the table), comments are provided in the text following the table.

Expense or Facility July 2023 - June 2024														
A/C Description	Travel - General (other than associated with Conferences + Professional Development)	Travel - General Interstate, overseas + long distance intrastate travel expense (When not associated with a Conference etc)	Travel - General Accom + meals (When not associated with a Conference etc)	Training - Other Professional development (including associated accom & travel)	Conferences & seminars (including associated Travel & Accom)	Minor IT Purchases under \$10,000	Mobile Telephones - Data Plan (including Internet etc for Computer)	Cirs Exp - Other Carer expenses	Computer Consumables Home office expenses	General Stationery Postage stamps	General Printing and Design Christmas or festive cards	Cirs Exp - Other Spousal attendance at conferences Name Badges	Cirs Exp - Other Attendance at non-Council functions	Total
Ruddock	-	-	-	859	1,339	-	2,329	-	-	-	-	-	-	\$ 4,527
Tilbury	-	-	-	859	1,259	-	1,538	166	-	-	-	-	-	\$ 3,822
Waddell	-	-	-	859	1,259	-	1,189	-	-	-	-	-	414	\$ 3,721
McIntosh	-	-	-	2,210	2,289	-	615	-	-	-	-	-	182	\$ 5,296
Heyde	-	-	-	859	-	-	-	-	-	-	-	-	-	\$ 859
Ball	-	-	24	3,299	2,259	-	-	-	-	-	-	-	-	\$ 5,582
Greenwood	40	-	-	2,799	1,259	-	713	-	-	-	-	-	-	\$ 4,811
McClelland	-	-	-	859	4,076	-	507	-	-	-	-	-	118	\$ 5,561
Pillamarri	-	-	-	2,499	1,259	-	2,544	-	-	-	-	-	92	\$ 6,394
Salitra	-	-	-	3,299	3,459	-	-	-	-	-	-	-	-	\$ 6,758
Total	\$ 40	\$ -	\$ 24	\$ 18,401	\$ 18,459	\$ -	\$ 9,435	\$ -	\$ 166	\$ -	\$ -	\$ -	\$ 806	\$ 47,331

ITEM 2

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

BUDGET

The categorisation and reporting of expenditure in respect of councillors' expenses and facilities in the manner required and presented within this Report assists with the monitoring of expenses for that provision within Council's adopted budget. The overall total expenses reported for the 12-month period from July 2023 to June 2024 of \$47,331 is considerably less than the total budget provision for the financial year. All expenses have been approved as required by the General Manager or other staff under delegation.

POLICY

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

CONCLUSION

The Councillors' Expenses and Facilities Policy requires details of expenditure and the provisions of facilities to Councillors, summarised by individual Councillor and expense category, as well as a total for all Councillors, to be presented to Council at an open meeting. The expenditure by Councillors for the period July 2023 to June 2024 is well within the budget provision and requirements of the Policy. This Report provides the relevant information as required by the Policy and ensures all statutory requirements are met.

RESPONSIBLE OFFICER

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

STEPHEN COLBURT
Manager, Governance and Customer Service
Corporate Support Division

GLEN MAGUS
Director - Corporate Support
Corporate Support Division

Attachments:

There are no attachments for this report.

File Reference: F2004/09552-02
Document Number: D08909113

3 SCHEDULE OF COUNCIL MEETINGS AND ORDER OF BUSINESS TO APPLY AT THOSE MEETINGS - OCTOBER 2024 TO SEPTEMBER 2025

EXECUTIVE SUMMARY

- In accordance with Clauses 3.2 and 8.1 of the Code of Meeting Practice, Council annually determines a schedule of meeting dates for the following year and the order of business to apply at those meetings. Due to the Local Government Elections in September 2024 this report has been prepared for the August General Meeting
- It is proposed that the practice of holding one General Meeting per month be maintained for 2024/25, with that Meeting to be held on the second Wednesday of each month (excluding January) and that Workshop Meetings and informal Councillor Workshop/Briefings continue to be held on other Wednesdays of the month, with appropriate notice being provided as required
- It is also proposed that the existing order of business be maintained for 2024/25

RECOMMENDATION

THAT Council adopt the:

1. Schedule of ordinary Council meetings for the period October 2024 to September 2025 as set out in Attachment 1. of Director's Report No. CS34/24
2. Order of business for the ordinary Council meetings to be held in the period October 2024 to September 2025 as set out in Attachment 2. of Director's Report No. CS34/24

PURPOSE

The purpose of this Report is to recommend a proposed schedule of ordinary Meeting dates for the period October 2024 to September 2025, and the order of business to apply at those meetings.

BACKGROUND

Council last considered its schedule of meetings and order of business at those meetings at the 13 September 2023 General Meeting – refer Director's Report No. CS62/23. At the Meeting, Council decided to maintain the practice of holding one General Meeting per month with that Meeting to be held on the second Wednesday of each month (excluding January) and that Workshop Meetings and informal Councillor Workshops/Briefing sessions continue to be held as required, and with appropriate notice being provided, on the first, third, fourth and/or fifth Wednesdays of each month (except January).

DISCUSSION

Schedule of Meetings

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

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

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

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

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

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

A proposed schedule of General Meeting and Workshop Meeting dates for the period from October 2024 to September 2025 has now been drafted and is attached to this Report. There is no meeting scheduled for September 2024 due to the Local Government Elections being held on Saturday 14 September with the election results likely to be released at the end of September. The first meeting of the new Council is proposed to be held on the fourth Wednesday of October. The draft schedule of Meetings proposes the existing structure of one General Meeting per month, as well as providing for Workshop Meetings and informal Councillor Workshops/Briefings as required.

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

Order of Business

A proposed order of business to apply at General and Workshop Meetings for the period from October 2024 to September 2025 has been drafted and is attached to this Report. The draft order of business maintains the existing structure with no changes proposed.

BUDGET

There are no budgetary implications associated with this Report.

POLICY

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

CONCLUSION

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



RESPONSIBLE OFFICER

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

STEPHEN COLBURT
Manager, Governance and Customer Service
Corporate Support Division

GLEN MAGUS
Director - Corporate Support
Corporate Support Division

Attachments:

1.  Schedule of Ordinary Council Meetings
2.  Order of Business at Ordinary Council Meetings

File Reference: F2004/07032
Document Number: D08909134

4 INVESTMENTS AND BORROWINGS (PRE-AUDIT) FOR 2023/2024 - STATUS FOR THE PERIOD ENDING 30 JUNE 2024

EXECUTIVE SUMMARY

- This Report provides details of Council's investment performance for the period ending 30 June 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 June 2024 of 4.86% which includes a positive yield of 4.04% from TCorp Managed Funds.
- The 2023/24 financial year return is 4.90% which includes a positive yield of 6.35% from TCorp Managed Funds. This result includes a year-to-date unrealised net gain of \$1,421,700 from TCorp Managed Funds.

RECOMMENDATION

THAT the contents of Director's Report No. CS40/24 be received and noted.

PURPOSE

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

BACKGROUND

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

DISCUSSION

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

Council's investment performance for the month ending 30 June 2024 is detailed in the attached document. In summary, the portfolio achieved an annualised return for June 2024 of 4.86% including a positive yield from TCorp Managed Funds of 4.04%. On a financial year to date basis the portfolio achieved an annualised return of 4.90% which includes a positive yield of 6.35% from TCorp Managed Funds.

Council is currently holding 4.35% of the total portfolio balance in a Westpac transaction account to meet increased liquidity requirements at the end of the financial year. This has resulted in a total investment holding of 41% with Westpac at the end of the month, which exceeds the policy limit of 40%. It is expected that this will be resolved in the coming months subject to meeting expected cash flow requirements.

The Borrowings Schedule as at 30 June 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 30 June 2024 was \$1,109,951, which includes an unrealised gain of \$77,165 from TCorp Managed Funds.

Budgeted investment income year to date at 30 June 2024 was \$9,823,719. Total investment income year to date at 30 June 2024 was \$14,203,121 which includes a year-to-date unrealised net gain of \$1,421,700 from TCorp Managed Funds. It is noted that the budget and actual investment income excludes a year-to-date unrealised capital gain from Floating Rate Notes of \$265,486 as at 30 June 2024.

Approximately 47.52% 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 30 June 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 June 2024 (Pre-Audit)
2.  HSC Borrowings Summary Report June 2024 (Pre-Audit)

File Reference: F2004/06987-02

Document Number: D08928330

5 ADOPTION OF LONG TERM FINANCIAL PLAN 2024/25 TO 2033/34

EXECUTIVE SUMMARY

- Under section 403 of the Local Government Act, councils are required to prepare a Long Term Financial Plan in detail every four years that aligns to the integrated planning and reporting (IP&R) framework mandated by the Office of Local Government. The Plan is to be updated annually when developing the Operational Plan
- Council's draft 2024/25 to 2033/34 Long Term Financial Plan was adopted for public exhibition at the 12 June 2024 General Meeting. The Plan was publicly exhibited from 13 June 2024 to 11 July 2024 and five (5) submissions were received that are included within this report.
- One change has been made to the Financial Risks section of the Plan after the exhibition period to note the uncertainty that has arisen for the future of the Westleigh Park project.

RECOMMENDATION

THAT:

1. The contents of Director's Report No. CS41/24 be received and noted.
2. Council adopt the 2024/25 to 2033/34 Long Term Financial Plan.
3. Council writes to submitters thanking them for their feedback.

PURPOSE

The purpose of this Report is to provide Council with information and recommendations regarding the submissions received in the public exhibition of the draft 2024/25 to 2033/34 Long Term Financial Plan.

BACKGROUND

Under section 403 of the Local Government Act, councils are required to prepare a Long Term Financial Plan in detail every four years that aligns to the integrated planning and reporting (IP&R) framework mandated by the Office of Local Government. The Plan is to be updated annually when developing the Operational Plan.

The IP&R framework requires the Long Term Financial Plan to be placed on public exhibition and for submissions received by Council in that period to be noted and considered before the final adoption by Council and endorsement of the Long Term Financial Plan.

At the General Meeting held on 12 June 2024 Council considered Director's Report CS25/24 and resolved that:

1. *Council adopt the draft 2024/25 – 2033/34 Long Term Financial Plan attached to Director's Report No. CS25/24 and place the document on public exhibition from 13 June 2024 to 11 July 2024.*
2. *Following public exhibition, a further report be prepared for Council's consideration at the 14 August 2024 General Meeting that outlines and responds to any submissions received during the exhibition period and recommends the adoption of Council's 2024/25 – 2033/34 Long Term Financial Plan.*

DISCUSSION

During the public exhibition period from 13 June 2024 to 11 July 2024, the draft 2024/25 to 2033/34 Long Term Financial Plan was publicly exhibited electronically on the 'YourSay' page of Council's website. The exhibition was also advertised in four local newspapers, in Council's weekly community engagement e-newsletter, on social media and in the July monthly e-newsletter sent to approximately 25,000 subscribers.

