



BUSINESS PAPER

GENERAL MEETING

**Wednesday 10 April 2019
at 6:30PM**



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AGENDA AND SUMMARY OF RECOMMENDATIONS

PRESENT

NATIONAL ANTHEM

OPENING PRAYER/S

Pastor Renzo Munster of Christian Pentecostal Church, Waitara and Imam Saleh Gahit of The Hills District Muslim Society 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."

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 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 13 March, 2019 be confirmed; a copy having been distributed to all Councillors.

PETITIONS

PRESENTATIONS

RESCISSION MOTIONS

MAYORAL MINUTES

Page Number 1

Item 1 MM3/19 LOCAL INDIGENOUS ISSUES

RECOMMENDATION

THAT Council:

1. Acknowledge the Darug and Guringai Peoples as the Traditional Owners of the Country in the Shire of Hornsby Local Government Area, Paying Respect to their ongoing Spiritual and Cultural Connections.
2. Acknowledge the significance of the *Statement from the Heart* as an important piece of writing and gathering of our First Nations Peoples, which Council's Hornsby Aboriginal and Torres Strait Islander Consultative Committee (HATSICC) advises clearly expressed Aboriginal and Torres Strait Islander Peoples' visions towards truth and reconciliation.
3. Acknowledge the challenges in the *Statement from the Heart* and calls on the State and Federal Governments to rise to these challenges in consultation with Aboriginal and Torres Strait Islander communities.
4. Acknowledge the Recommendations made in the Federal Parliamentary Joint Select Committee on Constitutional Recognition relating to Aboriginal and Torres Strait Islander Peoples' Final Report, in particular:

In respect of Recommendation 1: Supporting the Australian Government's process of co-design with Aboriginal and Torres Strait Islander Peoples for "the Voice", in regards to its local elements.

In respect of Recommendation 3: Supporting the process of truth-telling at a local level, which could include cooperation between Council and local organisations, communities, libraries, historical societies, and Aboriginal and Torres Strait Islander associations.
5. Commit to reviewing its relevant policies, strategies, and operational procedures, and considers the practical implementations of this resolution, in consultation with HATSICC.

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 3

Item 2 GM3/19 CODE OF CONDUCT AND PROCEDURES - ADOPTION OF NEW MODEL CODES

RECOMMENDATION

THAT:

1. The Code of Conduct for Councillors; Code of Conduct for Council Staff; Code of Conduct for Council Committee Members, Delegates of Council and Council Advisers; and Procedures for the Administration of the Code of Conduct attached to General Manager's Report No. GM3/19 be adopted and take effect immediately.
2. The General Manager be authorised to prepare a Code of Conduct for Contractors and Code of Conduct for Advisory Committee Members based on wording from the Codes of Conduct adopted at point 1 above.

Page Number 10

Item 3 GM4/19 DRAFT DELIVERY PROGRAM 2019-21 INCLUDING THE OPERATIONAL PLAN AND BUDGET, AND FEES AND CHARGES 2019/20 - ADOPTION OF DOCUMENTS FOR PUBLIC EXHIBITION

RECOMMENDATION

THAT:

1. Council adopt for public exhibition and make available for public comment from 11 April to 13 May 2019, the draft Delivery Program 2019-21 including the draft Operational Plan 2019/20 which includes the draft Budget, Fees and Charges and Rating Structure for 2019/20.

2. Council note that the rating information contained in the Delivery Program 2019-21 including the draft Operational Plan 2019/20 is in line with the Independent Pricing and Regulatory Tribunal's rate increase approval for NSW councils (i.e. a 2.7% rate increase for 2019/20).
3. Following the public exhibition period, and before 30 June 2019, a further report be prepared for Council's consideration which provides details of any submissions received and recommends the adoption of a final Delivery Program 2019-21 including the Operational Plan 2019/20, which contains the Budget, Fees and Charges and Rating Structure for that year.

