



BUSINESS PAPER

GENERAL MEETING

**Wednesday 14 March 2018
at 6:30PM**



TABLE OF CONTENTS

AGENDA AND SUMMARY OF RECOMMENDATIONS

RESCISSION MOTIONS

- Item 1 RM2/18 Rescission Motion – 14 February 2018 General Meeting - Mayoral Minute No. MM2/18 – Signage, Advertising and Corporate Colour Schemes 1

MAYORAL MINUTES

- Item 2 MM7/18 Seniors Housing In The Urban Areas Of The Shire 2

ITEMS PASSED BY EXCEPTION / CALL FOR SPEAKERS ON AGENDA ITEMS

GENERAL BUSINESS

Office of the General Manager

- Item 3 GM2/18 Code of Conduct Reviewers - Use of Northern Sydney Regional Organisation of Councils Panel 4

Corporate Support Division

- Item 4 CS9/18 Office of Local Government Consultation Drafts - Model Code of Meeting Practice for Local Councils in NSW; and Councillor Induction and Professional Development Guidelines 7
- Item 5 CS10/18 Councillors' Strategic Planning Weekend - 16 to 18 February 2018..... 15
- Item 6 CS11/18 Investments and Borrowings for 2017/18 - Status for period ended 31 January 2018 21
- Item 7 CS12/18 Pecuniary Interest and Other Matters Returns - Disclosures by Councillors and Designated Persons 24
- Item 8 CS13/18 Outstanding Council Resolutions - Period Until 30 November 2017 27

Environment and Human Services Division

- Item 9 EH8/18 Waste Strategy Working Group..... 30

Planning Division

Nil

Infrastructure and Recreation Division

Nil

PUBLIC FORUM – NON AGENDA ITEMS

QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

MAYOR'S NOTES

Item 10 MN4/18 Mayor's Notes from 1 to 28 February 2018 33

NOTICES OF MOTION

Item 11 NOM4/18 Amendment to Councillors' Expenses and Facilities Policy -
Councillor Superannuation Contributions 34

Item 12 NOM3/18 Impact of Cats on Native Wildlife 36

SUPPLEMENTARY AGENDA

MATTERS OF URGENCY

QUESTIONS WITHOUT NOTICE

AGENDA AND SUMMARY OF RECOMMENDATIONS

PRESENT

NATIONAL ANTHEM

OPENING PRAYER

Pastor Renzo Munster, from the Christian Pentecostal Church will open tonight's meeting in prayer.

ACKNOWLEDGEMENT OF RELIGIOUS DIVERSITY

Statement by the Chairperson:

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

ABORIGINAL RECOGNITION

Statement by the Chairperson:

"We acknowledge we are on the traditional lands of the Darug and Guringai Peoples. We pay our respects to elders past and present."

AUDIO RECORDING OF COUNCIL MEETING

Statement by the Chairperson:

"I advise all present that tonight's meeting is being 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 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 147 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

Clause 52 of Council's Code of Meeting Practice (Section 451 of the Local Government Act, 1993) 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").

The Councillor or member of a Council committee 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.*
- (b) at any time during which the Council or committee is voting on any question in relation to the matter.*

Clause 51A of Council's Code of Meeting Practice provides that a Councillor, Council officer, or a member of a Council committee who has a non 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. The disclosure is also to be submitted in writing (on the form titled "Declaration of Interest").

If the non-pecuniary interest is significant, the Councillor must:

- a) remove the source of conflict, by relinquishing or divesting the interest that creates the conflict, or reallocating the conflicting duties to another Council official.*

OR

- b) have no involvement in the matter by absenting themselves from and not taking part in any debate or voting on the issue as if the provisions of Section 451(2) of the Act apply.*

If the non-pecuniary interest is less than significant, the Councillor must provide an explanation of why they consider that the interest does not require further action in the circumstances.

CONFIRMATION OF MINUTES

THAT the Minutes of the General Meeting held on 14 February, 2018 be confirmed; a copy having been distributed to all Councillors.

THAT the Minutes of the Extraordinary General Meeting held on 21 February, 2018 be confirmed; a copy having been distributed to all Councillors.

PETITIONS

PRESENTATIONS

RESCISSION MOTIONS

Page Number 1

Item 1 RM2/18 RESCISSION MOTION – 14 FEBRUARY 2018 GENERAL MEETING - MAYORAL MINUTE NO. MM2/18 – SIGNAGE, ADVERTISING AND CORPORATE COLOUR SCHEMES

COUNCILLOR WADDELL TO MOVE

THAT the resolution adopted at the 14 February 2018 General Meeting in respect of Item 14 - Mayoral Minute No. MM2/18 – Signage, Advertising and Corporate Colour Schemes - that:-

1. *Council write to the Hon Anthony Roberts, Minister for Planning, seeking amendment to the exemption circumstances for painting under the “minor non-structural building alterations” category of development in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 to painting of a building where it is consistent with an endorsed colour palette for the area in which the building is located, if an endorsed palette exists.*
2. *Should amendment be made to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, a report be prepared for Council’s consideration seeking endorsement for amendment to the Hornsby Development Control Plan 2013 to include colour palettes for the Shire’s commercial centres.*

be, and is hereby rescinded.

Note: The above Rescission Motion is supported by Councillors Hutchence, Marr, McIntosh and Browne

Note: In the event of the proposed Rescission Motion being adopted, the following motion is proposed.

THAT Council defer consideration of the matter until there has been the opportunity to consult with the community.

MAYORAL MINUTES

Page Number 2

Item 2 MM7/18 SENIORS HOUSING IN THE URBAN AREAS OF THE SHIRE

RECOMMENDATION

THAT Council write:

1. To the Hon. Anthony Roberts, Minister for Planning requesting that Council be granted exemption from having to permit seniors living developments on low density residential zoned land under *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* where it develops its own seniors housing policy that responds to the needs and desires of the local community and ensures that development is within local environmental thresholds.
2. To local State and Federal members advising them of Council's resolution and seeking their support and assistance in the implementation of the above action.

ITEMS PASSED BY EXCEPTION / CALL FOR SPEAKERS ON AGENDA ITEMS

Note:

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

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

GENERAL BUSINESS

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

OFFICE OF THE GENERAL MANAGER

Page Number 4

Item 3 GM2/18 CODE OF CONDUCT REVIEWERS - USE OF NORTHERN SYDNEY REGIONAL ORGANISATION OF COUNCILS PANEL

RECOMMENDATION

THAT Council:

1. Note that the Northern Sydney Regional Organisation of Councils (NSROC) has selected a Regional Panel of Conduct Reviewers for use by NSROC councils.
2. Use the NSROC Panel as appropriate for Code of Conduct complaints that it receives.

CORPORATE SUPPORT DIVISION

Page Number 7

Item 4 CS9/18 OFFICE OF LOCAL GOVERNMENT CONSULTATION DRAFTS - MODEL CODE OF MEETING PRACTICE FOR LOCAL COUNCILS IN NSW; AND COUNCILLOR INDUCTION AND PROFESSIONAL DEVELOPMENT GUIDELINES

RECOMMENDATION

THAT:

1. The contents of Deputy General Manager's Report No. CS7/18 be received and noted.
2. Council make a submission to the Office of Local Government in respect of the Consultation Draft for the Model Code of Meeting Practice For Local Councils in NSW incorporating the comments contained in Deputy General Manager's Report No. CS7/18.
3. Council make a submission to the Office of Local Government in respect of the Consultation Draft for the Councillor Induction and Professional Development Guidelines incorporating the comments contained in Deputy General Manager's Report No. CS7/18.

Page Number 15

Item 5 CS10/18 COUNCILLORS' STRATEGIC PLANNING WEEKEND - 16 TO 18 FEBRUARY 2018

RECOMMENDATION

THAT:

1. Council adopt the actions and timeframes emanating from the 2018 Strategic Planning Weekend as detailed in Deputy General Manager's Report No. CS8/18.
2. Council make the results of the 2017 Community Survey research undertaken by Micromex publicly available.
3. A further report be provided for Council's consideration in September 2018 which outlines progress in achieving the actions detailed in Deputy General Manager's Report No. CS8/18.

Page Number 21

Item 6 CS11/18 INVESTMENTS AND BORROWINGS FOR 2017/18 - STATUS FOR PERIOD ENDED 31 JANUARY 2018

RECOMMENDATION

THAT the contents of Deputy General Manager's Report No. CS6/18 be received and noted.