Submissions

At the conclusion of the exhibition period a total of five submissions were received, all through Council's Your Say portal, which are included in the following table:

Submission	Officers Response
<p>I believe that as Hornsby Council has now lost \$36m from the Better Communities grant for a 'regional' sports precinct at Westleigh Park, their long term financial plan should remove all references to Westleigh Park and the plan should be adjusted to accommodate this change.</p> <p>The project was overly ambitious and would have left council and local residents struggling to bring it to fruition. Without this grant funding, this project cannot proceed and the LTFP should reflect this.</p>	<p>This matter is currently ongoing noting Council's 'Save Our Sport' campaign that has recently commenced.</p> <p>An additional risk has been added to the Financial Risk section of the Plan (pages 32 – 33) to note the uncertainty of the future of the project.</p> <p>The matter will be considered again when the Plan is revised during the</p>

	<p>preparation of the 2025/26 – 2029/30 Resourcing Strategy in the new calendar year allowing for more details and options that may be known at that time.</p>
<p>As Hornsby Shire Council no longer has the Better Communities Fund grant for Westleigh Park, all references to Westleigh Park should be removed from the Long Term Financial Plan and the figures adjusted accordingly. If Council thinks it can build something on the site with the interest from the grant, then that should be included instead.</p>	<p>As above.</p>
<p>As a resident of Hornsby Shire facing increasing living costs, I appreciate the opportunity to provide feedback on the draft plan.</p> <p>Fair Fee Increases: I urge the council to consider the impact of fee increases on residents. Let's explore alternative revenue streams or smaller increases to lessen the burden on us.</p> <p>Parking Alternatives: Before implementing paid parking, let's explore alternatives like improving public transportation or introducing resident parking permits to alleviate the financial strain on locals. The current transport within our district is lagging behind the rest of Sydney. Trains between Mt Colah and Mt Kuring-Gai are every 30-60 minutes and buses are cancelled and not reliable. Please engage with state government to improve this issue.</p> <p>Transparent Finances: Residents need clearer explanations of budget decisions. Consult us before major financial changes to ensure our needs and concerns are addressed and actually LISTEN to us.</p> <p>Cost-saving Measures: The council should actively seek cost-saving opportunities, such as finding more economical ways to deliver services or collaborating with neighbouring councils to reduce expenses.</p> <p>Asset Maintenance: prioritise maintenance of existing infrastructure to avoid higher costs down the line. Keeping our roads and buildings in good condition is essential for long-term financial stability.</p> <p>Community Engagement: Increase engagement with residents to gather diverse perspectives and ensure decisions align with community needs and priorities.</p>	<p>Each of the comments raised have been reviewed, and it is noted that:</p> <p>Any future increases in User Charges and Fees would be referred to Council during the development of the Delivery Program and Operational Plan for that year.</p> <p>Council recognises that parking issues cannot be dealt with in isolation from the broader issues of car use and transport, and that parking is an essential element of the overall transportation system and not a stand-alone service. Council regularly advocates to the State Government for the provision of quality reliable services for the community and the provision of car parking and its management is guided by Council's Car Parking Management Study, which was adopted in 2020.</p> <p>The recommendation for cost saving measures is supported noting a recommendation within the Plan to maintain cost increases for non-labour expenses to modest levels and a recommendation for no new positions to be created unless offset by an equivalent position elsewhere, or unless funding is identified such as from external grants, existing capital works budgets or additional income, with a business case required for the creation of new positions.</p>

<p>Thank you for considering these proposals. I believe implementing these measures will benefit the community and contribute to our collective well-being.</p>	<p>The LTFP includes funding for the maintenance and renewal of existing assets ahead of new initiatives and includes a recommendation for suggested improvements in this area to be progressed.</p>
<p>I find it disappointing that so much time, effort and ratepayers funds have been spent preparing and publishing a document that hardly anyone will read. The only take out is that ratepayers should be prepared for yet another SRV in the near future!. There is so much repetition, graphics, pointless photos and padding in the report, whereas there is no focussed, to the point and easy to understand executive summary. This is hardly a product designed to inform long suffering ratepayers that our interests are front of mind. Please try harder and use our rates more wisely.</p>	<p>The preparation of the LTFP is a legislated requirement and considered to be good financial practice. This work is undertaken internally as well as the publishing of the document. There is no identified SRV planned over the period of the LTFP.</p>
<p>Good morning, I like what the council is doing. I see that you are putting foot paving around the dog park in Eucalyptus drive.</p> <p>Would it be possible to widen it so as to include the many children that ride their push bikes around there area. I have not seen any close calls with cars, and [redacted] I don't want to. Particularly on the weekends and school holidays and now that the main park is so fantastic there is more pedestrian and pushbikes going there with also a build-up of cars. It would be lovely if you could do it. Ah while I think of it from the new footpath to the gate of the dog park would a foot path be possible there.</p>	<p>The footpath constructed in Eucalyptus Drive is 1.2 metres wide along most locations, and 1.5 metres wide near the kerb. The width of path is standard for paths in the Shire. Wider paths, such as shared pedestrian and cycle paths are provided in accordance with Council's adopted "Walking and Cycling Strategy".</p> <p>The suggestion for a footpath "from the new footpath to the gate of the dog park" will be consider in future work programs.</p>

Since placing the LTFP on public exhibition the only change to the document is to note an additional risk to the Financial Risk section of the Plan (pages 32 – 33) due to the uncertainty of the future of the Westleigh project.

The LTFP will be revised again during the preparation of the 2025/26 – 2029/30 Resourcing Strategy. It should be noted that during this revision more details will be known around the future of the proposed Westleigh Park and will be reflected in the LTFP as appropriate.

BUDGET

Budgetary implications are discussed in the attached 2024/25 – 2033/34 Long Term Financial Plan.

POLICY

Section 403 of the Local Government Act, councils are required to prepare a Long Term Financial Plan in detail every four years that aligns to the integrated planning and reporting (IP&R) framework

mandated by the Office of Local Government. The Plan is to be updated annually when developing the Operational Plan.

CONCLUSION

A total of five submissions were received and one change has been made to the publicly exhibited Long Term Financial Plan that does not alter the recommendations included within the Plan.


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.  2024/25 - 2033/24 Long Term Financial Plan

File Reference: F2005/00862
Document Number: D08927488

6 PLANNING AGREEMENT - 36-56 DAVID ROAD, CASTLE HILL

EXECUTIVE SUMMARY

- In October 2021, a Development Application was lodged for the staged subdivision of property Nos. 36-56 David Road, Castle Hill. Stage 1 of the proposal involves the creation of a parcel of land to be dedicated to Council as the Marymount Forest Conservation Reserve. Stage 2 involves the Community Title subdivision of the balance of the property to create 63 residential lots.
- A Planning Agreement has been submitted to accompany the Development Application to facilitate the dedication of land to Council. The Agreement also includes other public benefits including monetary contributions to maintain the dedicated land, an extension to Tahlee Park, road improvements, and pedestrian and cycle links.
- The Agreement was placed on public exhibition for a period of 28 days and 37 submissions were received. The submissions include 2 providing comments in support of the Agreement and 35 raising concerns. Concerns include traffic impacts from the subdivision, tree loss and local infrastructure provision.
- The Agreement would facilitate community benefits including the dedication of land to Council comprising Turpentine Forest ensuring its ongoing protection and management and an extension to Tahlee Park for public use. Accordingly, it is recommended that Council endorse the Agreement.

RECOMMENDATION

THAT Council endorse the Planning Agreement attached to Director's Report No. PC13/24 to facilitate dedication of land to Council comprising Turpentine Forest, an extension to Tahlee Park, public road widening, footpath and drainage works at David Road, Castle Hill.

PURPOSE

The purpose of this Report is to present a Planning Agreement ('the Agreement') which proposes that the developer of property Nos. 36-56 David Road, Castle Hill dedicate land to Council to create the Marymount Conservation Reserve, provide an extension to Tahlee Park, provide an accessible pathway within Council's existing Tahlee Park connecting to the Park extension, widen David Road and install a pedestrian refuge improving pedestrian access and safety for the local community, and the creation of pedestrian and cycle linkages to, and from, the subdivision.

THE SITE

The 8.853 hectare site has a street address of Nos. 36-56 David Road, Castle Hill. The site has been used as the Marymount Mercy Centre since 1965. The Centre comprises convent/retreat building, consecrated chapel, pool, and several outbuildings in the western part of the site and bushland in the eastern part of the site.

A 2.7 hectare area at the front of the site is mapped as Sydney Turpentine-Ironbark Forest, which is listed as a 'critically endangered ecological community' under the NSW Biodiversity Conservation Act 2016. A further 5.32 hectares mapped across the site comprises Turpentine - Grey Ironbark open forest. The remaining parts of the site comprise built up areas (buildings, driveways, car parks), managed grassland and exotic vegetation.

The site is adjoined by existing low density residential development and Tahlee Park.

BACKGROUND

On 1 October 2021, Development Application No. DA/1022/2021 was lodged for the staged subdivision of the land and an associated Planning Agreement as follows:

- *Stage 1:* Torrens Title subdivision to create Lot 100 (Marymount Forest Conservation Reserve) and Lot 101 (Balance Land). As part of Stage 1, Lot 100 (Marymount Forest Conservation Reserve) is proposed to be transferred to Council.
- *Stage 2:* Community Title subdivision of Lot 101 (Balance Land) to create 63 residential lots (Lots 2-64) and Mercy Park (Lot 1), with Mercy Park to be maintained by the Community Association; and Lot 65 (Tahlee Park Extension). As part of Stage 2, the roads and infrastructure and Lot 65 (Tahlee Park Extension) will be dedicated to Council.

The Planning Agreement proposes:

- The creation of Marymount Conservation Reserve to be protected through transfer of ownership to Council at no cost.
- Provision of funding, including \$750,000 as a contribution towards the provision of an elevated boardwalk, pathway infrastructure, educational signage and \$918,000 to be held by Council in trust to cover the cost of ongoing conservation and maintenance of the Marymount Conservation Reserve for a period of 20 years from the date of transfer.
- Dedicating land as public reserve to increase the size of the existing Tahlee Park by 3,315sqm.
- Provision of an accessible pathway within Council's existing Tahlee Park connecting to the Tahlee Park Extension, to enable universal access.
- Widening of David Road and installation of pedestrian refuge improving pedestrian access and safety for the local community.

- Creation of pedestrian and cycle linkages to, and from, the subdivision for the local community.

The development application is currently under assessment by an independent planning consultant given Council's interest in the Agreement. Following Council's consideration of the Agreement, the development application will be reported to a future meeting of the Hornsby Local Planning Panel for determination.

DISCUSSION

Section 7.4 of the *Environmental Planning and Assessment Act 1979* ("the Act") defines a planning agreement as:

- (1) *A planning agreement is a voluntary agreement or other arrangement under this Division between a planning authority (or 2 or more planning authorities) and a person (the developer)—*
- (a) *Who has sought a change to an environmental planning instrument, or*
 - (b) *Who has made, or proposes to make, a development application or application for a complying development certificate, or*
 - (c) *Who has entered into an agreement with, or is otherwise associated with, a person to whom paragraph (a) or (b) applies,*

Under which the developer is required to dedicate land free of cost, pay a monetary contribution, or provide any other material public benefit, or any combination of them, to be used for or applied towards a public purpose.

The Act prescribes the content, form, subject matter and procedures for making planning agreements. The Agreement submitted by the applicant has been made in accordance with the Act.

Specifically, the Agreement proposes:

1. Transfer Lot 100 (Marymount Forest) to Council as Marymount Forest Conservation Reserve to be held by Council in perpetuity, within 14 Business Days of receipt of the Subdivision Certificate associated with Stage 1;
2. Provision of funding for capital works and ongoing maintenance of Marymount Conservation Reserve no later than receipt of the construction certificate for Stage 2.
3. Dedication of land as a public reserve to increase the size of the existing Tahlee Park within 14 Business Days of receipt of the Subdivision Certificate associated with Stage 2.
4. Dedicate the Roads and Infrastructure to Council for public purposes within 14 Business Days of receipt of the Subdivision Certificate associated with Stage 2.
5. Payment of Section 7.11 contributions no later than receipt of the Subdivision Certificate for Stage 2.

Council's Policy on Planning Agreements

Council adopted an updated *Planning Agreement Policy 2024* on 12 June 2024. As the application was lodged in 2021 and due to the time required to draft a Voluntary Planning Agreement and complete a legal review, the draft Voluntary Planning Agreement is assessed under the *Policy of Planning Agreements* (2007).

Council's *Policy on Planning Agreements* (2007) provides that Planning Agreements should meet the acceptability test set out in the Practice Note issued by the Department of Planning to ensure that Agreements.