CORPORATE SUPPORT DIVISION

Page Number 16

Item 4 CS8/19 REVIEW OF COUNCIL'S CODE OF MEETING PRACTICE

RECOMMENDATION

THAT:

1. Council adopt the draft Code of Meeting Practice attached to Deputy General Manager's Report No. CS8/19 for the purpose of public exhibition.
2. In line with the requirements of the Local Government Act, the public exhibition be for a period of 28 days, with a period of 42 days allowed for the lodgement of submissions by members of the public.
3. At its 12 June 2019 General Meeting, Council consider a further report on this matter which details any submissions received and proposes the adoption of a final Code of Meeting Practice.

Page Number 22

Item 5 CS9/19 INVESTMENTS AND BORROWINGS FOR 2018/19 - STATUS FOR PERIOD ENDING FEBRUARY 2019

RECOMMENDATION

THAT the contents of Deputy General Manager's Report No. CS9/19 be received and noted.

COMMUNITY AND ENVIRONMENT DIVISION

Nil

PLANNING AND COMPLIANCE DIVISION

Page Number 25

Item 6 PL3/19 HORNSBY SHIRE POPULATION PROJECTIONS 2016-2036

RECOMMENDATION

THAT Council endorse the Hornsby Shire Population Projections 2016-2036 (accessible via Council website at <https://forecast.id.com.au/hornsby>) and the associated Report attached to Group Manager's Report No. PL3/19, as a data set to inform the draft Local Strategic Planning Statement and the provision of services across the organisation.

INFRASTRUCTURE AND MAJOR PROJECTS DIVISION

Nil

PUBLIC FORUM – NON AGENDA ITEMS

QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

MAYOR'S NOTES

Page Number 30

Item 7 MN3/19 MAYORS NOTES FROM 01 MARCH - 31 MARCH 2019

NOTICES OF MOTION

SUPPLEMENTARY AGENDA

MATTERS OF URGENCY

QUESTIONS WITHOUT NOTICE

1 LOCAL INDIGENOUS ISSUES

Council's Hornsby Aboriginal and Torres Strait Islander Consultative Committee (HATSICC), was established to provide a vital link between Hornsby Shire Council and the local Aboriginal & Torres Strait Islander community, respecting their right to self-determination and community empowerment.

At the bipartisan-appointed Referendum Council's First Nations National Constitutional Convention in May 2017, an unprecedented number of over 250 Aboriginal and Torres Strait Islander leaders met on Anangu Country at Uluru, Northern Territory. The outcome of this meeting was the *Statement from the Heart* (the *Statement*).

HATSICC has recently been considering the significance of the *Statement* and advised Council that the *Statement* is an invitation to all Australians to participate in a dialogue with Aboriginal and Torres Strait Islander Peoples about the way forward for the nation, representing the wisdom of Elders and the will of delegates coming from communities across Australia.

In its advisory capacity, HATSICC has also recommended that Council consider an appropriate response to the *Statement*, and in this respect has assisted with the preparation of this Mayoral Minute to ensure that it has been informed by consultation with the Aboriginal community and addresses relevant issues to the broader Hornsby Shire community.

RECOMMENDATION

THAT Council:

1. Acknowledge the Darug and Guringai Peoples as the Traditional Owners of the Country in the Shire of Hornsby Local Government Area, Paying Respect to their ongoing Spiritual and Cultural Connections.
2. Acknowledge the significance of the *Statement from the Heart* as an important piece of writing and gathering of our First Nations Peoples, which Council's Hornsby Aboriginal and Torres Strait Islander Consultative Committee (HATSICC) advises clearly expressed Aboriginal and Torres Strait Islander Peoples' visions towards truth and reconciliation.
3. Acknowledge the challenges in the *Statement from the Heart* and calls on the State and Federal Governments to rise to these challenges in consultation with Aboriginal and Torres Strait Islander communities.
4. Acknowledge the Recommendations made in the Federal Parliamentary Joint Select Committee on Constitutional Recognition relating to Aboriginal and Torres Strait Islander Peoples' Final Report, in particular:

In respect of Recommendation 1: Supporting the Australian Government's process of co-design with Aboriginal and Torres Strait Islander Peoples for "the Voice", in regards to its local elements.

In respect of Recommendation 3: Supporting the process of truth-telling at a local level, which could include cooperation between Council and local organisations, communities, libraries, historical societies, and Aboriginal and Torres Strait Islander associations.