Page Number 24

Item 7 CS12/18 PECUNIARY INTEREST AND OTHER MATTERS RETURNS - DISCLOSURES BY COUNCILLORS AND DESIGNATED PERSONS

RECOMMENDATION

THAT Council note the Disclosure of Pecuniary Interests and Other Matters Returns recently lodged with the General Manager have been tabled as required by the Local Government Act.

Page Number 27

Item 8 CS13/18 OUTSTANDING COUNCIL RESOLUTIONS - PERIOD UNTIL 30 NOVEMBER 2017

RECOMMENDATION

THAT the contents of Deputy General Manager's Report No. CS5/18 be received and noted.

ENVIRONMENT AND HUMAN SERVICES DIVISION**Page Number 30**

Item 9 EH8/18 WASTE STRATEGY WORKING GROUP

RECOMMENDATION

THAT:

1. The contents of Group Manager's Report No. EH6/18 be received and noted.
2. Council create a Waste Strategy Working Group.
3. Council endorse the draft constitution included as Attachment 1 to Group Manager's Report No. EH6/18 for the Waste Strategy Working Group.
4. Council nominate four Councillors to sit on the Waste Strategy Working Group.

PLANNING DIVISION

Nil

INFRASTRUCTURE AND RECREATION DIVISION

Nil

PUBLIC FORUM – NON AGENDA ITEMS**QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN****MAYOR'S NOTES****Page Number 33**

Item 10 MN4/18 MAYOR'S NOTES FROM 1 TO 28 FEBRUARY 2018

NOTICES OF MOTION**Page Number 34****Item 11 NOM4/18 AMENDMENT TO COUNCILLORS' EXPENSES AND FACILITIES POLICY -
COUNCILLOR SUPERANNUATION CONTRIBUTIONS**

COUNCILLOR MARR TO MOVE:

THAT the Councillors' Expenses and Facilities Policy be amended to incorporate the following wording under a new heading of Councillor Superannuation Contributions:

"In accordance with the Australian Taxation Office Interpretative Decision 2007/205, Council may enter into an arrangement with a Councillor under which the Councillor agrees to forego all or part of their annual fee in exchange for the Council making contributions to a complying superannuation fund on their behalf."

Page Number 36**Item 12 NOM3/18 IMPACT OF CATS ON NATIVE WILDLIFE**

COUNCILLOR TILBURY TO MOVE

THAT Council:

1. Commence a feral cat trapping program.
2. Participate in the Cat Tracker Australia program as part of a community awareness campaign about the impact of cats on our native wildlife.

SUPPLEMENTARY AGENDA**MATTERS OF URGENCY****QUESTIONS WITHOUT NOTICE**

1 RESCISSION MOTION – 14 FEBRUARY 2018 GENERAL MEETING - MAYORAL MINUTE NO. MM2/18 – SIGNAGE, ADVERTISING AND CORPORATE COLOUR SCHEMES

COUNCILLOR WADDELL TO MOVE

THAT the resolution adopted at the 14 February 2018 General Meeting in respect of Item 14 - Mayoral Minute No. MM2/18 – Signage, Advertising and Corporate Colour Schemes - that:-

1. *Council write to the Hon Anthony Roberts, Minister for Planning, seeking amendment to the exemption circumstances for painting under the “minor non-structural building alterations” category of development in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 to painting of a building where it is consistent with an endorsed colour palette for the area in which the building is located, if an endorsed palette exists.*
2. *Should amendment be made to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, a report be prepared for Council’s consideration seeking endorsement for amendment to the Hornsby Development Control Plan 2013 to include colour palettes for the Shire’s commercial centres.*

be, and is hereby rescinded.

Note: The above Rescission Motion is supported by Councillors Hutchence, Marr, McIntosh and Browne

Note: In the event of the proposed Rescission Motion being adopted, the following motion is proposed.

THAT Council defer consideration of the matter until there has been the opportunity to consult with the community.

Attachments:

There are no attachments for this report.

File Reference: F2009/00257

Document Number: D07391660

2 SENIORS HOUSING IN THE URBAN AREAS OF THE SHIRE

I previously expressed my concern regarding the development of seniors housing in the rural areas of Hornsby Shire as *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors Housing SEPP)* appears to be in conflict with the revised Draft North District Plan, is not consistent with the values of the rural area, results in ad-hoc development and exceeds the capacity of regional roads in the South Dural area.

My concerns regarding the development of seniors housing in Hornsby Shire are not restricted to the rural areas. I have received considerable feedback from our community expressing concerns regarding the construction of seniors housing development on low density residential zoned land under the provisions of the *Seniors Housing SEPP*. Specifically, members of the community have expressed concern regarding development of seniors housing at a density higher than that permitted on low density residential land under Council's local planning controls.

Development under the provisions of the *Seniors Housing SEPP* has resulted in development which is inconsistent with the surrounding low density residential character, impacts the identified values of Heritage Items and Conservation Areas, and because it is ad-hoc in nature, places additional strain on local infrastructure that cannot be planned for in a more strategic fashion.

The State Government has suggested that Independent Hearing and Assessment Panels (IHAPs) will free up elected councils to do more strategic planning that better responds to the needs and desires of local communities. It is acknowledged that all local government areas need to provide their share of all types of housing to meet the needs of their communities. However, whilst ever the State Government continue to override local planning controls with a one size fits all seniors housing policy which is at odds with local environmental thresholds and community values, I find it hard to see how councils will achieve this aim.

Council should be provided the opportunity to develop its own seniors housing policy, including determining the appropriate locations, housing forms and levels of care, to respond to the needs and desires of the local community and ensure that development is within local environmental thresholds. Accordingly, an urgent meeting should be sought with the Minister for Planning and Environment to seek exemption from having to permit seniors living developments on low density residential zoned land under the *Seniors Housing SEPP* where it develops its own seniors housing policy.

RECOMMENDATION

THAT Council write:

1. To the Hon. Anthony Roberts, Minister for Planning requesting that Council be granted exemption from having to permit seniors living developments on low density residential zoned land under *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* where it develops its own seniors housing policy that responds to the needs and desires of the local community and ensures that development is within local environmental thresholds.
2. To local State and Federal members advising them of Council's resolution and seeking their support and assistance in the implementation of the above action.

The Honourable Cr PHILIP RUDDOCK

Mayor

Attachments:

There are no attachments for this report.

File Reference: F2007/01473

Document Number: D07392468

3 CODE OF CONDUCT REVIEWERS - USE OF NORTHERN SYDNEY REGIONAL ORGANISATION OF COUNCILS PANEL

EXECUTIVE SUMMARY

- At its 20 February 2013 General Meeting, Council considered General Manager's Report No. GM1/13 – Hornsby Shire Council Code of Conduct and resolved, in part, to continue to share a panel of Code of Conduct Reviewers with the Northern Sydney Regional Organisation of Councils (NSROC) and participate as necessary in the appointment of such future panels.
- In accordance with the Procedures for the Administration of the Code of Conduct, a Panel of Conduct Reviewers is to have a term of up to 4 years.
- A new Panel of Conduct Reviewers has now been selected by NSROC and is submitted for Council's adoption.

RECOMMENDATION

THAT Council:

1. Note that the Northern Sydney Regional Organisation of Councils (NSROC) has selected a Regional Panel of Conduct Reviewers for use by NSROC councils.
2. Use the NSROC Panel as appropriate for Code of Conduct complaints that it receives.

PURPOSE

The purpose of this Report is to approve the establishment of a Panel of Conduct Reviewers in accordance with Council's Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW.

BACKGROUND

At its 20 February 2013 General Meeting, Council considered General Manager's Report No. GM1/13 and resolved, in part 4, that:

4. *In line with Clause 3.2 of the Code of Conduct Procedures, Council continue to share a panel of Code of Conduct reviewers with the Northern Sydney Regional Organisation of Councils, and participate as necessary in the appointment of such future panels.*

As the four year term of the previous Panel had expired, NSROC called for Expressions of Interest in August 2017 for suitably qualified person/s to join the NSROC Panel of Conduct Reviewers. A new Panel of Conduct Reviewers has now been selected by the NSROC General Manager's Advisory Committee and it is submitted to Council for adoption.