- *Are directed towards proper or legitimate planning purposes, ordinarily ascertainable from the statutory planning controls and other adopted planning policies applying to development.*

Comment: The dedication and transfer of land to Council to create the Marymount Conservation Reserve is a proper and legitimate planning purposes and would benefit the community through the provision of open space, environmental conservation and education purposes.

The Dedication and Transfer of the land would support the community's environmental goals as outlined in the Hornsby Shire Council Sustainable Hornsby 2040 Plan. Biodiversity management including the protection and enhancement of tree cover across the Shire as well as increasing walking and cycling participation is in the top 5 priorities as identified by the community.

The creation of the Reserve would also support Council's priority in its Sustainable Hornsby Plan by mitigating the environmental effects of population growth by increasing parklands, pedestrian access to amenities and public transport as well as the protection of parkland.

- *Provide for public benefits that bear a relationship to development that are not wholly unrelated to the development.*

Comment: *Local community facilities* are listed under Council's policy as an appropriate benefit for a planning agreement. The dedication of lands to Council including the Marymount Forest Conservation Reserve (Lot 100) and Tahlee Park extension (Lot 65) for *public recreation* would provide a direct public benefit to the community.

The Tahlee Park extension would comprise an area of approximately 3,315m² and would result in the overall size of Tahlee Park increasing from 3,577m² to 6,892m². The total area of land to be dedicated for the purpose of the park extension and conservation reserve represents an area of 3.052 hectares or 34.47% of the total current site area (8.853 hectares).

Dedication of land for the Conservation Reserve would be consistent with the objectives of Council's Urban Forest Strategy by assisting maintaining tree canopy cover in the Hornsby Shire which contributes to the liveability, natural environment and prosperity of the Shire. The Urban Forest Strategy also seeks to provide guidance on the future care and management of the Shire's urban forest, balancing a need to protect and restore the tree canopy with people's reasonable expectations for development on their land.

In this regard, an amount of \$750,000 is provided as a contribution toward the provision of elevated boardwalk, pathway infrastructure, educational signage, and ancillary works to be erected by Council within the Reserve. A further amount of \$918,000 is to be held by Council in trust to cover the cost of on-going conservation and maintenance of the Reserve for a period of 20 years from the date of transfer. This monies for works and ongoing maintenance of the forest conservation area has been agreed by Council's environmental officers as appropriate.

Under Council's *Policy on Planning Agreements*, *transport improvements* such as road reconstruction and upgrade works are listed as an appropriate benefit for a planning agreement. In addition to improving circulation and traffic safety within the local traffic

network, the construction of the internal public road and widening of David Road (fronting the site) has a direct relationship with the development application as it would facilitate safe and efficient access to the proposed subdivision.

- *Produce outcomes that meet the general values and expectations of the public and protect the overall public interest.*

Comment: 2.7 hectares of the site comprises forest in moderate-good condition and constitutes the Sydney Turpentine-Ironbark Forest in the Sydney Basin Bioregion, which is listed as a 'critically endangered ecological community' under the NSW Biodiversity Conservation Act 2016. The planning agreement would ensure the protection of the forest, which would meet the general values and expectations of the public and protect the overall public interest.

The Planning Agreement would also have a significant public benefit by facilitating the timely implementation of upgrades to the local road network, provision of an expanded public recreation area and the payment of monetary funds for local infrastructure.

- *Provide for a reasonable means of achieving the relevant purposes and outcomes and securing the benefits.*

Comment: The Agreement provides a reasonable means of achieving and securing the public benefits by withholding Subdivision Certificates and Construction Certificates.

- *Protect the community against planning harm.*

Comment: The Agreement was placed on public exhibition, allowing for interested persons to consider and comment on the merits of the proposal through a public exhibition process. Council will require the proposed works to be completed prior to issuing a Subdivision Certificate for the development to ensure delivery of public infrastructure for the community.

Further, the planning Agreement includes a monetary contribution towards upgrades to the Reserve and funds for ongoing management.

In summary, the Agreement is consistent with previous executed agreements, Council's *Policy on Planning Agreements* (2007) and Section 7.4 of the Act. The Agreement has been reviewed by Council's solicitor to confirm the Agreement may be legally made.

CONSULTATION

The Agreement was placed on public exhibition for a period of 28 days from 26 June 2024 to 24 July 2024 in accordance with Section 7.5(1) of the *Environmental Planning and Assessment Act 1979*, Clause 204 of the Environmental Planning and Assessment Regulation 2021 and Council's *Policy on Planning Agreements 2007*.

During this period, 37 submissions were received. Of the submissions, 2 support the Agreement and 35 raise concerns. The submissions supporting the Agreement identify the following benefits:

- The extension to Tahlee Park for public use; and
- The dedication of the Turpentine Forest (*Conservation Lot*) to Council.

Key matters raised in the 35 submissions objecting to the Agreement are discussed below.

Traffic Impacts

28 submissions raise concerns that the Planning Agreement would negatively impact on traffic conditions and pedestrian safety on local roads, in particular Oakhill Drive, David Road and the intersection with New Line Road and David Road.

Comment: The Development Application (DA) is supported by a Traffic Impact Assessment and a Construction Traffic Management Plan. The Traffic Impact Assessment concludes that:

- *Mid-block performance of David Road was assessed and it was found that the development would have no significant impact to the traffic performance on David Road.*
- *Intersection performance of New Line Road / David Road / James Henty Drive and David Road/ Oakhill Drive/ Westminster Drive was assessed and it was found that the development would have no significant impact to the performance of the intersections.*
- *Intersection performance of the proposed access road / David Road has been shown to operate with minimal delay and queuing.*
- *An emergency vehicle access is provided and also carries the benefit of creating a permeable link for pedestrians and cyclists to other parts of Castle Hill.*
- *There is acceptable public transport accessibility to the site with bus stops on David Road within 400 m of the site. The David Road widening with a pedestrian footpath along the site will provide a continuous footpath to bus stops and other destinations.*

The traffic and road safety impacts of the development, resulting from the additional residential lots, are being assessed as part of the development application process. Should the application be supported by the Local Planning Panel, the Planning Agreement would facilitate the construction and funding of the proposed road improvements including the widening of David Road, provision of a footpath along David Road and installation of a pedestrian refuge improving pedestrian access and safety for the local community. Accordingly, the Agreement would provide certainty for the community that required improvements to the road network would be provided in conjunction with development.

Recommendation: That no changes be made to the Planning Agreement in response to submissions commenting on impacts of development on traffic conditions.

Local Infrastructure

13 submissions raise concerns that the Planning Agreement would negatively impact on local infrastructure, including local schools, shopping centres, medical centres, road access and metro parking.

Comment: The Planning Agreement includes the dedication of land to Council; payment of monetary contributions for the construction of a boardwalk and on-going maintenance of the Conservation Lot dedicated to Council; and, public domain upgrades including the widening of David Road, provision of a footpath along David Road and installation of a pedestrian refuge improving pedestrian access and safety for the local community. Accordingly, the Agreement would facilitate the provision of a number of public benefits for the local community.

In addition, should the development application be approved, the consent would require the payment of a monetary contribution in accordance with Council's Section 7.11 Development Contributions Plan. The monetary development contribution is separate, and in addition to, the contribution payable to Council in accordance with the Planning Agreement.

The development contribution received by Council is required for funding towards the construction and provision of community infrastructure to meet the demands generated by new development and

ensure the existing community is not burdened by the provision of community infrastructure required as a result of future development. The Contribution Plan identifies the types of community infrastructure to be provided from contributions including local roads, traffic management, recreational facilities, and community facilities.

Recommendation: That no changes be made to the Planning Agreement in response to submissions commenting on impacts to local infrastructure.

Tree Loss

9 submissions raise concerns that the Planning Agreement would negatively impact on trees and biodiversity, in particular, within the Marymount Forest Conservation Reserve (Lot 100).

Comment: The development application is supported by a Biodiversity Development Assessment Report, a Vegetation Management Plan and an Arboricultural Impact Assessment.

The impact of the development on trees is being assessed as part of the development application process including consideration of sensitive construction methodology, tree protection measures and management to be applied in accordance with the Australian Standards for the protection of trees on development sites. Extensive tree root mapping has been undertaken to seek to maximise the number of trees to be retained across the site.

Should the application be approved, the Planning Agreement would ensure the dedication of land to Council, in particular the Marymount Forest Conservation Reserve (Lot 100) for *public recreation* would provide a public benefit to the community. The land contains 2.7 hectares of Sydney Turpentine-Ironbark Forest, which is listed as a 'critically endangered ecological community' under the NSW Biodiversity Conservation Act 2016.

The land is currently zoned R2 Low Density Residential and accordingly, the dedication of the land as a reserve would ensure the land and trees are protected from future development and the environmental qualities of the land are preserved.

The Planning Agreement includes the payment of a monetary contribution to be held by Council in trust to cover the cost of on-going conservation and maintenance of the Marymount Forest Conservation Reserve for a period of 20 years.

Recommendation: That no changes be made to the Planning Agreement in response to submissions commenting on impacts to trees.

BUDGET

There are no budgetary implications associated with this Report. The proposed development would include the payment of a monetary contribution under Section 7.11 of the EP&A Act. The monetary contribution provided under S7.11 is separate and in addition to the Registered Proprietor contribution payable to the Council in accordance with the Planning Agreement

POLICY

There are no policy implications associated with this Report.

CONCLUSION

The proposal to enter into an agreement is consistent with Council's current *Policy on Planning Agreements* and satisfies the acceptability test of a proper planning purpose.

The Agreement would provide benefits to the community supported by Council's adopted strategies.

The Planning Agreement was placed on public exhibition for 28 days and 37 submissions were received. The submissions are discussed in the body of this report.

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.

JAMES FARRINGTON

Director - Planning and Compliance

Planning and Compliance Division

Attachments:

1.  Planning Agreement
2.  Explanatory Note
3.  VPA - Land Acquisition Plan
4.  VPA - Plan of Road Works

File Reference: F2013/00295-004

Document Number: D08908355

7 MINISTERIAL STATEMENT OF EXPECTATIONS ORDER

EXECUTIVE SUMMARY

- On 1 July 2024, the Minister for Planning and Public Spaces issued an updated Statement of Expectations Order, which applies to all councils in NSW. The Order sets out expectations for Council performance in the areas of development assessment, planning proposals and strategic planning.
- The State Government indicates the Order needed to be updated to assist address the State housing crisis. Under the National Housing Accord, the NSW Government has committed to providing capacity for 377,000 new homes by 2029. The Order aims to ensure councils and State government undertake planning functions efficiently and effectively to reach this target.
- Council's current processes and procedures ensure it is well placed to meet the requirements of the Order. However, the Order places no onus on applicants to improve the quality of their DA submissions and no accountability for State Government approval bodies to respond within reasonable timeframes.
- It would be appropriate to write to the Minister for Planning and Public Spaces acknowledging the requirements for Council under the Order, outlining the issues raised in this report and highlighting Council's experience that the lodgement timeframe is unrealistic and likely to result in a higher percentage of rejected applications and increased angst in the community.

RECOMMENDATION

THAT Council:

1. Note the contents of the Director's Report No. PC15/24 concerning the updated Statement of Expectations Order issued by the Minister for Planning and Public Spaces.
2. Write to the Minister outlining the issues raised in Director's Report No. PC15/24 and highlighting Council's experience that the lodgement timeframe is unrealistic and likely to result in a higher percentage of rejected applications and increased angst in the community.

PURPOSE

The purpose of this report is to outline the requirements for councils in accordance with the expectations of the Minister for Planning and Public Spaces to speed up planning work, with a focus on assisting the delivery of more housing.

BACKGROUND

On 1 July 2024, the Environmental Planning and Assessment (Statement of Expectations) Order 2024 came into effect stating the Minister's expectations for how councils should carry out development assessment, planning proposal preparation and strategic planning. The Order (attached) is an update to the previous Statement of Expectations Order.