5. Commit to reviewing its relevant policies, strategies, and operational procedures, and considers the practical implementations of this resolution, in consultation with HATSICC.

ITEM 1

The Honourable Cr PHILIP RUDDOCK

Mayor

Attachments:

- 1.⇒ HATSICC Supporting Notes
- 2.⇒ Letter from Julian Leeser MP, Member for Berowra

File Reference: F2005/01147-002

Document Number: D07643379

2 CODE OF CONDUCT AND PROCEDURES - ADOPTION OF NEW MODEL CODES

EXECUTIVE SUMMARY

- The Office of Local Government has released the 2018 Model Code of Conduct for Local Councils in NSW (the Model Code) and associated Model Procedures for the Administration of the Code of Conduct (the Model Procedures).
- The Model Code and Model Procedures were prescribed under the Local Government (General) Regulation 2005 on 14 December 2018 and Councils now have until 14 June 2019, being six (6) months, to adopt codes of conduct and procedures in accordance with the new requirements.
- The Model Code sets the minimum ethical and behavioural standards for council officials. A council may also include provisions that supplement the Model Code provided they are more onerous than those prescribed by the Model Code. Council may also extend the application of the Model Code to persons who are not "council officials", such as volunteers, contractors and members of wholly advisory committees.
- The Office of Local Government has also published bespoke versions of the Model Code with versions specifically for councillors, staff, and delegates, advisers and committee members.
- In accordance with Council's Policy – "Review, Adoption and Alteration of Council Policies", the Code of Conduct and Procedures will continue to be reviewed by Council in the 1st and 3rd year of each term of Council.

RECOMMENDATION

THAT:

1. The Code of Conduct for Councillors; Code of Conduct for Council Staff; Code of Conduct for Council Committee Members, Delegates of Council and Council Advisers; and Procedures for the Administration of the Code of Conduct attached to General Manager's Report No. GM3/19 be adopted and take effect immediately.
2. The General Manager be authorised to prepare a Code of Conduct for Contractors and Code of Conduct for Advisory Committee Members based on wording from the Codes of Conduct adopted at point 1 above.

PURPOSE

The purpose of this report is to recommend that a new Hornsby Shire Council Code of Conduct and Procedures for the Administration of the Code of Conduct be adopted to reflect the requirements set out in the new Model Code and Model Procedures recently prescribed in the Local Government (General) Regulation 2005, and with additional provisions which are stronger than those prescribed in the Model documents.

BACKGROUND

At the 13 December 2017 Ordinary Meeting, Council considered General Manager's Report No. GM6/17 and resolved that a submission be made to the Office of Local Government (OLG) as part of its consultation with councils in relation to the development of new Model documents.

The OLG has now concluded its review and a new Model Code and Procedures were prescribed on 14 December 2018 in the Local Government (General) Regulation 2005. Councils now have until 14 June 2019, being six (6) months after prescription, to adopt codes of conduct and procedures in accordance with the new requirements.

DISCUSSION

Model Code

The new Model Code has expanded considerably on the former Model Code. Key differences include:

- The new Model Code has split Conflicts of Interests into two (2) distinct parts – now Part 4: Pecuniary Interests, and Part 5: Non-pecuniary Conflicts of Interest.
- The new Model Code includes three (3) new schedules at the end which give guidance on how to make and lodge disclosure of pecuniary interest returns and special disclosures of pecuniary interests. Previously this information was addressed in separate self-help guides issued by the OLG.
- In Part 3 of the new Model Code titled “General Conduct Obligations” there are new sections titled as follows:
 - Bullying
 - Work, Health and Safety, and
 - Obligations in relation to meetings (*aligns with the Model Code of Meeting Practice*)
- Part 3 also includes an amendment to the “harassment and discrimination” section with a new definition and broader application.
- In Part 4 of the new Model Code titled “Pecuniary Interests” there are new sections added, however, these generally reflect the existing provisions of the *Local Government Act 1993* as shown:
 - What interests do not have to be disclosed? (*s 448*)
 - What disclosures must be made by a designated person? (*s 445*)
 - What disclosures must be made by council staff other than designated persons?
 - What disclosures must be made by council advisers? (*s 447*)
 - What disclosures must be made by a council committee member? (*s 446*)