DISCUSSION

A total of 80 Expressions of Interest were received from individuals for appointment to the NSROC Panel of Conduct Reviewers. These Expressions of Interest were reviewed by a selection group comprising representatives from Willoughby Council, City of Ryde and Lane Cove Council. Based on this review, a 14 member Panel was selected for a four year term. The nominated list of names is set out below:

Name	Organisation
Ms Linda Pettersson	Linda Pettersson Consulting Pty Ltd
Ms Kathy Thane	Train Reaction Pty Ltd
Mr Rob Ryan	Strategic Risk Solutions
Mr Timothy Bye	Strategic Risk Solutions
Mr Peter Williams	Strategic Risk Solutions
Ms Bronwyn Ryan	Strategic Risk Solutions
Mr Graham Evans	O'Connell Workplace Solutions
Ms Alison Cripps	Cripps Consulting
Mr Phil O'Brien	Australian Workplace Training & Investigation
Ms Elaine Brus	Weir Consulting Pty Ltd
Dr Mark Loves	Weir Consulting Pty Ltd / Procure Group Pty Ltd
Mr Michael Symons	Weir Consulting Pty Ltd
Mr Andrew Hedges	WISE Workplace
Ms Elsie Coetzee	WISE Workplace

In accordance with Council's Code of Conduct Procedures, the role of a Conduct Reviewer is to assess and/or investigate code of conduct complaints about Councillors or the General Manager. The appointment of any Conduct Reviewer is to be made only by the nominated Complaints

Coordinator (or Alternate Complaints Coordinator) within each respective Council. The Hornsby Shire Council Complaints Coordinator is the Manager Risk and Audit and Alternate Complaints Coordinator is the Manager Governance and Customer Service. A wider range of investigators can be utilised by the General Manager when dealing with staff Code of Conduct matters.

In accordance with clause 6.4 of Council's Code of Conduct Procedures, a Conduct Reviewer must not accept the referral of a code of conduct complaint where:

- they have a conflict of interests in relation to the matter referred to them, or
- a reasonable apprehension of bias arises in relation to their consideration of the matter, or
- they or their employer has entered into one or more contracts with the council in the two years preceding the referral and they or their employer have received or expect to receive payments under the contract or contracts of a cumulative value that exceeds \$100,000 or
- at the time of the referral, they or their employer are the council's legal service providers or are a member of a panel of legal service providers appointed by the council.

CONSULTATION

In the preparation of this Report there was consultation with the Executive Director of NSROC.

BUDGET

There are no budgetary implications associated with this Report. Fees are payable, however, to conduct reviewers if they are appointed to undertake work for a particular Council.

POLICY

There are no policy implications associated with this Report.

CONCLUSION

Council's consideration of this Report ensures that relevant legislative requirements have been met in respect of the Code of Conduct and Procedures.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Manager Risk and Audit – Scott Allen - who can be contacted on 9847-6609.

SCOTT ALLEN
Risk and Audit Manager
Office of the General Manager

JAMES FARRINGTON
Acting General Manager
General Manager Division

Attachments:

There are no attachments for this report.

File Reference: F2006/00554
Document Number: D07396280

4 OFFICE OF LOCAL GOVERNMENT CONSULTATION DRAFTS - MODEL CODE OF MEETING PRACTICE FOR LOCAL COUNCILS IN NSW; AND COUNCILLOR INDUCTION AND PROFESSIONAL DEVELOPMENT GUIDELINES

EXECUTIVE SUMMARY

- The Office of Local Government (OLG) has prepared two Consultation Draft documents which are currently being exhibited for comment.
- The first Draft deals with a “*Model Code of Meeting Practice for Local Councils in NSW*”, and the second with “*Councillor Induction and Professional Development Guidelines*”.
- Submissions on the draft Model Code and the draft Guidelines have been invited by the OLG up until 16 March 2018.
- In respect of the draft Model Code, some detailed comments have been provided for Council’s consideration in respect of pre-meeting briefing sessions; public forums; webcasting and audio recording of meetings; and amendments to motions. Some brief comments on other particular sections of the draft Code are also provided for consideration.
- No particular comments are proposed in respect of the draft Guidelines as they are generally supported by staff and will assist in formalising Council’s current processes for induction and professional development of Councillors.
- It is proposed that the comments contained in this Report be incorporated in submissions to the OLG in respect of the two Consultation Drafts.

RECOMMENDATION

THAT:

1. The contents of Deputy General Manager’s Report No. CS7/18 be received and noted.
2. Council make a submission to the Office of Local Government in respect of the Consultation Draft for the Model Code of Meeting Practice For Local Councils in NSW incorporating the comments contained in Deputy General Manager’s Report No. CS7/18.
3. Council make a submission to the Office of Local Government in respect of the Consultation Draft for the Councillor Induction and Professional Development Guidelines incorporating the comments contained in Deputy General Manager’s Report No. CS7/18.

PURPOSE

The purpose of this Report is to provide Council with the opportunity to comment on two Consultation Drafts currently being exhibited by the OLG. The Consultation Drafts deal with a “*Model Code of Meeting Practice for Local Councils in NSW*”; and “*Councillor Induction and Professional Development Guidelines*”.

BACKGROUND

Model Code of Meeting Practice for Local Councils in NSW

Amendments made to the Local Government Act in August 2016 provide for a model code of meeting practice to be prescribed by regulation. The OLG, in consultation with councils (including Hornsby in January 2017), has prepared a Consultation Draft on the proposed Model Code of Meeting Practice (http://www.olg.nsw.gov.au/sites/default/files/OLG%20-%20Draft%20Model%20Code%20of%20Meeting%20Practice_0.pdf – TRIM reference D07396279). Once the draft Model Code is finalised after this consultation exercise, councils will be given a period of six months in which to adopt a code of meeting practice based on the final Model Code. Submissions from councils and other stakeholders about the Consultation Draft are due by 16 March 2018.

Councillor Induction and Professional Development Guidelines

Amendments made to the Local Government Act in August 2016 saw the inclusion in the prescribed role of councillors under section 232 of the Act a responsibility “*to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a councillor*”. The amendments allow regulations to be made for induction and other professional development for mayors and councillors. The OLG has prepared guidelines to assist councils develop and deliver induction and ongoing professional development activities for their mayor and councillors in compliance with the proposed Regulations. These will be issued under section 23A of the Local Government Act which means that councils must take them into consideration before exercising any of its functions. The OLG has issued a Consultation Draft on the proposed Professional Development Guidelines (<http://www.olg.nsw.gov.au/sites/default/files/Councillor%20Induction%20and%20Professional%20Development%20Guide.pdf> - TRIM reference D07396281) for comment prior to them being finalised. Comments on the draft Guidelines are due by 16 March 2018.

DISCUSSION

Council’s Current Code of Meeting Practice

Council has had a Code of Meeting Practice in place since 1998 (http://hscenquiry.hornsby.nsw.gov.au/temp/002_012_0F311JK00GC_QFDDHOCZ.PDF - TRIM reference POL00274) which incorporates the relevant requirements of the Local Government Act and Local Government (General) Regulation as well as good meeting practice provisions that Council has added to and amended over time. The Code has been the subject of discussion between staff and Councillors as part of the new Council’s induction processes since the September 2017 election. Reference to the attached Code will assist in understanding some of the comments made later in this Report about the OLG’s Consultation Draft on their draft Model Code of Meeting Practice.

Council’s Current Councillor Induction and Professional Development Processes Practice

Council has had a formal induction process in place following at least the last four elections. This has most recently included the provision and explanation of a “Guide for Councillors” which explains topics such as The Council’s Role; The Councillor’s Role and Responsibilities; Council-Staff Partnership; Meetings and Meeting Procedures; Strategic Planning; Access to Information; and Regulatory

Functions of Council. The induction process has also included a series of workshops and briefing sessions aimed at introducing particularly new Councillors to the resources available to assist them in their role; what each of the Divisions of Council are responsible for; what rules and procedures exist in respect of Councillors working efficiently and effectively; and general housekeeping issues of which a Councillor needs to be aware. Councillors have also attended a Strategic Weekend to assist in determining their strategic direction and are regularly made aware of conferences and professional development opportunities that are provided by organisations such as Local Government NSW.

OLG's Draft Model Code of Meeting Practice for Local Councils in NSW

The OLG has advised that the draft Model Code contains mandatory provisions (indicated in black font in the Consultation Draft) that reflect the existing meetings provisions of the Act and adapt those currently in the Regulation. The OLG has explained that existing meeting provisions of the Regulation have been updated and supplemented to reflect contemporary meetings practice by councils and to address ambiguities and areas of confusion in the existing provisions based on feedback from councils.

The draft Model Code also contains non-mandatory provisions (indicated in red font in the Consultation Draft) that cover areas of meetings practice that are common to most councils but where there may be a need for some variation between councils based on local circumstances. The non-mandatory provisions will also operate to set a benchmark based on what the OLG sees as being best practice for the relevant area of practice.