The Department of Planning, Housing and Infrastructure notes the Order has been updated to reflect current government policy and priorities and provide reasonable timeframes for councils. It is advised the updated Order will be supported by a monitoring and reporting framework to ensure councils meet expectations.

The Department also states the Order needed to be updated to assist address the State housing crisis. Under the National Housing Accord, the NSW Government has committed to providing capacity for 377,000 new homes by 2029. The Order aims to ensure councils and State government undertake planning functions efficiently and effectively to reach this target.

DISCUSSION

The expectations of the Order and implications for Hornsby Shire are discussed below.

1. ***Expectations for development applications***

- Lodge DAs as soon as practical and within an average of:
 - 14 days from submission, from 1 July 2024 to 30 June 2025
 - 7 days from submission, from 1 July 2025 onwards.
- Determine DAs as soon as practical and whichever is the lesser of council's previous financial year average, or an average of:
 - 115 days from lodgement, from 1 July 2024 to 30 June 2025
 - 105 days from lodgement, from 1 July 2025 to 30 June 2026
 - 95 days from lodgement, from 1 July 2026 to 30 June 2027
 - 85 days from lodgement, from 1 July 2027 onwards
- Assess Regionally Significant DAs and refer them to the relevant planning panel for determination as soon as practical and within an average of 250 days from lodgement.

Comment:

In a letter (copy attached) to Council on 3 July 2024, the Minister notes that local government is responsible for assessing about 85 per cent of housing development applications in NSW. Over the past two years, it is commented that average council DA timeframes across the State have increased by 37 per cent, from 83 days in the 2021/2022 financial year to 114 days in the 2023/2024 financial year. It is suggested this increase in assessment times is contributing to delays in housing completions and costing the NSW economy at least \$89 million each year.

It is acknowledged that councils have an important role to play in housing delivery through their planning and approval processes. The timeframes for assessing applications do not demonstrate an appreciation of the impacts on processing times including the difficulty for councils in employing qualified town planners, town planners being seconded from councils to work in State agencies such as the Department of Planning, delays caused by the lack of integration of the ePlanning portal with council systems, quality of development applications, and complexity of planning legislation.

Notwithstanding, the average assessment time by Hornsby Council for the 2023/2024 financial year was 82 days gross. Council was the 4th fastest Council in Greater Sydney for determining DAs during this period. Accordingly, Council is well placed to comply with the Minister's expectations for assessment times including applications submitted to the Planning Panels.

However, continued achievement of performance targets will require that Council maintains its current practise of not accepting substandard or incomplete applications, limiting requests for additional information, and not extending exhibition periods. This may be difficult to ensure given the Minister's expectations for the lodgement of applications within 7 days from July 2025.

The average time for Hornsby Council to lodge a Development Application for the 2023/2024 financial year was 12 days compared to the average of 16 days for Greater Sydney. Council was the 11th fastest Council in the region for application lodgement.

In the 2025/2026 financial year, DAs will need to be lodged within an average of 7 days from submission. In effect, 7 calendar days equates to 4–5 working days (excluding weekends and public holidays). Additionally, applicants may submit applications via the Planning Portal after Council business hours which further reduces the time available to check applications before lodgement.

To achieve lodgement times of 7 days, processes will need to be implemented to streamline lodgements. This will require consideration of options including allocation of additional resources or return of incomplete applications in a shorter timeframe. Acceptance of substandard or incomplete applications would result in slower assessment times contrary to the Minister's requirements. However, the return of a higher percentage of applications through the Planning Portal is likely to result in increased angst from proponents.

Accordingly, it would be appropriate to write to the Minister outlining Council's performance in assessing and lodging applications. It should be highlighted that Council's experience is that the 7 day lodgement timeframe is unrealistic and likely to result in a higher percentage of rejected applications and increased angst in the community.

The timeframe should be extended to a minimum of 10 days to provide sufficient time for councils to complete all necessary processes before accepting a DA including checking adequacy and completeness of documentation.

2. *Expectations for planning proposals*

- The Department must collaborate with councils to finalise planning proposals in 140 business days for basic proposals, 225 business days for standard proposals, 300 business days for complex proposals, and 380 business days for principal proposals.

Comment:

The timeframes within the State Government's LEP Making Guideline are referenced as benchmark timeframes and should remain so. Strict timeframes may discourage councils from working with proponents to achieve quality, merit-based outcomes and entering into Planning Agreements for community benefit. Council's experience through the planning proposal process has been the

greatest delays are from referral agencies and DPHI itself. There should be clear timeframe expectations set with consequences for the Department and State agencies through the LEP Making process also, should they be applied to local government. A similar monitoring and reporting system should be published for the State government.

The release of the updated Ministerial Statement of Expectations Order coincides with a draft Bushfire Prone Land Package recently exhibited by DPHI. Pleasingly, the Package seeks to improve the integration of bush fire risk into strategic planning. However, it adds a requirement that all planning proposals on bushfire prone land, or within 700m (which is a large part of Hornsby Shire) are to be referred to the RFS and receive and address comments prior to requesting a Gateway Determination.

Council, in its submission on the draft Bushfire Prone Land Package, has requested an increase in the timeframes within which it needs to assess, seek advice from the Local Planning Panel, report and decide whether to support a Planning Proposal to allow additional time for this new referral requirement. Without a change to the timeframe, the Ministerial Order will be difficult to comply with.

3. *Expectations for strategic planning*

- Council should prepare or review its Local Strategic Planning Statement in accordance with the requirements of the Act, and standards and timeframes identified by the Department.
- Council should prepare a local planning strategy (such as a local housing strategy) to ensure the actions identified in the relevant regional or district strategic plan (including any dwelling targets), and local strategic planning statement, are delivered in accordance with standards and timeframes identified by the Department.
- Council should give effect to an adopted local planning strategy (such as a local housing strategy) and any Department approval requirements (including submission of implementation delivery plans) in accordance with standards and timeframes identified by the Department.
- Council should consider State Environmental Planning Policies or other strategies and policies of the government, the Minister or Department concerning planning and development matters when preparing an LSPS, local planning strategy or other plan provided for under the Act.

Comment:

Council has a proven track record of preparing Housing Strategies that respond to its housing obligations as demonstrated through its housing strategies in 1994, 1998, and 2012. Council has also commenced giving effect to its most recent Housing Strategy (through its work on the Hornsby Town Centre Masterplan, Medium Density investigations, housing monitoring and draft affordable housing scheme) and has submitted its Housing Strategy Implementation and Delivery Plan in accordance with the standards and timeframes identified by DPHI.

Council also prepared its LSPS in accordance with legislative requirements. However, there is uncertainty around the status of Council's LSPS work and the need for review given the recent State Government reforms which do not reflect the strategic frameworks for growth prepared by each council. Any timeframes and standards identified by DPHI above and beyond the legislated review period should be made clear immediately so that councils can be adequately resourced to review their LSPS documents.

4. *Monitoring performance*

- The Department will use data gained through the NSW Planning Portal and other sources to monitor how councils are performing against the Minister's expectations. Key expectations such as DA determination averages will be publicly reported on a council league table dashboard on the Department's website.
- The Department will also monitor other DA-related data, such as whether there is an increase in the number of DAs withdrawn, to ensure there are no unintended consequences due to the Government's public monitoring.

Comment: Although it is acknowledged that councils should seek to ensure the timely assessment and determination of applications, concern is raised that the current focus on processing times by councils may result in increased refusal of applications rather than negotiations with applicants and simple requests for additional information. Such an approach may ultimately be contrary to the State Government's aim of accelerating housing approvals.

Further, a review of determination of applications by Council over the last 3 years indicates that only a minor number (approximately 4%) of applications are withdrawn. The option to withdraw an application is only suggested to an applicant where issues are identified during the assessment process which are likely to be fatal to an application and cannot be addressed simply or within a reasonable timeframe.

5. Resourcing and financial incentives

- The Government is developing a program to support councils achieve local housing targets, reduce average DA timeframes and deliver more homes as follows:
 - Funding cadetships for planners and opening a new TAFE course for para-planning;
 - Improvements to the NSW Planning Portal; and
 - Introducing artificial intelligence to support further efficiencies.
- Additional initiatives to support councils achieve faster assessments will be announced in the coming months.

In summary, it is acknowledged that councils have an important role to play in housing delivery through their planning and approval processes. Sydney's population growth and housing affordability are critical issues requiring ongoing planning and action. In this regard, Council has continued its commitment to respond to the growing demand for housing by progressing actions outlined in the Hornsby Local Housing Strategy endorsed by the Department of Planning and Environment in 2021. In addition to this comprehensive strategic work, we have also collaborated with the State Government as part of its fast-track assessment programs including the NSW Public Open Spaces Legacy Program. The initiatives we have implemented under these programs have assisted reduce assessment times below agreed targets ensuring the timely determination of applications.

Notwithstanding the role Council plays in addressing the housing crisis, it should be acknowledged that this is a complex problem that requires a coordinated response by all levels of government and industry. Although Council can plan for housing opportunities and expedite determinations, Council does not play a role in the construction and delivery of housing or the provision of associated State infrastructure.

It would be an oversimplification of the problem to indicate it is limited to an issue of lodgement and determination times. Recent feedback we have received from industry indicates that, in some

instances, there is a reluctance to act on approvals due to broader market trends, economic conditions, escalating construction costs, supply-chain issues and other industry challenges.

It would be appropriate to write to the Minister for Planning and Public Spaces acknowledging the requirements for Council under the Statement of Expectations Order, outlining the issues raised in this report and highlighting Council's experience that the 7 day lodgement timeframe is unrealistic and likely to result in a higher percentage of rejected applications and increased angst in the community.

STATUTORY CONSIDERATIONS

The Order relates to the Minister's powers to appoint planning administrators or confer functions of councils onto Sydney district or regional planning panels under section 9.6(1)(b) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) where a council's performance is unsatisfactory.

The Order contains heads of consideration which must be considered before the Minister can appoint a planning administrator or confer functions to Sydney district or regional planning panels. The State Government indicates that this action would be taken only as a last resort but the expectations guide councils, and the community, on how councils' planning functions should be undertaken.

BUDGET

There are no budgetary implications associated with this Report.

CONCLUSION

It is acknowledged that councils should seek to ensure the timely assessment and determination of applications. Council's current processes and procedures ensure it is well placed to meet the requirements of the Minister's Statement of Expectations Order. However, the Order places no onus on applicants to improve the quality of their DA submissions and no accountability for State Government approval bodies to respond within reasonable timeframes.

It would be appropriate to write to the Minister for Planning and Public Spaces acknowledging the requirements for Council under the Statement of Expectations Order, outlining the issues raised in this report and highlighting Council's experience that the specified lodgement timeframe is unrealistic and likely to result in a higher percentage of rejected applications and increased angst in the community.

RESPONSIBLE OFFICER



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

JAMES FARRINGTON

Director - Planning and Compliance

Planning and Compliance Division

Attachments:

1.  Letter from Minister Scully
2.  EPAA Order

File Reference: F2004/06188-004

Document Number: D08920589

ITEM 7

8 REPORT ON SUBMISSIONS - ALL ELECTRIC DCP AMENDMENTS

EXECUTIVE SUMMARY

- At its meeting on 10 April 2024, Council resolved to exhibit draft amendments to the Hornsby Development Control Plan to introduce all electric building controls to effectively prohibit indoor gas in new residential developments.
- The draft amendments seek to improve indoor air quality by requiring the installation of indoor electric cooktops and heaters in new residential development.
- The draft DCP amendments were exhibited from 22 April 2024 to 27 May 2024 and 29 submissions were received.
- Submitters provide a range of views on the draft amendments with 14 submissions supporting the changes, 13 raising concerns and 2 providing general commentary.
- Matters raised in submissions are addressed in this report and no changes are proposed to the draft amendments in response to submissions.
- It is recommended that Council endorse the Hornsby DCP amendments as attached to this report.