- What disclosures must be made by a councillor? (s 444)
- Disclosures of interests in written returns (s 449)
- Disclosures of pecuniary interests at meetings
- Part 4 also includes a new requirement whereby a Councillor or designated person is required to complete and lodge a “Disclosures by councillors and designated persons” return (formally s 449 Return) each time they become aware of a new pecuniary interest. There has previously been no mandatory requirement to do this outside of the annual declaration process.
- In Part 6 of the new Model Code titled “Personal Benefit” there is now:
 - A monetary amount of \$50 (cumulative and inclusive of GST) which defines the threshold between token and non-token gifts and benefits. The previous Model Code did not stipulate any amount; however, the Hornsby Council Code of Conduct had an amount of \$30 specified.
 - A mandatory requirement that all gifts or benefits of any value be disclosed in Council’s Gifts & Benefits Register. The previous Model Code only required a disclosure for non-token gifts and benefits.
- In Part 8 of the new Model Code titled “Access to Information and Council Resources”, the following changes are made:
 - Clause 8.6 states that Councillors who are precluded from participating in the consideration of a matter under the Code because of a conflict of interest are not entitled to request access to council information in relation to the matter unless it was otherwise available to the public or made available under the GIPA Act.
 - A new section titled “Councillor Record keeping” makes it a requirement of all council officials to comply with the requirements of the State Records Act 1998.
- In Schedule 1, it is a new requirement for Councillors and designated officers to declare if they are a property developer or a close associate of a corporation that, or an individual who, is a property developer.

The previous approved version of the Model Code posted on the OLG website on 5 September 2018 included a new section titled “Internet access and use of social media”. Proposed clause 8.21 specifically addressed the use of social media which was not covered in the previous Model Code. This clause has been deleted in the final prescribed version of the Model Code; however, the OLG has advised it remains open to councils to adopt this clause as a supplementary provision in their Codes. This wording has been included in the version for adoption by Council.

In response to feedback during the consultation process, the OLG has now published three (3) separate versions of the Model Code of Conduct – being one for councillors, one for staff and one for delegates, advisers and committee members. Although a single Code of Conduct applying to all council officials can still be adopted it is recommended that Council adopt the three (3) separate versions as this will allow for a clearer understanding of the requirements between the different classifications of council officials.

In adopting the Code/s of Conduct, Council may also extend the provisions of the Model Code and Procedures to contractors, community members of wholly advisory committees and/or volunteers. If

Council was to proceed in this way, however, it would be necessary to make it a condition of the engagement of every contractor, advisory committee member or volunteer that they comply with Council's adopted Code/s of Conduct.

At present, all new suppliers (including contractors) are provided with a copy of Council's Code of Conduct as part of their induction to Council. Whilst there is an expectation all contractors observe its requirements they are not contractually bound to do so. Although it is rare that ethical and behavioural complaints are received about contractors, it is nevertheless recommended that a Code of Conduct specific to contractors be prepared based on the wording from the adopted Codes of Conduct.

This will elevate the tone-from-the-top message about our conduct expectations and specifically add clarity around the need to make disclosures of interest in their dealings on Council projects and not to offer gifts and benefits to staff or other stakeholders.

It is also recommended that a Code of Conduct specific to advisory committee members (including hall management committees) be adopted. Similar to contractors, although it is rare for ethical and behavioural complaints to be received about advisory committee members, the expectation of observance to a Code of Conduct will elevate the tone-from-the-top message. Although the OLG has also indicated that it would be possible for a Council to adopt a Code of Conduct for volunteers, this is not currently recommended. The majority of Council volunteers are in the bushcare program which is already governed by a Bushcare Code. Furthermore, if there was a serious breach of ethical and behavioural standards by a volunteer, the relationship with Council can be promptly resolved by way of discontinuance of their volunteering service rather than the need for a formal Code of Conduct complaint management process.