In making submissions on the draft Code, the OLG has indicated it would welcome feedback from councils on whether any of the proposed non-mandatory provisions should be mandated. If there is a sufficient body of support for these from councils, they may be made mandatory in the final version of the Model Meeting Code.

Staff have reviewed the draft Code and are generally supportive of the document but recommend that a submission be made to the OLG which addresses the following matters:

Pre-Meeting Briefing Sessions – Sections 3.34 to 3.39 of the draft Code (page 13)

The draft Model Code includes non-mandatory provisions at sections 3.34 to 3.39 that, prior to each ordinary meeting of council, the general manager will conduct a pre-meeting briefing session to inform Councillors about each of the items to be considered at the meeting. Such sessions are not to be open to the public and must not be used for debate or preliminary decision-making about the agenda items. Conflicts of interest in respect of any items must, however, be disclosed by councillors and be dealt with in the same manner as is required at a council meeting.

Council's current practice is to hold informal briefing sessions on Wednesday evenings, other than those when Council Meetings are held, about future agenda items (and other important matters) which are of particular interest and/or complexity. These briefings have been operating successfully for many years and have assisted the Council decision-making process. A requirement to review every item on every meeting agenda at a briefing, as is proposed in the Consultation Draft, does appear unnecessary.

Proposed Comment - Although sections 3.34 to 3.39 are non-mandatory, Council does support the concept of briefing sessions, but not for all items on the meeting agenda. The topics and items to be discussed should be at the discretion of Council.

Public Forums – Sections 4.1 to 4.23 of the draft Code (pages 15-16)

The draft Model Code includes non-mandatory provisions at sections 4.1 to 4.23 aimed at providing the opportunity for members of the public to speak on any items on a council meeting agenda prior to the meeting commencing. As part of the proposed process, councillors would have the opportunity of asking questions of the speaker and also to ask the general manager or his/her delegate to respond to matters raised by the public speakers. A provision is also included which allows the general manager, based on the information provided by the public speakers on a particular item, to recommend to council that consideration of such item be deferred pending the preparation of a further report.

Council's current public forum process provides all of the opportunities proposed in the draft Model Code. It is, however, considered that Council's method of allowing public forum speakers to speak prior to their particular item of interest at the meeting is much more effective than that proposed in the draft Model Code. It is considered more relevant, timely and inclusive that members of the public be encouraged to address Council during the meeting, and that such address take place immediately prior to consideration of each particular item. Council's current process also provides the opportunity for members of the public to speak on non-agenda items following consideration of all items on the agenda in respect of which there is a public forum speaker. This does not appear to be contemplated in the draft Code.

Proposed Comment - Although sections 4.1 to 4.23 are non-mandatory, Council does support the concept of public forum, but in line with its current practices. It is proposed that the relevant sections of Council's current Code of Meeting Practice be provided to the OLG for their consideration in re-drafting these non-mandatory provisions. (N.B. Public forum considerations also have relevance to sections 13.1 to 13.7 of the draft Model Code dealing with items passed by exception)

Webcasting and Audio Recording of Meetings – Sections 5.18 to 5.21 of the draft Code (page 21)

The draft Model Code includes mandatory and non-mandatory provisions at sections 5.18 to 5.21 dealing with the webcasting and audio recording of council meetings. Under the mandatory provisions, all councils will be required to webcast their meetings. Audio recording of meetings to assist with the preparation of minutes is, however, non-mandatory.

Council currently audio records its meetings and has done so for many years. Apart from being an invaluable tool for members of staff to finalise the minutes of meetings, Council places the recordings on its website to provide a record of public comment at meetings; to support the democratic process; to broaden knowledge and participation in community affairs; and to demonstrate Council's commitment to openness and accountability. Council intends to provide webcasting of its meetings later this year and to maintain the video record of the webcast on its website, but it will also retain through the same system, the audio record of the meeting.

Although Council is in a position to afford webcasting and audio recording of its meetings, some smaller councils across the State may not be in such a position. It is suggested, therefore, that it may be more appropriate for the Model Code to include webcasting and audio recording of meetings as non-mandatory provisions. If the OLG is inclined to make one of the methods mandatory, then from an affordability and practical point of view, it should be audio recording. It is also felt that whatever recordings are made of a council meeting, whether that be audio or video, those recordings should be available via a council's website following the meeting. This provision is not addressed in the draft Model Code.

Proposed Comment – Council supports the concept of audio recording and webcasting its Council meetings but does not agree that webcasting should be made mandatory for all councils. Whatever recordings are made of a council meeting, whether they be audio or video, those recordings should be available via a council's website following the meeting.

Amendments to Motions and Foreshadowed Motions – Sections 10.10 to 10.18 of the draft Code (page 34)

The draft Model Code includes mandatory provisions at sections 10.10 to 10.18 which deal with the handling of motions and amendments (including foreshadowed motions and amendments) at council meetings. Under the OLG's proposal, when an amendment to a motion is moved, debate on the amendment is only to take place until the amendment has been voted on. If the amendment is lost, a further amendment can then be debated. Debate on the motion is then only to resume if all amendments have been debated and are voted down.

Council's current process, which has been in place for many years, is that debate on a motion, amendment, foreshadowed motion and foreshadowed amendments in respect of an agenda item is to be undertaken as part of one process, rather than piecemeal, prior to the mover of the motion having a right of reply. The vote is then taken in a particular order as required in line with the "Life of a Motion" flow diagram provided to Councillors as part of their induction i.e. amendment, foreshadowed amendment, motion then foreshadowed motion.

Although organising debate at Council in line with the proposed mandatory provisions in the draft Model Code is achievable, officers believe that Council's current method of dealing with debate and voting on an item is superior to that proposed in the draft Model Code. As such, it is intended that the OLG be provided with a copy of clause 23 of Council's Code of Meeting Practice with the suggestion that it replace sections 10.10 to 10.18 of the draft Model Code.

Proposed Comment – While Council supports the inclusion of mandatory provisions about dealing with amendments to motions and foreshadowing motions, it proposes that the OLG consider the wording in clause 23 of Council's current Code of Meeting Practice as a replacement for sections 10.10 to 10.18 of the draft Code.

Other General Comments

Apart from providing the OLG with the above detailed comments in a submission regarding particular sections in the draft Code, it is also proposed that the following brief comments be provided about other sections of the document:

- Sections 3.13 to 3.15 (non-mandatory) deal with the content of notices of motion and are a reflection of best practice in the local government industry. It is proposed that the OLG consider making sections 3.13 to 3.15 mandatory.
- Sections 5.13 to 5.14 (non-mandatory) deal with the cancellation of a meeting when a quorum is not present. They are good sense provisions and it is proposed that the OLG consider making sections 5.13 to 5.14 mandatory.
- Section 9.3(b) (mandatory) uses the term "*great urgency*" in respect of a ruling that can be made by the chairperson about business proposed to be dealt with by a council. Although this is no change to current requirements in the Act/Regulation, a definition of the term "*great urgency*" may be useful for councils.

- Section 10.9 (non-mandatory) deals with motions requiring the expenditure of funds and is a reflection of best practice in the local government industry. It is proposed that the OLG consider making section 10.9 mandatory.
- Section 11.10 (non-mandatory) deals with the recording of voting for motions and amendments. It reflects the method currently used by Council, which is also regarded as local government industry best practice. It is proposed that the OLG consider making section 11.10 mandatory.
- Sections 13.1 to 13.7 (non-mandatory) deal with items passed by exception. It reflects the method currently used by Council, which is also regarded as local government industry best practice. It is proposed that the OLG consider making sections 13.1 to 13.7 mandatory.
- Section 15.18 (mandatory) deals with the expulsion from a meeting of a councillor or a member of the public. The provision requires that if an expulsion occurs, that the minutes of the meeting include the expulsion and the name of the Councillor or member of the public (if known). In this regard, the OLG should consider if the naming in the minutes of a meeting of a member of the public who is expelled from a meeting creates any issues under the Privacy and Personal Information Protection Act.
- Sections 17.12 to 17.20 (non-mandatory) deal with rescinding, altering and recommitting resolutions and is a reflection of best practice in the local government industry. It is proposed that the OLG consider making sections 17.12 to 17.20 mandatory. As mentioned above in respect of section 9.3(b), a definition of the term “*great urgency*” may be useful for councils in respect of section 17.12(c).