RECOMMENDATION

THAT:

1. Council endorse the Hornsby Development Control Plan 2024 amendments for all electric buildings attached to Director's Report No. PC16/24.
2. Notification of the approval be published on Council's website.
3. Submitters be advised of Council's decision.

PURPOSE

The purpose of this Report is to address matters raised in submissions received during the exhibition of the draft amendments to the Hornsby DCP for all electric residential buildings.

BACKGROUND

At its meeting on 10 April 2024, Council considered Director's Report No. PC6/24 presenting draft amendments to the Hornsby DCP to introduce development controls to encourage electric rather than indoor gas usage in new residential buildings. The report outlined the substantiated health, environmental and financial benefits of banning gas in new residential developments. The potential downsides to changing the existing planning rules were also noted including community perception, inconsistent approval pathways and increased vulnerabilities to electricity outages. Council resolved that:

1. *The draft all electric residential buildings amendments to the Hornsby Development Control Plan 2013 attached to Director's Report No. PC6/24 be placed on public exhibition for a period of 28 days.*
2. *Following exhibition, a report on submissions be presented to Council for consideration.*
3. *Further research be undertaken on the use of gas in commercial buildings and outdoor residential water heaters for presentation to an Informal Councillor Briefing.*
4. *Educational material on the health effects of gas emissions be developed for distribution to residents and Council continue its transition from use of gas in Council-owned buildings.*
5. *A submission be sent to the NSW Government requesting a State-wide ban on new gas connections.*

In accordance with part 1 of Council's resolution, the draft Hornsby DCP amendments were publicly exhibited from 22 April 2024 to 27 May 2024. The progression of the other parts of Council's resolution are discussed below in section 2 of this report.

DISCUSSION

This report discusses submissions received in response to the exhibition of the draft amendments to the Hornsby DCP for all electric residential buildings.

1. Exhibition

The draft DCP amendments were exhibited between 22 April 2024 and 27 May 2024.

In response to the exhibition, 29 submissions were received, comprising 27 submissions via Your Say Hornsby and 2 emails directly to Council. A range of views were expressed, with 14 submissions supporting the changes, 13 submissions raising concerns, and 2 submissions providing general commentary.

Submitters expressing support for the draft amendments note:

- Council's proactive stance to address climate change;
- Respiratory health risks associated with gas;
- High initial costs of gas installation in new buildings; and
- Ongoing costs related to gas usage.

Key concerns raised in submissions objecting to the draft amendments, as well as general commentary received, are discussed below.

1.1 Council Responsibilities

Some submissions comment that Council is being overly restrictive by requiring new residential developments to use electricity for indoor energy requirements, as this limits the freedom of choice for cooking appliances.

Comment

Under the Hornsby Local Environmental Plan 2013, Council is required to guide the orderly and sustainable development of the Shire, balancing economic, environmental, and social considerations. The introduction of the draft DCP amendments would assist improve social health outcomes. Council is acting upon health advice commissioned in February 2024, which shows a link between using gas appliances indoors and exposure to harmful emissions. Given the variety of options available in the market, restricting gas appliances would not significantly limit freedom of choice for cooking appliances.

Recommendation

That no changes be made to the draft DCP amendments in response to submissions commenting on Council responsibilities.

1.2 Inconsistency with NSW State Government Position

As the NSW Government does not have a State-wide policy position prohibiting the use of gas as an energy source, some submissions comment that the adoption of the DCP controls would contradict the State Government.

Comment

Council has a responsibility to its residents to ensure their health, financial well-being, and environmental sustainability are prioritised. In line with this commitment, Council has exhibited the draft DCP amendments and sent a letter to the Secretary of the Department of Planning, Housing and Infrastructure requesting a State-wide ban on new gas connections. In their response, Department representatives acknowledge Council's approach and, although a State-wide ban is not being contemplated at this time, express no objections or concerns about Council progressing the controls.

Recommendation

That no changes be made to the exhibited draft DCP amendments in response to submissions commenting on consistency with NSW State Government planning controls.

1.3 Increased Vulnerability and Load on the Energy Grid

Some submissions maintain that a move towards all electric residential buildings would increase vulnerability and load on the energy grid.

Comment

It is acknowledged that a challenge presented by all electric buildings is increased vulnerability to electricity outages, such as during an adverse weather event. However, although power outages may occur, advancements in technology are improving the resilience and sustainable of the grid. Additionally, the integration of battery storage systems and local renewable energy sources, like rooftop solar, can provide additional security in the event of power outages.

Many indoor gas appliances, such as heating systems and ovens, have electrical componentry that would also render them inoperable during a power outage. On balance, it is considered the health, economic, and environmental benefits arising from banning indoor gas appliances outweigh the potential downsides of infrequent and often short-lived power outages.

In response to concerns about an increased electrical load on the energy grid, it should be noted that not all buildings in Hornsby Shire would be required to transition to all electric, as the DCP amendments would only apply to new residential buildings. Accordingly, although a transition to all electric buildings may increase the load on the energy grid, it is considered the impact would be minor at grid scale.

Recommendation

That no changes be made to the exhibited draft DCP amendments in response to submissions suggesting that a move towards all electric residential buildings would increase vulnerability and load on the energy grid.

1.4 Wording of the Amendments

One submission comments that the wording of the draft DCP amendments should use 'must' instead of 'should'.

Comment

Council has previously considered and obtained advice on the terminology within the Hornsby DCP including the use of the term 'should' and 'must'. The *Environmental Planning and Assessment Act 1979* identifies that development controls in DCPs are not statutory requirements and they provide guidance only and allow flexibly for reasonable alternative solutions that achieve the objectives of the controls. Therefore, it is appropriate to use the term 'should' instead of 'must' to reflect the status of DCPs and to ensure consistency with wording used throughout all chapters in the Hornsby DCP.

Recommendation

That no changes be made to the exhibited draft DCP amendments in response to a submission commenting on the wording of the amendments.

1.5 Application of the Proposed Amendments

Some submissions suggest the proposed amendments should include a ban on using gas outdoors (including gas hot water) and commercial settings.

Comment

The decision to prohibit the use of gas indoors, applicable only to new residential developments, is based primarily on health considerations. Health advice commissioned by Council in February 2024 on the health impacts of gas in indoor residential settings indicates that further research is required to fully understand the health impacts of gas appliances in outdoor and commercial settings.

Council has committed to conducting additional research on the use of gas in commercial buildings and for outdoor residential water heaters, the findings of which will be presented to Council at an Informal Councillor Briefing (see below under the heading Council's resolution).

Recommendation

That no changes be made to the exhibited draft DCP amendments in response to submissions suggesting the proposed amendments should be applied to a wider range of development types.

2. Council's resolution

Parts 1 and 2 of Council's resolution from its meeting on 10 April 2024 have been addressed through public exhibition of the draft DCP controls and this report on submissions.

Part 3 involves the undertaking additional research on the use of gas in commercial buildings and for outdoor residential water heaters. This works has not yet commenced but once complete (subject to resourcing) these findings would be presented to a future Informal Councillor Briefing. It is anticipated that additional research will be progressed following Council's resolved position on the exhibited changes.

Part 4 of Council's resolution involves the distribution of educational material to residents on the health effects of gas emissions, as well as the continued transition of Council-owned buildings away from gas to all electric. Educational material will be produced by Council staff and will likely rely on the health advice commissioned in February 2024. Council-owned buildings will continue to transition from gas to electricity as operationally planned.

In accordance with part 5 of Council's resolution, on 27 May 2024, a letter was sent to the Secretary of DPHI requesting a State-wide ban on new gas connections. Council received a response on 27 June 2024, acknowledging Council's letter and resolution in April, reiterating that the NSW Government is not currently proposing to ban gas connections to new developments, and outlining the process for updating BASIX sustainability standards. The response expresses no objections or concerns about Council's approach.

CONSULTATION

In accordance with the consultation strategy outlined in Director's Report No. PC6/24, the draft DCP amendments were exhibited between 22 April 2024 and 27 May 2024. Due to school holidays falling within the 28-day exhibition period, an additional 7 days was added to provide extra time for the community to respond to the exhibition. The draft DCP amendments were exhibited via the following channels:

- Council's Your Say Hornsby website
- Hornsby eNews
- Advertisements in The Bush Telegraph, The Post, Galston Glenorie News, and Dooral Roundup

BUDGET

There are no budgetary implications associated with this Report.

POLICY

The all electric DCP controls would complement the social, health, and economic aims of the Hornsby Local Environmental Plan 2013. The new controls are consistent with the Hornsby DCP and existing environmental planning instruments that apply to Hornsby Shire, such as State Environmental Planning Policy (Sustainable Buildings) 2022.

Since the public exhibition of the DCP amendments, the Hornsby DCP 2013 has been replaced by an updated Hornsby DCP 2024 (effective 18 July 2024). There are no implications for the proposed new controls which are recommended to be added to the Hornsby DCP 2024 under what is now known as Part 1.3.2.6 Air Quality.

The draft DCP amendments would initially only apply to development applications for new residential development. The controls would not impact any exempt or complying development undertaken under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 as the Hornsby DCP only applies to development applications received by Council.

Subject to Council endorsement, the draft amendments would be incorporated into the Hornsby DCP and come into force when published on Council's website.

CONCLUSION

Amendments to the Hornsby DCP were exhibited between 22 April 2024 and 27 May 2024 to introduce new controls to maintain indoor air quality by prohibiting indoor gas in new residential development. A total of 29 submissions were received, with feedback is split between supportive and opposed. Key matters raised are addressed in this report, with no changes to the draft DCP amendments recommended in response to submissions.

It is recommended that Council approve the all electric buildings DCP controls attached to this report.


RESPONSIBLE OFFICER

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

KATHERINE VICKERY
Manager - Strategic Landuse Planning
Planning and Compliance Division

JAMES FARRINGTON
Director - Planning and Compliance
Planning and Compliance Division

Attachments:

1.  Attachment - HDCP 2024 Air Quality Draft Amendment

File Reference: F2021/00318#002

Document Number: D08922772

9 DRAFT HORNSBY AFFORDABLE HOUSING STRATEGY

EXECUTIVE SUMMARY

- In 2018, Council prepared and exhibited an Affordable Housing Discussion Paper to assist a review of housing affordability in Hornsby Shire and consider how Council can encourage the provision of adequate, appropriate, and affordable housing.
- In 2020, Council adopted the Hornsby Local Housing Strategy 2020, which supports the recommendations of the Affordable Housing Discussion Paper. As part of the (then) Department of Planning, Industry and Environment approval of Council's Housing Strategy, Council is required to develop an Affordable Housing Contribution Scheme.
- In November 2023, Council endorsed the Hornsby Town Centre Masterplan, which seeks to facilitate the provision of 5% affordable housing on private land, and 10% affordable housing on public land. After adoption, work commenced on a draft Affordable Housing Scheme to allow monetary contributions to be paid to Council for affordable housing as well as dwelling dedication, in accordance with the percentage targets adopted under the Masterplan.
- In December 2023, the NSW Government announced that it would lead the rezoning of the Hornsby Town Centre, in line with the recommendations of the HTC Masterplan. Exhibition of the rezoning was undertaken from 9 July to 9 August 2024 and included a draft Affordable Housing Contribution Scheme consistent with the draft prepared by Council but requiring a range of 5% to 10% per cent affordable housing contributions in the centre (regardless of land tenure).
- This report presents a draft Hornsby Affordable Housing Strategy (AHS) to support the implementation and administration of the draft Affordable Housing Contribution Scheme. The Strategy also sets the evidence and identifies a clear need for affordable housing in the Shire. It seeks to reduce the level of housing stress by outlining planning, facilitation and advocacy options to increase the provision of affordable housing for purchase and rent.
- It is recommended that Council endorse the draft Affordable Housing Strategy attached to this report for public exhibition.

RECOMMENDATION

THAT:

1. The draft Hornsby Affordable Housing Strategy attached to Director's Report No. PC17/24 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 draft Hornsby Affordable Housing Strategy 2024 (AHS) for endorsement for public exhibition.