Additional clauses to be added by Council

Councils may enhance or strengthen the standards set out in the Model Code prescribed under the Regulation. Any additional provisions contained in Council's adopted Code of Conduct that are less onerous than those prescribed will be invalid. The current version of Council's Code of Conduct adopted on 8 August 2018 included a variety of additional clauses from Council which were designed to clarify and strengthen the provisions of the Model Code as they existed at the time.

As the new Model Code of Conduct now adequately addresses many of the issues previously added by Council, it is recommended that additional clauses 3(i), 4(iv), 5(i) – 5(v), and 7(i) – 7(v) not be carried forward. Of the remaining additional clauses, it is recommended that clauses 3(ii) – 3(vi) and 4(i) be included with amended wording but the others added without change.

The following two (2) new additional clauses are recommended to be added:

Insert into Part 6 – Personal Benefit

- 6(i) Where you are offered a gift or benefit and refuse to accept or receive it, you must complete a Gifts and Benefits Declaration Form if you believe it was offered with a suspected improper motive.

Insert into Part 7 – Relationship between Council officials

- 7(i) By way of further addendum to clause 7.6, you must not engage in the following inappropriate interaction:
- l) *Councillors and administrators approaching members of regional planning panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms*

part of the agenda and the councillor has a right to be heard by the panel at the meeting

The three (3) versions of the Code of Conduct recommended for adoption by Council are attached for reference. All **black-colour** text represents the mandatory wording as prescribed by the OLG. The **blue-colour** text represents the recommended additional clauses and the **red-colour** text with strikethrough highlights the additional clauses from the existing Code which are not being recommended to be carried through.

Lobbying of council officials

Consideration has been given to including a section within the Code of Conduct about engagement with lobbyists. The OLG, in its very first draft of the Model Code of Conduct in October 2017, proposed clauses that would have required council officials to keep a written record and make disclosure of all meetings and other communications with applicants and objectors of planning applications. This proposed wording was not carried forward by the OLG in the final prescribed version of the Model Code. Rather than insert additional clauses into the Code of Conduct in relation to lobbying at this point, a separate Policy and Procedure is currently being developed on engagement with lobbyists and will be submitted to Council for adoption.

Code of Conduct for Contractors / Code of Conduct for Community Members of Advisory Committees and/or Volunteers

As outlined above, there is an opportunity for Council to adopt a separate Code of Conduct for Contractors and separate Code of Conduct for Community Members of Advisory Committees and/or Volunteers. There is no provision within the Local Government Act 1993 which prevents a Council from extending its application of the Code of Conduct to persons other than councillors, council staff and delegates of Council. Although it is rare that ethical and behavioural complaints are received about contractors, advisory committee members and/or volunteers, it is nevertheless recommended Council resolve that the General Manager prepare a Code of Conduct for Contractors and Code of Conduct for Advisory Committee Members (including hall management committees) based on wording from the adopted Codes of Conduct. As previously discussed, it is not recommended that a Code of Conduct be developed for volunteers at this stage.

Model Procedures

The new Model Procedures include several refinements to existing provisions; however the following key changes from the previous version have been made:

- An employee of a council who is the nominated internal ombudsman of one or more councils may be appointed to a council's panel of conduct reviewers with the consent of the OLG and may undertake a preliminary assessment and investigation of a matter referred to them.
- The complaints coordinator may be a council employee but also a staff member of another council or a member of staff of a joint organisation or other regional body associated with the council.
- The definition of a code of conduct complaint has been updated and now includes a section on what is not defined as a complaint under the code.
- The General Manager or Mayor may delegate their functions to receive and initially manage code of conduct complaints to a member of staff of the council or persons external to the council.

- There is now better clarity for the General Manager or Mayor (and or their delegates) about which complaints can be declined at the outset.
- There is now recourse against members of the public who publicly disclose information about code of conduct complaints they make or have purported to make. Under the new Procedures, where members of the public publicly disclose information about a code of conduct complaint they have made, the general manager can determine, with the consent of the OLG that the complainant is to receive no further information about their complaint and any future complaints they make.