OLG’s Draft Councillor Induction and Professional Development Guidelines

The OLG has advised that it intends to propose the following amendments to the Local Government (General) Regulation:

- *The general manager is to ensure an induction program is delivered for newly elected and returning councillors and a specialised supplementary induction program for the mayor within six months of their election.*
- *The general manager is to ensure an ongoing professional development program is delivered for the mayor and each councillor over the term of the council for the purposes of assisting them to acquire and maintain the knowledge and skills necessary to perform their roles.*
- *The content of the ongoing professional development program to be delivered to the mayor and councillors is to be determined in consultation with the mayor and each councillor and is to have regard to the specific knowledge and skills required by the mayor, each individual councillor and the governing body as a whole to perform their roles.*
- *Mayors and councillors must make all reasonable efforts to participate in the activities offered to them as part of an induction or ongoing professional development program.*
- *The general manager is to report to the first council meeting held following the completion of the delivery of the induction program identifying the activities offered to the mayor and each councillor as part of the induction program, and whether or not the mayor and each councillor participated in the activities offered to them.*

- *The general manager is to report to the first council meeting held following 30 June in each year identifying the ongoing professional development activities offered to the mayor and each councillor in the year to 30 June as part of the professional development program, and whether or not the mayor and each councillor participated in the activities offered to them under the program.*
- *The general manager is to ensure these reports are published on the council's website.*
- *The Chief Executive of the Office of Local Government may, at the request of a general manager, exempt the council from the requirement to publish details of induction and ongoing professional development activities offered to the mayor or an individual councillor where he or she is satisfied that there are exceptional circumstances.*

To support those changes to the Regulation, the OLG has developed draft Guidelines which aim to ensure mayors and councillors are aware of the knowledge, skills and personal attributes expected of them in their civic roles under the Act, and of the support their council should be providing to ensure they are able to effectively fulfil their roles. The Guidelines are divided into five parts:

- Part 1 - an introduction
- Part 2 - explains the statutory requirements for **induction and professional development programs** for mayors and councillors in NSW.
- Part 3 - guides councils on how to develop and deliver **information sessions** to potential candidates considering nominating for election.
- Part 4 - guides councils on how to develop and deliver **induction programs** for newly elected and returning mayors and councillors.
- Part 5 - guides councils on how to develop and deliver **ongoing professional development programs** that ensure mayors and councillors continue to develop their skills and knowledge throughout their terms in office.
- Part 6 - outlines how councils are to **report** on the induction and professional development activities offered to mayors and councillors and their participation in those activities.

The OLG acknowledges that many NSW councils already have induction and ongoing professional development programs for mayors and councillors. The OLG also recognises that the needs and circumstances of councils vary, as do the skills and needs of individual mayors and councillors. The aim of the Regulation changes and the draft Guidelines is to ensure that all mayors and councillors across the state have access to such programs, and that the programs delivered by councils meet a consistent minimum standard. The Guidelines have, therefore, been designed to be used flexibly by councils and to accommodate, and in some cases build upon, existing programs. The Guidelines include:

- details of the knowledge and skills that mayors and councillors are required to have or acquire in order to fulfil their roles effectively
- a framework for the development of pre-election information sessions for candidates, and induction and ongoing professional development programs for elected members
- information about the developmental stages of each program and what to consider at each stage, and
- checklists of the content that could be included in each program.

Staff have reviewed both the proposed changes to the Local Government (General) Regulation and the draft Councillor Induction and Professional Development Guidelines and support their adoption. Hornsby Shire Council will be able to adapt its current approaches to meet the requirements of both.

Proposed Comment - Council supports the proposed amended Local Government (General) Regulation and the draft Councillor Induction and Professional Development Guidelines.

BUDGET

There are no budgetary implications associated with this Report.

POLICY

When the OLG adopts a final Model Code of Meeting Practice and Councillor Induction and Professional Development Guidelines, Council will need to update its relevant Policies and Codes to reflect the OLG's documents.

CONCLUSION

Amendments made to the Local Government Act in August 2016 provide for a model code of meeting practice to be prescribed by regulation; and for regulations to be made for induction and other professional development for mayors and councillors.

The OLG has recently circulated Consultation Drafts dealing with a "*Model Code of Meeting Practice for Local Councils in NSW*"; and the "*Councillor Induction and Professional Development Guidelines*" and invited comments up until 16 March 2018.

Council staff have reviewed the documents and have provided comments which they propose be included in submission/s to the OLG. Overall, the development of the two documents is seen as a positive step by the OLG in supporting NSW councils with parts of local government reform.

RESPONSIBLE OFFICER

The officers responsible for the preparation of this Report are the Deputy General Manager, Corporate Support – Gary Bensley; and the Manager, Governance and Customer Service – Robyn Abicaire. They can be contacted on 9847-6605 and 9847-6608 respectively.

ROBYN ABICAIRE
Manager - Governance and Customer Service
Corporate Support Division

GARY BENSLEY
Deputy General Manager - Corporate Support
Corporate Support Division

Attachments:

There are no attachments for this report.

File Reference: F2004/07032
Document Number: D07386999

5 COUNCILLORS' STRATEGIC PLANNING WEEKEND - 16 TO 18 FEBRUARY 2018

EXECUTIVE SUMMARY

- Councillors participated in a Strategic Planning Weekend from Friday 16 February to Sunday 18 February 2018. The purpose of the Weekend was for Councillors to articulate their vision and legacy for this term of Council.
- The Weekend was moderated by an independent facilitator to manage both the process and the interactions, and create a favourable environment to optimise the time and ensure all views were given consideration.
- The Friday session focused developing a vision for this term of Council. The session on Saturday was used to discuss and determine ways to enhance the liveability and sustainability of the Shire, and on Sunday an action plan was developed to guide implementation of agreed outcomes.
- The outcomes are now submitted for Council's formal consideration.

RECOMMENDATION

THAT:

1. Council adopt the actions and timeframes emanating from the 2018 Strategic Planning Weekend as detailed in Deputy General Manager's Report No. CS8/18.
2. Council make the results of the 2017 Community Survey research undertaken by Micromex publicly available.
3. A further report be provided for Council's consideration in September 2018 which outlines progress in achieving the actions detailed in Deputy General Manager's Report No. CS8/18.

PURPOSE

The purpose of this Report is to provide details of the outcomes of the Councillors' Strategic Planning Weekend which was held from Friday 16 February to Sunday 18 February 2018.

BACKGROUND

During their elected term, Councillors attend Strategic Planning Weekends so that they can exercise both creativity and rationality in articulating their vision for the future. As many Councillors have daytime commitments, weekday workshops are not a viable option for such a process. Evening workshops are also not conducive to intense examination of issues and do not allow sufficient time for thorough discussion.

DISCUSSION

The Strategic Planning Weekend workshop was held from Friday 16 February to Sunday 18 February 2018 and provided Councillors and senior management the appropriate time and space to reflect on strategic future directions of Council. As in previous years, the Weekend was moderated by an independent facilitator who managed both the process and the interactions, and created a favourable environment to optimise the time and ensure all views were given consideration. The facilitator was Elizabeth Darlison of The Miller Group who developed the agenda and format for the workshop following discussion with Councillors.

The Friday session focused on developing a vision for this term of Council within the context of the financial and service delivery impacts of loss of the area south of the M2 Motorway; and the results of the community survey undertaken in November 2017 to elicit the views of residents on a wide range of issues. The session on Saturday was used for discussion and the provision of information about making Hornsby Shire more sustainable and more liveable. During these discussions, Councillors enunciated their desire to involve and engage the community more, particularly in local forum meetings. The half-day session on Sunday was used to consolidate the outcomes and develop a feasible action plan. The table below contains the major themes, actions and timeframes developed by the conclusion of the Weekend.