BACKGROUND

In late 2018, Council exhibited an Affordable Housing Discussion Paper. The Discussion Paper provides an outline of housing affordability in Hornsby Shire, the roles and responsibilities of the NSW and local governments and suggests ways that Council could assist improve housing affordability in the Shire.

The Discussion Paper outlines several objectives for Council's housing policy focusing on improving the supply, diversity and quality of market rate housing. Options are put forward for the provision of affordable housing, including requiring dedication, monetary contributions and direct supply. Other actions such as engaging community housing providers and advocacy roles are also discussed.

At its meeting on 11 November 2020, Council adopted the Hornsby Local Housing Strategy 2020 (LHS). The LHS prioritises the findings and recommendations from the Discussion Paper including the preparation of an affordable housing contribution scheme. In its letter of approval dated 13 May 2021, the (then) Department of Planning, Industry and Environment required Council to develop an Affordable Housing Contribution Scheme. The letter encouraged investigating the feasibility of such a scheme in the Hornsby Town Centre, Cherrybrook Station Precinct and Pennant Hills Corridor.

At its meeting on 8 November 2023, Council adopted the Hornsby Town Centre Masterplan (HTC Masterplan) which seeks to facilitate the provision of 5% affordable housing on private owned land and 10% on public owned land.

Following adoption of the HTC Masterplan, Council officers began preparation of a draft Hornsby Affordable Housing Scheme, drawing upon feasibility studies undertaken to support the HTC Masterplan.

This report discusses the status of the draft Affordable Housing Scheme and presents a draft AHS (attached) which has been prepared in line with the recommendations of the Discussion Paper, LHS, HTC Masterplan and draft Affordable Housing Scheme.

DISCUSSION

In December 2023, the NSW Government announced it would be lead the rezoning of the Hornsby Town Centre, in line with the recommendations of the HTC Masterplan, as part of its Transport Oriented Development (TOD) Program. To undertake this work, the Department of Planning, Housing and Infrastructure (DPHI) requested a copy of the work undertaken by Council to support the adopted Masterplan, including the working draft Affordable Housing Scheme.

1. Affordable Housing Scheme

Clause 7.32 of the Environmental Planning and Assessment (EP&A) Act 1979 allows a condition of consent to be imposed requiring dedication or a monetary contribution for affordable housing, if that condition is authorised to be imposed in a local environmental plan (LEP) and is in accordance with a scheme for dedications or contributions.

Typically, a council would prepare a draft Affordable Housing Scheme and a corresponding planning proposal seeking the inclusion of a clause in its LEP. However, given the State rezoning of the Hornsby TOD, Council's draft Affordable Housing Scheme was forwarded to DPHI who undertook its own feasibility studies and finalised the Scheme for exhibition as part of its TOD package. The

Explanation of Intended Effect for the Hornsby TOD indicates that DPHI will be amending the Hornsby LEP to include a clause requiring a contribution to the provision of affordable housing. This negates the need for a planning proposal to be prepared by Council.

Director's Report PC18/24 discusses the TOD public exhibition and the draft Affordable Housing Scheme in more detail.

2. Affordable Housing Strategy

To support the Scheme, a draft Affordable Housing Strategy has been prepared, outlining Council's objectives for affordable housing, its principles for delivery and how affordable housing will be managed. This report presents the draft Hornsby AHS for endorsement for exhibition.

The draft Hornsby Affordable Housing Strategy would support the implementation and administration of the draft Affordable Housing Contribution Scheme, providing an evidence base and clear actions for Council. It consists of the following sections:

Chapter 1. Introduction and purpose – an introduction to the housing crisis, and background to, and objectives of, the Strategy.

Chapter 2. The housing spectrum – a discussion of the types of housing available to the public, ranging from crisis accommodation to outright home ownership, with a focus on how market rate, affordable housing and social housing contribute to housing affordability.

Chapter 3. Policy framework – an analysis of plans, policies, and legislation that affect the provision of affordable housing at all levels of government in Australia.

Chapter 4. Demographic snapshot – An analysis of the Shire's population, housing stock, employment and income characteristics, how they relate to local residents and workers, and the need for affordable housing in the Shire.

Chapter 5. What can local government do? – An overview of the tools available to local governments to influence the supply of affordable housing, focusing on delivery, facilitation and advocacy.

Chapter 6. Guiding principles – Guiding principles for the delivery of affordable housing have been developed based on Council's adopted strategic documents, including its Local Strategic Planning Statement, Community Strategic Plan and LHS.

Chapter 7. Directions and actions – Clear and discrete actions are proposed to encourage the delivery affordable housing and maintain a supply pathway in the Shire. These are categorised as planning, facilitation and advocacy, with proposed directions and actions as summarised below.

Planning

Planning actions focus on the finalisation and implementation of an Affordable Housing Contribution Scheme in the Hornsby Town Centre, requiring the dedication of dwellings and/or monetary contributions as part of development within the centre. Over time, the Scheme would be expanded to include further centres to achieve a long-term supply.

Facilitation

Facilitation actions identify where Council can create opportunities for the delivery of affordable housing in the Shire. These include considering where Council owned sites could support affordable housing delivery and potentially partnering with community housing providers to leverage experience and networks, or Council undertaking development funded by affordable housing contributions.

Advocacy

Advocacy actions seek to provide information to key stakeholders regarding the supply and demand for affordable housing in the Shire. These actions also involve seeking that affordable housing provision, of high quality and in perpetuity, remains a priority over time for the State Government and its agencies.

Chapter 8. Considerations for the Management of Affordable Housing – Sets out how affordable housing obligations can be met by proponents and principles for how dedicated dwellings and monetary contributions will be managed.

Three methods for delivering affordable housing are outlined:

1. Dedication of affordable housing units on site - build and dedicate free of charge;
2. Monetary contribution - a monetary contribution that is equivalent to the required 'per square metre' affordable housing rate; or
3. A combination of dedication of affordable housing units and monetary contribution.

Affordable housing dwellings that are dedicated to Council would be transferred in property title to Council for consideration of management process. Council may outsource the management of the affordable housing dwellings to a Community Housing Provider (CHP) with demonstrated experience and expertise in the management of affordable housing or undertake the management of affordable rental housing itself. An Affordable Housing Management Policy would be required to be prepared by the Property team to manage Council's affordable housing portfolio and set out how property assets would be used.

When monetary contributions are be collected, they would be pooled, managed and allocated by Council. As sufficient funds become available, opportunities to develop affordable housing would be considered on a case by case basis. Council may choose to purchase or develop, or seek proposals from eligible CHPs for projects for the development of affordable housing within the LGA. An Affordable Housing Contributions Management Policy would be required to be prepared by the Finance and Property teams to set out affordable housing development or acquisition options and ensure that any financial return resulting from the management of funds in waiting is to be used for the purpose of development affordable housing.

Management and use of assets and funds would be assessed against the following priorities:

1. Affordable housing is maximised;
2. Delivery is expedited; and
3. Risk to Council is minimised.

The draft AHS is attached to this report for endorsement for exhibition.

CONSULTATION

In the preparation of this report there was consultation with the Executive Leadership Team and Councillors on the considerations for the management of affordable housing dwellings and contributions.

It is recommended that the draft Hornsby AHS be placed on public exhibition for a period of at least 28 days, as set out in Council's Community Engagement Plan. The community would be informed about the draft AHS through the following channels:

- Advertisement on Council's 'Your Say Hornsby' website

- Council's eNews
- Advertisement and Mayor's message - Hornsby Ku-ring-gai Post, Bush Telegraph, Galston Glenorie Community News and Dooral Roundup.

BUDGET

There are no budgetary implications from the exhibition of the draft Hornsby AHS. Costs associated with the preparation of the draft Hornsby AHS and public exhibition are covered by the Strategic Land Use Planning operational budget.

Costs associated with the draft Hornsby AHS actions would be considered as part of the allocation of funds and resources in a future budget and Delivery Program. These include operational costs, such as those associated with the administration of an affordable housing scheme and potential capital expenditure implications associated with developing affordable housing.

POLICY

The Hornsby LHS identifies the need for affordable housing in the Shire, with the (then) Department of Planning, Industry and Environment's approval of the Strategy requiring the development of an Affordable Housing Contributions Scheme. A draft scheme has been placed on public exhibition by the NSW Government as part of its Hornsby TOD rezoning proposal. The draft Hornsby AHS complements the draft scheme by providing a contextual evidence base and actions for the collection and management of contributions made under the scheme.

CONCLUSION

This report seeks Council endorsement to publicly exhibit the draft Hornsby AHS. The draft Hornsby AHS provides a robust evidence base for understanding housing affordability issues in the Shire, government roles and responsibilities for addressing those issues and clear actions for Council to undertake.

It also sets out how affordable housing obligations can be met by proponents and the principles for how dedicated dwellings and monetary contributions will be managed.

It is recommended that the draft Hornsby AHS 2024 be exhibited on Council's website for 28 days. Following exhibition, a report on submissions will be presented to Council.


RESPONSIBLE OFFICER

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

KATHERINE VICKERY
Manager - Strategic Landuse Planning
Planning and Compliance Division

JAMES FARRINGTON
Director - Planning and Compliance
Planning and Compliance Division

Attachments:

1.  DRAFT Affordable Housing Strategy 2024

File Reference: F2018/00321-003

Document Number: D08927888

ITEM 9

10 HORNSBY TRANSPORT ORIENTED DEVELOPMENT REZONING PROPOSAL

EXECUTIVE SUMMARY

- In November 2023, Council adopted the Hornsby Town Centre Masterplan, setting a vision for additional housing and jobs while achieving design excellence, sustainability, accessibility, and liveability. The Masterplan identifies required supporting infrastructure and community facilities, improved public transport access and upgrades to the surrounding transport network.
- In December 2023, the Department of Planning, Housing and Infrastructure (DPHI) notified Council the Hornsby Town Centre was one of eight 'Accelerated Precincts' in Greater Sydney to be subject to State-led Transport Oriented Development (TOD) rezoning proposals.
- To inform the rezoning, DPHI requested access to the work undertaken by Council to support the adopted Masterplan, which was submitted. The Hornsby TOD rezoning proposal was exhibited by the Department from 9 July to 9 August 2024.
- Although broadly consistent with the HTC Masterplan vision for the delivery of housing and employment, it is critically deficient in several areas. Key issues include uncertainty around delivery and funding of essential local and State infrastructure, delivery of affordable housing, and amalgamation provisions to achieve good design and public benefit outcomes.
- Changes are also proposed to NSW Government land within the rail corridor, increasing the height and residential density of the site, while reducing employment floorspace requirements.
- It is recommended that Council endorse a submission (attached) outlining issues with the rezoning proposal and requesting they be addressed prior to finalisation of the rezoning.

RECOMMENDATION:

THAT Council:

1. Raise concerns about the progression of the Hornsby Transport Oriented Development rezoning proposal, as exhibited, for reasons including that the proposal:
 - 1.1 Lacks certainty that essential local and State infrastructure will be funded and delivered to support projected growth;
 - 1.2 Would likely increase landowner uncertainty and speculation, stifling delivery of housing, in contradiction to Council's Masterplan and the National Housing Accord;
 - 1.3 Increases development potential on State Government land while removing commitments to provision of community infrastructure and employment opportunities;
 - 1.4 Is deficient in prioritising affordable housing provision.
2. Endorse the submission attached to Director's Report No. PC18/24 highlighting Council's concerns.
3. Seek a meeting between the Mayor, General Manager and Minister for Planning and Public Spaces to emphasise Council's concerns and outline opportunities to improve the Proposal.

PURPOSE

The purpose of this report is to provide an overview of the Hornsby TOD rezoning proposal as exhibited by the DPHI, seek endorsement of a submission outlining Council's concern with the proposal and continue advocacy for improved outcomes in the Hornsby Town Centre.