THEMES	ACTIONS	TIMEFRAME
Consultation, community engagement	<ul style="list-style-type: none"> Make arrangements to webcast formal Council Meetings using a single fixed camera and to maintain a copy of the webcasts which can be accessed by members of the public from Council's website for a period of six months following the Meeting 	July 2018
	<ul style="list-style-type: none"> Following on from the success of the North Epping Community Forum in November 2017, make arrangements for a community forum to be held in each Ward annually from 2018 	Annually in April-May and August-October periods
	<ul style="list-style-type: none"> Expand advertising distribution in southern parts of the Shire 	Informal briefing by end July 2018
	<ul style="list-style-type: none"> Include Information Hub on new website 	May 2018
	<ul style="list-style-type: none"> Councillor briefing on external and internal communications 	Informal briefing by end July 2018
	<ul style="list-style-type: none"> Expand media distribution list to include Councillors and ExCo 	March 2018

THEMES	ACTIONS	TIMEFRAME
	<ul style="list-style-type: none"> • Monthly summary of Council meetings on web and enews 	
	<ul style="list-style-type: none"> • Demonstrate proposed new website • Develop 5 year plan for signage with templates 	Informal briefing February 2018 Informal briefing June 2018
	<ul style="list-style-type: none"> • Undertake a review of Council Committees and Working Parties with a view to greater public participation and information as well as consistent protocols 	Informal Briefing by June 2018 followed by report to Council
	<ul style="list-style-type: none"> • Maximise the use of the Councillors' Weekly Communication to provide information to Councillors and include: <ul style="list-style-type: none"> ○ Updates where representations have been made to external bodies/agencies seeking actions in response to Council resolutions ○ Information on compliance matters 	Ongoing
	<ul style="list-style-type: none"> • Continue the practice of Councillor briefings subject to: <ul style="list-style-type: none"> ○ No briefings on the Wednesday night of IHAP meetings ○ Information papers being distributed prior to meetings as far as possible ○ A schedule of briefings being prepared outlining upcoming briefings for the year where possible ○ The need for additional briefing nights being considered by Councillors where necessary ○ The length of briefing meetings being guided by Councillors as determined by the importance of the issue and associated discussion rather than a set timeframe 	Ongoing
Sustainability – tree canopy, open space, bike paths, renewables, smart transport / public transport	<ul style="list-style-type: none"> • Provide report on options to re-establish tree canopy on streets and within parks across the Shire 	May 2018
	<ul style="list-style-type: none"> • Provide report(s) on bicycle path strategy for commuter and general recreation activities 	Last quarter of 2018
	<ul style="list-style-type: none"> • Continue to upgrade playgrounds with provision of shade and inclusive play equipment <p>Note: Tree planting around playgrounds to commence new financial year. Shade structures to focus on larger parks and those where tree planting is not an option</p>	Ongoing
	<ul style="list-style-type: none"> • Funding options for improving the condition of bushland 	Informal briefing March 2018
	<ul style="list-style-type: none"> • Develop a business case for LED luminaire street light replacement rollout 	April 2018

THEMES	ACTIONS	TIMEFRAME
	<ul style="list-style-type: none"> • Investigate business case for nursery operations 	Informal briefing by August 2018
	<ul style="list-style-type: none"> • Develop a Climate Change Adaptation Strategy 	August 2018
	<ul style="list-style-type: none"> • Investigate options for smart transport, e.g. car sharing, alternative fuel, active transport 	To be dealt with as part of the parking and open space matters
	<ul style="list-style-type: none"> • Investigate options to manage car parking across the Shire: <ul style="list-style-type: none"> ○ Confirm brief for project with Councillors ○ Report canvassing options to manage car parking across the Shire 	Distribute brief to Councillors for comment in March/April 2018 followed by report to Council in last quarter of 2018
	<ul style="list-style-type: none"> • Canvas options to increase budget for the provision of footpaths across the shire 	To be discussed at Informal briefing on 2018/19 Budget in March
Financial sustainability	<ul style="list-style-type: none"> • Continue to make representations to the Premier and Minister for Local Government seeking that the State Government formalise its position on Council's Alteration of Boundary proposal 	Ongoing - The Mayor to keep Councillors advised of ongoing discussions with the State Government
	<ul style="list-style-type: none"> • Undertake a review of Council's Long Term Financial Plan (LTFP) having regard to the strategic direction of the new Council 	Informal Briefing on 2018/19 Budget in March followed by report to Council. Informal Briefing on LTFP by October followed by report to Council
	<ul style="list-style-type: none"> • In the context of Council's Recreational Needs Study, review the financial viability of the proposal from the Berowra community in respect of a Berowra Pool 	Informal Briefing by June 2018
	<ul style="list-style-type: none"> • Review Council's property holdings for income generating opportunities 	Informal briefing by mid 2018
Urban development / development opportunities / affordable housing / vision for rural lands / Cherrybrook	<ul style="list-style-type: none"> • Briefings be conducted with Councillors on key projects in the Strategic Planning Program to determine the next steps and priorities moving forward. At a minimum, briefings be conducted on the following projects: <ul style="list-style-type: none"> ○ South Dural Planning Proposal ○ Design Planning Controls Review ○ Brooklyn Improvement Masterplan ○ Pennant Hills Economic Feasibility Review ○ Affordable Housing Discussion Paper 	Informal briefings: 21 March 2018 21 March 2018 21 March 2018 18 April 2018 18 April 2018

THEMES	ACTIONS	TIMEFRAME
	<ul style="list-style-type: none"> ○ Opportunities for Town House / Villa Development ○ Hornsby Town Centre East Side Review ● Confirm a vision for rural lands 	<p>18 April 2018</p> <p>Mid 2018</p> <p>Mid 2018</p>
	<ul style="list-style-type: none"> ● Write to the Minister for Planning to seek direction and timeframe from State government in relation to Cherrybrook 	March 2018
	<ul style="list-style-type: none"> ● Write to the Minister for Planning requesting a meeting to discuss outstanding matters where Council has made representations to the State Government on planning issues and a response has not been received. Such matters include a vision for the rural areas of the Shire, impacts of senior housing developments, introduction of IHAPs and Cherrybrook precinct planning 	March 2018
	<ul style="list-style-type: none"> ● Write to the Minister for Planning raising concerns about the impacts of Senior Living Developments on the character of the urban areas of the Shire and request the opportunity for Council to seek an exemption from the State Policy where a local strategy is prepared to achieve the objectives of the State Policy at the local level 	March 2018
	<ul style="list-style-type: none"> ● Keep open, proactive conversation with the State Government 	Ongoing
Liveability in the Shire – social equity / community facilities	<ul style="list-style-type: none"> ● Investigate Public Private Partnerships to generate income for state of the art community facilities 	Ongoing – Investigations to take place as part of the redevelopment of the Hornsby and Pennant Hills Library sites
	<ul style="list-style-type: none"> ● Review the support of volunteer management committees, including simplifying fees and charges and online booking system 	Informal briefing by third quarter 2018
	<ul style="list-style-type: none"> ● Explore innovative ways volunteers might contribute to council 	June 2018
Economic development	<ul style="list-style-type: none"> ● Complete economic development research/assessment being undertaken by Elton Consulting 	Informal briefing by mid 2018
Heritage	<ul style="list-style-type: none"> ● The Heritage Committee explore options to expand heritage award categories to include good design and sustainability 	Mid 2018

In respect of the future actions for these matters, the relevant Division will provide information to Council in September 2018 outlining the implementation of the actions and the outcomes achieved.

BUDGET

The hosting of the Councillors' Strategic Planning Weekend is funded from within existing resources and does not have an impact on the current budget. There may be future budgetary implications as and when Council moves forward with its key priorities.

POLICY

The Councillor workshop is a discussion forum only. There are no policy implications associated with this Report.

CONCLUSION

The time and effort devoted to the Strategic Planning Weekend was valuable and worthwhile. The discussions assisted Councillors to outline a number of key priorities for this term of Council. Those priorities are now to be formalised and reported on as the Council term progresses.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Manager Strategy and Communications – Julie Williams - who can be contacted on 9847 6790.

GARY BENSLEY
Deputy General Manager - Corporate Support
Corporate Support Division

JAMES FARRINGTON
Acting General Manager
General Manager Division

Attachments:

There are no attachments for this report.

File Reference: F2017/00318

Document Number: D07392415

6 INVESTMENTS AND BORROWINGS FOR 2017/18 - STATUS FOR PERIOD ENDED 31 JANUARY 2018

EXECUTIVE SUMMARY

- This Report provides details of Council's investment performance for the period ending 31 January 2018 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 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 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 annualised return for the month of January 2018 was 2.60% and this compared to the benchmark of 1.50%.

RECOMMENDATION

THAT the contents of Deputy General Manager's Report No. CS6/18 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

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

DISCUSSION

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

Council's investment performance for the month ending 31 January 2018 is detailed in the attached document. In summary, the At-Call and Term Deposits achieved an annualised return of 2.60% for January 2018, compared to the benchmark of 1.50%.

In respect of Council borrowings, the weighted average interest rate payable on outstanding loans taken out from June 2007 to date, based on the principal balances outstanding is 7.04%. The Borrowings Schedule as at 31 January 2018 is also attached for Council's information.

BUDGET

Budgeted investment income for 2017/18 is \$3,500,000 with an average budgeted monthly income of \$291,670. Total investment income for the period ended 31 January 2018 was \$2,704,000 compared to the budget of \$2,042,000 for the same period. Approximately 39% of the investment income received by Council relates to externally restricted funds (e.g. Section 94 monies) 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.

CONSULTATION

Appropriate consultation has occurred with Council's financial investment adviser in the preparation of this Report.

CONCLUSION

The investment of Council funds and the extent of its borrowings as at 31 January 2018 are 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 – Glen Magus - who can be contacted on 9847 6635.

GLEN MAGUS
Chief Financial Officer - Financial Services
Corporate Support Division

GARY BENSLEY
Deputy General Manager - Corporate Support
Corporate Support Division

Attachments:

1. HSC Investments Holdings Report - January 2018
2. HSC Borrowings Schedule - January 2018

File Reference: F2004/06987-02

Document Number: D07385891

7 PECUNIARY INTEREST AND OTHER MATTERS RETURNS - DISCLOSURES BY COUNCILLORS AND DESIGNATED PERSONS

EXECUTIVE SUMMARY

- Section 449 of the Local Government Act (the Act) details the statutory requirements in respect of the lodgement of Disclosure of Pecuniary Interests and Other Matters Return/s by Councillors and Designated Persons.
- Section 450A(2) of the Act requires that Returns lodged under Section 449 are to be tabled at the next available Council meeting.
- In line with Section 450A(2), this Report seeks to table the Return/s recently lodged with the General Manager.

RECOMMENDATION

THAT Council note the Disclosure of Pecuniary Interests and Other Matters Returns recently lodged with the General Manager have been tabled as required by the Local Government Act.

PURPOSE

The purpose of this Report is to table the Disclosure of Pecuniary Interests and Other Matters Returns lodged by Councillors/Designated Persons who have left, commenced with, or internally transferred to a relevant position within Council.

BACKGROUND

Section 449(1) of the Act requires a Councillor or Designated Person to complete and lodge with the General Manager a Disclosure of Pecuniary Interests and Other Matters Return within three months after becoming a Councillor or a Designated Person. Section 449(3) requires a Councillor or Designated Person holding that position at 30 June in any year to complete and lodge with the General Manager a Return within three months after that date. Section 449(5) states that nothing prevents a Councillor or Designated Person from lodging more than one Return in any year.

Section 450A(2) of the Act requires that Returns lodged under Section 449 are to be tabled at a meeting of Council. Returns lodged under Sections 449(1) and 449(3) are to be tabled at the first meeting held after the last day for lodgement under those Sections; and Returns lodged for any other reason are to be tabled at the first meeting after their lodgement.

Council's procedures in respect of the disclosing of interests have been developed to cater for the election/appointment/employment/retirement/resignation/etc of Councillors or Designated Persons. These procedures:

- Require all Councillors and Designated Persons who hold that position at 30 June in any year to submit Returns to the General Manager by 30 September in that year (i.e. they are lodged under S449(3)). These Returns are tabled at Council's October or November General Meeting for that year.
- Require newly elected Councillors or newly appointed Designated Persons to lodge Returns to the General Manager within three months of their election/appointment (i.e. they are lodged under S449(1)). These Returns are tabled at the next available General Meeting of Council.
- Require those Councillors or Designated Persons who are leaving Council (because of retirement, resignation, etc) to lodge Returns to the General Manager by their last day with Council. These Returns are tabled at the next available General Meeting of Council.

DISCUSSION

Returns Lodged in Accordance with Sections 449(1), 449(3) and/or 449(5) of the Act and Council's Procedures

Council last considered the tabling of Disclosure of Pecuniary Interests and Other Matters Returns under Sections 449(1) and (5) of the Act at the General Meeting held on 13 December 2017 (see Deputy General Manager's Report No. CS43/17). Since that time, three additional Returns have been lodged with the General Manager and are now tabled as required by the Act.

Date Lodged	Councillor/Designated Person (Position)	Reason for Lodgement
23/2/2018	Principal Strategic Planner	New Employee
19/2/2018	Building Certifier	Resignation

31/1/2018

Manager, Waste Management Services

New Employee

ITEM 7**BUDGET**

There are no budgetary implications associated with this Report.

POLICY

There are no policy implications associated with this Report.

CONCLUSION

Council's consideration of this Report satisfies the requirements of the Act regarding the lodgement of Disclosure of Pecuniary Interests and Other Matters Return/s by Councillors and Designated Persons.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Manager, Governance and Customer Service – Robyn Abicair, who can be contacted on 9847 6608.

ROBYN ABICAIR

Manager - Governance and Customer Service
Corporate Support Division

GARY BENSLEY

Deputy General Manager - Corporate Support
Corporate Support Division

Attachments:

There are no attachments for this report.

File Reference: F2017/00311

Document Number: D07381671

8 OUTSTANDING COUNCIL RESOLUTIONS - PERIOD UNTIL 30 NOVEMBER 2017

EXECUTIVE SUMMARY

- Clause 32A of the Code of Meeting Practice deals with the implementation of Council resolutions.
- The Clause requires that a quarterly report be prepared for Council's consideration detailing resolutions which have not been substantially implemented within two months of being adopted as well as any impediments to their finalisation.
- In accordance with the Code, each Division has carried out a review of any resolutions adopted by Council up until the end of November 2017 which have not been substantially implemented.
- Council should consider the comments provided in the attachment to this Report in respect of each of the outstanding resolutions and determine if any further action is required.

RECOMMENDATION

THAT the contents of Deputy General Manager's Report No. CS5/18 be received and noted.

PURPOSE

The purpose of this Report is to comply with Council's Code of Meeting Practice and provide details in respect of resolutions adopted by Council up until the end of November 2017 which have not been substantially implemented.

BACKGROUND

Clause 32A of the Code of Meeting Practice deals with the implementation of Council resolutions and requires that a quarterly report be prepared detailing resolutions which have not been substantially implemented within two months of being adopted as well as any impediments to their finalisation. The reports are generally submitted for Council's consideration at the General Meetings in March, June, September and December each year.

DISCUSSION

In accordance with the Code of Meeting Practice, each Division has carried out a review of any resolutions adopted by Council up until the end of November 2017 which have not been substantially implemented. This has resulted in the attached table being prepared which shows a list of outstanding resolutions per Division. Details are provided about the:

- Report Number and Name
- Outstanding Resolution
- Latest Status
- Comment

In preparing Outstanding Council Resolutions reports, Divisional Managers give special consideration to any long outstanding resolutions and, where such resolutions exist, provide comments about whether further action may be unlikely or impractical. In these cases, Council may wish to determine whether or not the item should be removed from further reporting in the Outstanding Council Resolutions report.

BUDGET

Any budgetary implications are included in the relevant report or in the "Latest Status" column of the attached spreadsheet.

POLICY

The preparation of this Report meets the requirements of Clause 32A of the Code of Meeting Practice.

CONCLUSION

Council should consider the comments provided in the attachment in respect of each of the outstanding resolutions and, if necessary, determine if any further action is required.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Manager Governance and Customer Service – Robyn Abicair, who can be contacted on 9847 6608.

ROBYN ABICAIR
Manager - Governance and Customer Service
Corporate Support Division

GARY BENSLEY
Deputy General Manager - Corporate Support
Corporate Support Division

ITEM 8

Attachments:

1. Outstanding Council Resolutions for Period Ending 30 November 2017

File Reference: F2005/00112

Document Number: D07381679

9 WASTE STRATEGY WORKING GROUP

EXECUTIVE SUMMARY

- Council is required to develop a suite of new waste contracts addressing waste collection, recycling processing, green waste processing and waste processing/disposal.
- Council's current diversion rate from landfill is approximately 50%, whereas the NSW State Government's resource recovery target for municipal waste is 70% by 2021-22.
- Council needs to develop a waste strategy to inform its new contracts and to guide Council in achieving the NSW State Government's resource recovery target for domestic waste.
- To assist Council in developing the new waste strategy, it is recommended that Council establish a waste working group made up of councillors, community members and technical staff.

RECOMMENDATION

THAT:

1. The contents of Group Manager's Report No. EH6/18 be received and noted.
2. Council create a Waste Strategy Working Group.
3. Council endorse the draft constitution included as Attachment 1 to Group Manager's Report No. EH6/18 for the Waste Strategy Working Group.
4. Council nominate four Councillors to sit on the Waste Strategy Working Group.