BACKGROUND

At its meeting on 8 November 2023, Council considered Director's Report No. PC23/23, presenting the outcomes of the public exhibition of the Hornsby Town Centre Masterplan. The Masterplan was prepared to facilitate opportunities for long-term housing provision in accordance with the priorities and actions from the North District Plan, Council's Local Strategic Planning Statement, Local Housing Strategy and Employment Land Study.

The Masterplan promotes a redefinition of the Town Centre skyline by providing over 4,900 new dwellings in slender residential towers varying in height up to 36 storeys. Podium levels would be activated at ground level, providing employment opportunities with almost 4,500 new jobs.

The Masterplan envisions redevelopment and revitalisation of the Town Centre, supported by new open spaces for residents, visitors and workers. The location of the Town Centre on a major transport node would further be strengthened by an improved pedestrian and cycling network, a relocated bus interchange and access to the northern end of the station platforms and a new pedestrian overpass.

The Masterplan anticipated these outcomes would be brought forward by owner-led planning proposals, rather than Council leading the rezonings. This was preferred as it would avoid speculation and land banking and would encourage landowners to work together to achieve the vision of the Masterplan and obtain the uplift on their properties.

Council resolved to adopt the Masterplan, incorporating amendments identified through the public exhibition and subsequent analysis. Council also resolved to seek a commitment from the State Government to assist the implementation, funding and delivery of the Masterplan, noting coordination of State services is required to accommodate the anticipated growth.

However, on 15 December 2023, the NSW Government announced its TOD program. As part of the program, it identified the Hornsby Town Centre as one of eight 'accelerated precincts' for State-led rezoning to assist delivery of the Federal Government's National Housing Accord 2022.

DISCUSSION

Council officers were invited to participate in project working groups led by DPHI following the announcement of the NSW Government's TOD program. To undertake the rezoning, the Department requested a copy of the work undertaken by Council to support the adopted Masterplan, which was submitted, including working drafts of additional supporting documentation related to affordable housing and development contributions.

On 9 July 2024, DPHI placed the Hornsby TOD rezoning proposal on public exhibition. The rezoning proposal seeks to deliver up to 5,000 new dwellings and about 3,450 new jobs in the Hornsby Town Centre. The rezoning proposal consists of the following documents:

- Explanation of Intended Effect: Hornsby Transport Oriented Development Precinct (July 2024)
- Hornsby Precinct State-led Rezoning: Urban Design Framework and Planning Controls (July 2024)
- Hornsby Precinct Design Guide (July 2024)

- Hornsby TOD Precinct: Acoustic Study Report (June 2024)
- Draft Hornsby Precinct Affordable Housing Contribution Scheme (July 2024)
- Hornsby State-led Rezoning – Flooding and Stormwater: Flooding and Stormwater Report (May 2024)
- Hornsby Infrastructure Delivery Plan (June 2024)
- Hornsby State-led Rezoning: Preliminary Contamination Study (May 2024)
- Hornsby Town Centre Review: Transport Plan (June 2022)
- Hornsby Precinct: Utilities Baseline Report (May 2024)

The Hornsby TOD rezoning proposal is broadly consistent with the Masterplan vision for the delivery of housing and employment within the precinct boundaries. The proposed planning controls are similar, with some increases to heights across the precinct, to enable increased floor to ceiling heights in commercial and residential areas.

The proposal would allow for a similar amount of additional housing. However, changes to planning controls on State Government land results in a reduction of approximately 1,000 jobs which is a significant deviation from the Masterplan controls on land owned by the Transport Agency Holding Entity (TAHE) at Hornsby Station.

The Masterplan proposes 36 storey towers adjacent to the existing station entrance along George Street. The TOD rezoning proposal identifies these lands as delivering 40 storey towers. Further, non-residential requirements (employment floorspace) on TAHE lands are proposed to be reduced from 2:1 floor space ratio under current controls to 0.5:1, resulting in the lowered employment outcomes anticipated by the rezoning proposal.

1. Implications for the achievement of Council's Vision under the Masterplan

Fundamental to support for Council's Masterplan by the community, is the identification of critical infrastructure and facilities to support growth and improve the Centre as a place to live, work and for recreation. With the announcement of the State-led TOD rezoning, Council was optimistic this would facilitate a whole of government approach to implement the local planning work and assist delivery of the infrastructure required to support development.

Unfortunately, no certainty has been provided in relation to infrastructure funding and it remains unclear how the rezoning would assist expediate housing supply or improve feasibility. Further, where changes are proposed to the Masterplan vision, they appear to be limited to providing economic benefits to State Government land without an associated commitment to timeframes for housing or job delivery or identification of the provision of infrastructure or other public benefits. These issues are discussed further below.

1.1 State infrastructure provision

The Masterplan identifies that improvements to State infrastructure primarily relate to TfNSW assets. However, the rezoning proposal indicates a softening in commitment by the NSW Government to infrastructure improvements in the Hornsby TOD precinct. It indicates upgrades to the bus interchange requires discussions with TfNSW and the Jersey Street Park is subject to further investigation. This is disappointing as uncertainty has been introduced concerning the commitment by the State Government to provide these essential public benefits.

The rezoning does not identify which projects will be allocated funding in accordance with the announced \$520 million in funding of State infrastructure through the Housing and Productivity Contribution (HPC). The finalisation of the Hornsby TOD process should clearly identify which projects will be allocated funding through the HPC.

The allocation of funds under the HPC for acquisition of Hornsby Square properties would act as a catalyst and improve development feasibility within the Town Centre. It is of clear community benefit as an outcome of increased development and would be a clear signal to the community and developers that both Council and the State Government are committed to the future vision for the Town Centre and the delivery of housing supported by infrastructure.

Recommendation: It is recommended that the NSW Government commit to the schedule of works for State infrastructure provision, including public transportation upgrades and open space on Transport for NSW lands, as identified in the HTC Masterplan and specify a funding plan, including which projects will be funded through the \$520 Million infrastructure fund, future capital works budgets and the Housing and Productivity Contribution.

1.2 Local infrastructure provision

As part of the project working group process, Council officers provided DPHI with local infrastructure plans and documentation that justify a 5% development contribution levy, in line with DPHI guidelines. The draft development contributions plan works schedule and supporting reporting have been independently reviewed by the Department's consultants.

The rezoning proposal suggests that a contributions plan with a 4% to 5% per cent levy is being drafted, subject to finalisation of infrastructure items and consideration of feedback obtained during the exhibition. This is a major risk for the delivery of local infrastructure funding.

Recommendation: It is recommended that the NSW Government endorse the exhibition of a Section 7.12 local development contribution plan with a 5% levy.

1.3 Affordable housing commitments

The HTC Masterplan identifies that 5% of residential development on private land, and 10% of residential development on public land be dedicated for affordable housing. This reflects that public development does not share the same profit incentive that private development does, with public development also having the opportunity to achieve community benefit and policy objectives of the government.

Further, Council Masterplan follows the NSW Government's June 2023 commitment that developments on surplus public land include a minimum of 30 per cent affordable and social housing. That commitment signalled an expectation that the NSW Government would take a larger role in the provision of affordable housing in well located areas.

However, the draft Affordable Housing Scheme exhibited as part of the TOD rezoning requires dedication of 5 to 10% of all new residential development for affordable housing, regardless of tenure.

Recommendation: It is recommended that NSW Government revert to the Hornsby Affordable Housing Scheme and commit to the provision of at least 10% affordable housing contributions on public land and that all housing dedications be made to Council.

1.4 Amalgamation and incentive provisions

The HTC Masterplan was adopted on the premise that local landowners would be required to partner with each other to prepare and lodge planning proposals that achieve the Masterplan vision. A Council or State led rezoning process was not anticipated.

The Hornsby TOD rezoning proposal attempts to address this issue with the UDF outlining an amalgamation strategy and the EIE stating that an amalgamation plan is being investigated. Such a plan, with clear statutory weight, is critical to the delivery of consolidated sites of high quality and the delivery of public spaces such as Hornsby Square. This plan should be developed in partnership with Council to ensure delivery of critical infrastructure to Council and community satisfaction.

Other TOD precincts, including the Kellyville and Bella Vista TOD and the Macquarie Park TOD, outline incentive provisions granting additional floorspace and/or height (or exceptions to controls) where development proposals include open space or other public benefits. As such, it is established that the NSW Government anticipates the delivery of public benefit would be acceptable to developers prior to unlocking development potential.

Similar provisions should be applied in the Hornsby TOD precinct, specifically around development of the Central Heart precinct for delivery of various community benefits, including the new library, community centre and open space. This approach would also be appropriate for NSW Government owned land to give further certainty to its commitments for improved public transport facilities, links across the rail line and improvements at Jersey Plaza.

Recommendation: It is recommended that the NSW Government require that the height and density planning controls be contingent on amalgamation and the provision of public benefit, and that an acquisition provision be applied to the Hornsby Square properties.

1.5 Changes to height and floor space and provision of employment uses on public lands

The HTC Masterplan was prepared with the goal of providing substantial increases to both residential and employment opportunities. However, the Hornsby TOD rezoning proposes to reduce the requirements for employment generating land uses, specifically on land owned by the NSW Government.

The NSW Government is well placed to deliver and utilise employment floorspace at the TAHE site, locating any number of government and supporting jobs adjacent to the rail corridor. This location could be a major attractor for NSW Government employees in the northern and Central Coast regions and strengthen the local economy of the Hornsby Town Centre. Further, it is possible that increasing residential development on the TAHE site could saturate the market for residential development on neighbouring sites, slowing overall development in the centre.

The NSW Government should commit to delivery of employment floorspace on the site for utilisation by public service employees. At a minimum, justification should be provided as to why the only significant changes to Council's Masterplan relate to improvements for the development opportunities on State Government land. Further, a timeframe and commitment should be provided for the development of the State lands and relocation of the bus interchange.

Recommendation: It is recommended that the non-residential (employment) floor space requirements on Transport for NSW lands be reinstated to reflect the adopted Masterplan requirements.

2. Other matters

There are a number of other technical and detailed issues with the documentation on exhibition as part of the rezoning which should be addressed prior to finalisation including:

- Consistency in controls and documentation
- Hornsby Square commitments
- Burdett Street Park design and delivery
- Floor plates
- Undergrounding power lines
- Waste management
- Dwelling mix
- Walkability
- Energy and Sustainability
- Stormwater quality and WSUD
- Flooding risk and management
- Water conservation and wastewater management
- Critical utility and infrastructure identification

The above matters are discussed in the submission attached to this report.

BUDGET

There are no budgetary implications associated with this report.

POLICY

Council's adopted Hornsby Town Centre Masterplan aligns with the actions in the North District Plan, and Hornsby's Local Strategic Planning Statement and Local Housing Strategy.

The uncertainty associated with infrastructure delivery under the Hornsby TOD rezoning proposal presents a significant risk to Council and local landowners, which may delay the delivery of the objectives of the Masterplan. If these matters are not resolved prior to the finalisation of the rezoning proposal, Council may need to reconsider the timing of projects within the town centre.

As the date for the close of submissions was 9 August 2024 (prior to Council's August Council meeting) a draft submission has been submitted to DPHI in advance of Council's consideration of this report. A copy of the report and the meeting minutes to confirm the submission will be forwarded to the Department after the meeting.

CONCLUSION

As discussed in this report, the Hornsby Town Centre Masterplan sets a clear vision for the delivery of housing, employment and supporting infrastructure, and has been developed in consultation with the community and the NSW Government.

The Hornsby TOD rezoning proposal, while broadly consistent with the objectives of the Masterplan, is deficient in its commitments to the delivery of critical infrastructure, affordable housing, employment, and planning mechanisms to secure those commitments. These matters should be addressed by the NSW Government, across responsible agencies, prior to finalisation of the rezoning proposal.