PURPOSE

The purpose of this Report is to enable Council to consider the creation of a new committee to assist in the development of a new waste strategy to establish the strategic directions for waste management and resource recovery for Hornsby Shire Council.

BACKGROUND

Following public exhibition, in July 2010 Council adopted its *Sustainable Waste Avoidance and Resource Recovery Strategy for the Shire of Hornsby 2010 – 2015*. This strategy outlined a range of measures for Council to continue to provide high quality, domestic waste services and improve its resource recovery rates towards the NSW Government's resource recovery targets.

As Council moves towards developing a suite of new waste contracts, it is appropriate that a new waste strategy is prepared to inform these contracts and to guide Council in achieving the NSW State Government's Waste and Resource Recovery (WARR) Act 2001 and target for domestic waste.

DISCUSSION

Council's current waste collection, recyclables processing, green waste processing and waste disposal contracts are scheduled to expire in 2020 and under the current arrangements, Hornsby diverts approximately 50% of the domestic waste it collects from landfill.

The NSW Government through its WARR Act has established a target to increase recycling rates to 70% for municipal waste by 2021-22.

It is important that Council develop a new Waste Strategy that will outline measures for Council to incorporate into its new waste contracts to enable Council to meet the 70% target by 2021-22.

To assist Council in developing a new waste strategy, it is recommended that Council establish a waste working group made up of councillors, community members and technical staff.

A draft constitution for this working group is included as an attachment to this Report.

CONSULTATION

The proposed Waste Strategy Working Group would enable Council to engage and gain input from the community as it develops a new Waste Strategy. It is proposed that community members for the working group be sought via public expressions of interest.

BUDGET

There are no budgetary implications associated with this Report.

POLICY

There are no policy implications associated with this Report.

CONCLUSION

Council's previous waste strategy expired in 2015 and as Council moves towards developing a suite of new waste contracts in 2018/19, it is appropriate that a new Waste Strategy is prepared to inform these contracts and to guide Council in achieving the NSW State Government's resource recovery target for domestic waste.

To assist Council in developing the new waste strategy, it is recommended that Council establish a waste working group made up of councillors, community members and technical staff.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Manager, Waste Management – Christopher Horsey who can be contacted on 9847 4816.

CHRIS HORSEY
Manager - Waste Management
Infrastructure and Recreation Division

STEPHEN FEDOROW
Group Manager
Environment and Human Services Division

Attachments:

1. Draft Constitution - Waste Strategy Working Group

File Reference: F2004/08805
Document Number: D07395511

10 MAYOR'S NOTES FROM 1 TO 28 FEBRUARY 2018

Note: these are the functions that the mayor, or his representative, has attended in addition to the normal council meetings, workshops, mayoral interviews and other council committee meetings.

Saturday 3 February 2018 – The Mayor attended a Church Service to welcome Michael Begbie as the new Minister at St Luke's Anglican Church at Hornsby Heights.

Monday 5 February 2018. – On behalf of the Mayor, Councillor Tilbury attended the Anzac Memorial Centenary Project Soil Collection Event at Hornsby Shire Historical Society Museum in Normanhurst.

Monday 5 February 2018 – The Mayor attended the Rotary Club of West Pennant Hills/Cherrybrook Meeting as Guest Speaker at Springfield House in Dural.

Tuesday 6 February 2018 – The Mayor attended an evening of appreciation for Margaret-Anne Hayes' Fundraising journey for Cancer Research at Hornsby RSL Club.

Wednesday 7 February 2018 – The Mayor hosted two Citizenship Ceremonies in the Council Chambers.

Friday 9 February 2018 – The Mayor attended a Mass to celebrate the Feast of Saint Maroun, Patron of the Maronite Catholic Church, at Saint Maroun's Cathedral in Redfern.

Saturday 10 February 2018 – The Mayor attended the Rotary Club Indian Cultural Night at Concord Function Centre in Concord.

Friday 23 February 2018 – The Mayor attended the Hong Kong Economic and Tradie Office Chinese New Year Reception at the Sofitel Sydney Wentworth Hotel in Sydney.

Friday 23 February 2018 – The Mayor attended the Launch of the Chinese New Year Lantern Festival 2018 at Tumblong Park, Darling Harbour.

Saturday 24 February 2018 – The Mayor attended the Official Opening Ceremony of the 2018 Vietnamese New Year TET Festival – Year of the Dog at Fairfield Showground, Prairiewood.

Sunday 25 February 2018 – The Mayor attended "The New England Ensemble" Concert at Galston Uniting Church in Galston.

Sunday 25 February 2018 – The Mayor attended Cherrybrook Chinese Community Association's Chinese New Year Celebration Dinner at Castle Terrace Cuisine in Castle Hill.

There are no attachments for this report.

File Reference: F2004/07053

Document Number: D07396447

11 AMENDMENT TO COUNCILLORS' EXPENSES AND FACILITIES POLICY - COUNCILLOR SUPERANNUATION CONTRIBUTIONS

COUNCILLOR MARR TO MOVE:

THAT the Councillors' Expenses and Facilities Policy be amended to incorporate the following wording under a new heading of Councillor Superannuation Contributions:

"In accordance with the Australian Taxation Office Interpretative Decision 2007/205, Council may enter into an arrangement with a Councillor under which the Councillor agrees to forego all or part of their annual fee in exchange for the Council making contributions to a complying superannuation fund on their behalf."

Note from Councillor:

I have recently sought information from staff about the possibility of part of my Councillor fee being directed to my superannuation fund.

Staff have sought advice on the matter from the Office of Local Government (OLG) who have advised that the Australian Tax Office (ATO) has made a definitive ruling (ATO ID 2007/205) that allows for councillors to redirect their annual fees into superannuation on a pre-tax basis. The OLG have indicated that councils need to determine for themselves, by council resolution and/or within an appropriate council policy, whether and how councillors may do this.

Further advice has been received from the Local Government Super Scheme (LGSS) that in order to facilitate an arrangement where councillor fees can be paid into superannuation on a pre-tax basis (i.e. the superannuation fund deducts 15% tax as these contributions are received), councils must ensure they have in place a policy outlining the payment of expenses and the provision of facilities to councillors. This policy should provide for the reduction of fees paid to councillors in the event that monies are paid to a complying superannuation fund.

The LGSS have added that having set up the facility, any request by a councillor to redirect their fees as a superannuation contribution must be in writing and cannot be retrospective. The wording would be similar to that of a normal employee request, regardless of whether councillor fees are paid via normal payroll or through accounts payable.

Although the current Councillors' Expenses and Facilities Policy is due for a major review by September 2018, I believe that the above minor change to the Policy should occur immediately so that Councillors, including myself, have the choice of redirecting some or all of their Councillor fee to a complying superannuation fund. In this regard, because the proposed amendment to the Policy is not substantial and because there is no cost to Council in providing Councillors with the opportunity to direct fees into superannuation, I understand that the proposed amendment does not need to be placed on public exhibition apart from through this Notice of Motion process.

Attachments:

There are no attachments for this report.

File Reference: F2006/00032

Document Number: D07394996

12 IMPACT OF CATS ON NATIVE WILDLIFE

COUNCILLOR TILBURY TO MOVE

THAT Council:

1. Commence a feral cat trapping program.
2. Participate in the Cat Tracker Australia program as part of a community awareness campaign about the impact of cats on our native wildlife.

Note from Councillor:

I have become increasingly concerned about the impact of cats, both feral and domestic on our native wildlife.

An article published in The Conversation in late 2017 has calculated that cats kill 377 million birds a year. The majority of these kills can be attributed to feral cats in Australia's interior, however, it is estimated that feral cats in human-modified landscapes kill 44 million birds each year and pet cats kill about 61 million birds per year.

Most residential areas in Hornsby are located in close proximity to bushland reserves or National Park and where feral cats are present or domestic cats are able to roam freely, they pose a threat to our native wildlife.

I consider that one way that Council can help to address this issue is through a trapping program for feral cats in bushland areas.

Another way, focussed on raising awareness of how far pet cats range would be to participate in the Cat Tracker Australia Program. This program recruits cat owners to place a GPS tracker on their cat to understand the off-site movements of their cat and awareness of this information has been shown to change behaviour of pet owners towards keeping their pets contained at night.

I understand that participating in both programs could be accommodated within existing budgets.

Attachments:

There are no attachments for this report.

File Reference: F2004/06275-02

Document Number: D07401515