RESPONSIBLE OFFICER


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

KATHERINE VICKERY
Manager - Strategic Landuse Planning
Planning and Compliance Division

JAMES FARRINGTON
Director - Planning and Compliance
Planning and Compliance Division

ITEM 10

Attachments:

1.  Draft Hornsby TOD rezoning proposal submission

File Reference: F2018/00321-003

Document Number: D08927935

14 MAYORS NOTES 01 JUNE 2024 TO 31 JULY 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.

Thursday 6th June 2024 – On behalf of the Mayor, Councillor Waddell attended the 2024 Hornsby/Ku-Ring-Gai District RFS Medal Presentation Ceremony in Cowan.

Tuesday 11th June 2024 – The Mayor attended the Berowra Waters Branch Meeting at The Galston Club, Galston.

Wednesday 12th June 2024 – The Mayor hosted two Citizenship Ceremonies in the Council Chambers at Hornsby Shire Council in Hornsby.

Friday 14th June 2024 – The Mayor attended the Community Event Neighbourhood Knit-In at Hornsby Library.

Friday 14th June 2024 – The Mayor attended the International Lions Visit hosted by Marri Mittagat at Barker College, Hornsby.

Friday 14th June 2024 – The Mayor attended the INALA Art Exhibition Opening Night at the Dulkara Centre in Cherrybrook.

Friday 21st June 2024 – The Mayor attended the “Unveiling” of new Mangrove interpretive signage Brooklyn Boardwalk, Brooklyn.

Friday 21st June 2024 – The Mayor attended the Rotary Club of West Pennant Hills & Cherrybrook - Changeover Dinner at Springfield House, Dural.

Tuesday 25th June 2024 – The Mayor attended the “Hello Hornsby Coffee and Chat” at Judge’s Bakery Ghost Building and Plaza, Jersey Lane, Hornsby.

Thursday 27th June 2024 – The Mayor attended the Ku-ring-gai PAC and The Hills PAC Combined Awards Ceremony at Asquith Rugby League Club, Waitara.

Thursday 27th June 2024 – The Mayor attended the Wollundry Park Playground Upgrade – Construction Commencing Photoshoot at Wollundry Park Playground, Pennant Hills.

Sunday 30th June 2024 – The Mayor attended Greenway Park Community Planting at Greenway Park, Cherrybrook.

Thursday 4th July 2024 – The Mayor attended the Northern District Cricket Club at Hornsby RSL Club, Hornsby.

Friday 5th July 2024 – The Mayor attended “The Last Daughter” Film Screening for NAIDOC Week at Hornsby Library.

Sunday 14th July 2024 – The Mayor attended the Vishva Hindu Parishad of Australia Inc. (VHP) Children Camp hosted by Pennant Hills Scout Camp at Baden Powell Centre, Pennant Hills.

Thursday 18th July 2024 – The Mayor attended the “Meanwhile Use Housing” a stepping stone to safe housing pathways event, at Beecroft House, Beecroft.

Monday 22nd July 2024 – The Mayor attended the Lions Club of West Pennant Hills-Cherrybrook, 60th Charter Anniversary at West Pennant Hills Sports Club, West Pennant Hills.

Tuesday 23rd July 2024 – The Mayor attended the Hornsby Shire Wins Seventh Mobile Muster Top Recycler of the Year Award at the Community Recycling Centre, Thornleigh.

Tuesday 23rd July 2024 – The Mayor attended the 30 Years of Catholic Healthcare celebration at McQuoin Park Residential Aged Care, Waitara.

Wednesday 24th July 2024 – The Mayor hosted two Citizenship Ceremonies in the Council Chambers at Hornsby Shire Council in Hornsby.

Thursday 25th July 2024 – The Mayor attended the Kangaroo Point to Brooklyn Boardwalk – construction commencement photo shoot at Brooklyn.

Thursday 25th July 2024 – The Mayor attended the Tri-diocesan Social Justice Event at The Epping Club, Epping.

Friday 26th July 2024 – The Mayor attended the 2024 Annual Rural Fire Service (RFS) Mayoral Dinner at Hornsby RSL Club, Hornsby.

Tuesday 30th July 2024 – The Mayor attended the Hornsby Ku-Ring-Gai Local Business Awards Presentation Evening at Hornsby RSL Club, Hornsby.

File Reference: F2004/07053

Document Number: D08928591

15 RETAIN 3 JOHNSON ROAD GALSTON AS PARKLAND

COUNCILLOR SALITRA TO MOVE

THAT Council:

1. Cease any further work on the planning proposal to rezone 3 Johnson Road, Galston to E4 General Industrial.
2. Resolve to reclassify 3 Johnson Road as Community Land and prepare a Plan of Management that authorises its use for unstructured recreational park uses and natural areas.
3. Conduct a Councillor Workshop to discuss the implications, process and resources required to evaluate rezoning of the site to RE1 Public Recreation and C2 Environmental Conservation.
4. Include consideration of investigating the feasibility and cost of implementing a BMX jumps track at 3 Johnson Road, in this Councillor Workshop.

Note from Councillor

At the July 2023 General Meeting, a petition was presented with over 800 signatures asking Council to rezone 3 Johnson Road, Galston to RE1 Public Recreation and C2 Environmental zoning instead of the proposed E4 General Industrial.

Subsequent community consultation resulted in a significant number of objections submitted while the proposal for reclassification to E4 zoning was on public exhibition.

More recently, in response to the consideration of an Off-Leash Dog Park at Fagan Park, many residents have expressed their preference for the dog park to be located at 3 Johnson Road instead; as the Galston community have been using and enjoying this land known as 'the old pony club' as an informal off-leash area for many years.

In recognition of this consistent strength of community advocacy to retain this open green space; it is recommended that Council formally withdraw the current planning proposal.

Recently, Council embarked on an advertising campaign asking residents to help "Save Our Sports" in response to the State Government's withdrawal of funding to deliver part of the Westleigh Park project.

Having received a letter from Council seeking residents support for the Save Our Sports campaign, some Galston residents have asked why their request to retain their unofficial park at 3 Johnson Road as green natural open space has so far been rejected by Council. Instead, the rezoning of 3 Johnson Road to E4 General Industrial with the intention of building industrial units, is progressing. The

development of industrial units on this site will result in the loss of the open green space that is currently enjoyed by the community.

Galston residents have expressed frustration over being asked to save a park in another suburb while the irreplaceable park they need and use at 3 Johnson Road, will be taken away if the rezoning continues to progress.

3 Johnson Road is clearly a well-loved recreational space for residents of all ages. Local children often build their own BMX jumps tracks there, only to have them taken down by council officers due to safety concerns. It makes sense to investigate formalising a BMX jumps track for children on this site as it is a safe park for them to access, being close to their homes.

While it is a more environmentally pleasant feature of some industrial estates to be surrounded by trees and have some green space to separate the buildings, it is generally not expected to be somewhere residents would choose to exercise or recreate, as evidenced by other industrial or business estates like in North Ryde; where despite being surrounded by apartments, residents don't use the green space surrounding the corporate buildings.

Further, residents have specifically expressed they don't want to exercise around an industrial unit estate; to walk around a potential mechanics or tyre shop for example. Understandably, their preference is to exercise in a natural environment; with the open green space also providing an open line of sight that enhances feelings of safety and security. This will not be possible if industrial units are built on the green space.

The World Health Organisation (WHO) states "Protecting nature and counteracting the loss of biodiversity and ecosystems is a fundamental requirement for the health of future generations and is targeted explicitly by Sustainable Development Goals 14 and 15 on life below water and on land. Spending time in nature is associated with lower risks for specific health conditions, such as type 2 diabetes, cardiovascular disease and mental symptoms. Investments in the transition to green and sustainable societies and economies will, therefore, also represent investments in health."

Accordingly, Council's investment in safe, accessible and high-quality natural open greenspace is the greatest investment it can make to proactively preserve resident's health and well-being. WHO says there's no single public health action that gives society as much benefit as natural greenspace does – for our physical and mental well-being, social interaction and preventing loneliness, for connection to nature and protecting the environment that we rely on to survive.

With growing pressures from the housing crisis and increasing populations; what open green space we have left, is worth protecting.

Galston resident's emails and submissions explaining their use of the 'old pony club' as their meeting place for connection and exercise are testament to how vital 3 Johnson Road is, for their community's social cohesion.

Retaining 3 Johnson Road as natural open green space for unstructured recreation will align with Council's own strategic direction of:

- Connected and inclusive communities
- Inclusive and healthy living (G2.1, G2.3)
- Natural environment (G4.1, G4.2, G4.3)

- Being transparent and trusted to make decisions that reflect the community vision (G7.1)

And align with Council's adopted strategies:

- Unstructured Recreation Strategy
- Sustainable Hornsby 2040
- Biodiversity Conservation Strategy
- Urban Forest Strategy
- Rural Lands Strategy

Noting the critically endangered ecological community of Sydney Turpentine Ironbark Forest and the Narrow-Leaved Scribbly Gum Woodland at 3 Johnson Road, along with resident's concerns regarding the impact of contamination from industrial activity on a known platypus habitat; retention of this site as park land would also ensure council's adherence to the following legislation:

- Environmental Planning and Assessment Act 1979
- NSW Biodiversity Conservation Act 2016
- Protection of the Environment Administration Act 1991

References:

WHO Regional Office for Europe (2023), Assessing the value of urban green and blue spaces for health and well-being, WHO Regional Office for Europe.
<https://www.who.int/europe/publications/i/item/WHO-EURO-2023-7508-47275-69347>

Barton J, Rogerson M. The importance of greenspace for mental health. BJPsych Int. 2017 Nov 1;14(4):79-81. doi: 10.1192/s2056474000002051. PMID: 29093955; PMCID: PMC5663018.

WHO Regional Office for Europe (2021a), Nature, biodiversity and health: an overview of interconnections, <https://www.who.int/europe/publications/i/item/9789289055581>

Attachments:

There are no attachments for this report.

File Reference: F2023/00047

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16 FUNDING FOR UPPER MCKELL CAR PARK IMPROVEMENTS

COUNCILLOR SALITRA TO MOVE

THAT with regard to car parking in Brooklyn, Council:

1. Identify potential improvements to lighting, security and accessibility to the Upper McKell overflow carpark at Brooklyn, to provide safe and easier to access parking for residents and visitors.
2. Discuss improvement options, including financial implications for council and options for seeking grants to help fund or contribute funds for any identified improvements, at a Councillor Workshop by end of 2024.
3. Provide a report on options by the first scheduled Council meeting for 2025.
4. Give consideration to the funding of improvements in the development of the 2025/26 Operational Plan.

Note from Councillor

One of the outcomes from the informal agreement between River and Brooklyn resident representatives on 9th July, 2024, is for Council to progress investigations associated with a tenured resident car park in Upper McKell Park, including improved access. However, what is unclear is if Council would contribute any costs associated with these improvements, at all.

With parking arrangements in the Lower McKell carpark on Brooklyn's foreshore changed to accommodate visitors driving to Brooklyn with timed 4P parking; more river residents must park in the Upper McKell overflow car park due to the reduction in untimed parking.

The Upper McKell overflow car park area is mostly in darkness after sunset with an uneven grassed surface. Residents with boat-access-only homes face a choice between a reportedly steep and slippery footpath or uneven and unlit rustic bushland steps to traverse with any equipment, shopping, children or pets they may have with them; to get to their boat or ferry.

It is important to acknowledge the River residents and Brooklyn resident's willingness to work towards a suitable compromise to free-up parking for access to Lower McKell recreational space; however, the burden of adverse impacts with regard to safety and genuine hardship in accessing the Upper McKell car park, is placed on river residents.

In progressing place planning for Brooklyn, it is advisable that Council addresses the essential infrastructure to support a successful transition of parking in Upper McKell; with urgently needed upgrades such as lighting, grading, security cameras, and accessibility options such as a lift, inclinator, and Australian Standard steps.

Attachments:

There are no attachments for this report.

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ITEM 16