As indicated above, the new Procedures have been designed to allow councils to centralise the management of code of conduct complaints through a joint organisation, a regional organisation or another shared arrangement should they choose to do so. The centralisation of these functions has the potential to deliver efficiencies and economies of scale and allows the development of a body of expertise within the region. It also allows the General Manager and Mayor to divest themselves of the sometimes complex responsibilities associated with code of conduct complaints and allow for all code of conduct complaints about the Mayor, Councillors and General Manager to be managed independently of the Council. It is not necessary for Council to determine which approach is to be taken on these alternate structures as these will be decisions for the General Manager and Mayor respectively.

In Circular No 18-44 from the OLG which accompanied the release of the new Model Code and Procedures it has reiterated that the purpose of the code of conduct is to prescribe the ethical and behavioural standards that council officials are expected to comply with. The purpose of the Procedures is to support the enforcement of those standards. Consistent with this, council's codes of conduct should not be used to deal with routine complaints. The OLG has also tightened the definition of a "code of conduct complaint" to address the potential for misuse of the code to re-litigate council decisions a person may disagree with or to re-prosecute complaints that have previously been addressed under councils' routine complaints management processes.

Additional clauses to be added by Council

As applies to the Model Code, councils may also enhance or strengthen the standards set out in the Model Procedures prescribed under the Regulation. The current version of Council's Procedures adopted on 8 August 2018 included a clause to confirm the contact details of the complaints coordinator and clauses which confirmed that both the Mayor and General Manager could seek independent advice from the OLG or a suitably qualified governance or probity adviser prior to resolving complaints by alternative means. It is recommended that similarly worded additional clauses be continued in to the new documents and these changes are reflected in the attached draft Procedures document for adoption by Council.

BUDGET

There are no budgetary implications associated with this Report.

POLICY

There is no policy implications associated with this Report other than the changes to the Code of Conduct.

CONCLUSION

Council's consideration of this Report satisfies the requirements of the Local Government Act 1993 and Local Government (General) Regulation 2005, as amended regarding the review and adoption of the Model Code of Conduct and Procedures as prescribed.

RESPONSIBLE OFFICER

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

SCOTT ALLEN
Risk and Audit Manager
Office of the General Manager

STEVEN HEAD
General Manager
Office of the General Manager

Attachments:

- 1.⇒ Code of Conduct for Councillors
- 2.⇒ Code of Conduct for Staff
- 3.⇒ Code of Conduct for Council Committee Members, Delegates of Council and Council Advisers
- 4.⇒ Procedures for the Administration of the Code of Conduct

File Reference: F2005/00156
Document Number: D07617536

3 DRAFT DELIVERY PROGRAM 2019-21 INCLUDING THE OPERATIONAL PLAN AND BUDGET, AND FEES AND CHARGES 2019/20 - ADOPTION OF DOCUMENTS FOR PUBLIC EXHIBITION

EXECUTIVE SUMMARY

- A draft Delivery Program 2019-21 including the Operational Plan 2019/20 has been developed which includes budget information at the branch and organisational levels, the rates proposed to be charged to ratepayers and the fees to be charged for the domestic waste service. Other fees and charges proposed for 2019/20 are included in a separate document.
- The attached document is predicated on Council maintaining current levels of service in 2019/20 as well as capital expenditure of \$40 million. Also included are priorities identified by Councillors during a strategic planning process in February 2018, and further Key Initiatives identified through internal planning processes.
- The draft Operational Plan is based on the 2.7% rate increase approved by IPART for the 2019/20 financial year and provides for a budget surplus of \$4.745 million based on a Net Operating and Capital Result after Funding. Higher investment returns on funds received from the NSW Government's 'Stronger Community Funding' program has largely contributed to this surplus.
- The surplus forecasted for 2019/20 will be required to be set aside in a restricted asset account to fund a future cash shortfall identified in the Long Term Financial Plan (LTFP).

RECOMMENDATION

THAT:

1. Council adopt for public exhibition and make available for public comment from 11 April to 13 May 2019, the draft Delivery Program 2019-21 including the draft Operational Plan 2019/20 which includes the draft Budget, Fees and Charges and Rating Structure for 2019/20.
2. Council note that the rating information contained in the Delivery Program 2019-21 including the draft Operational Plan 2019/20 is in line with the Independent Pricing and Regulatory Tribunal's rate increase approval for NSW councils (i.e. a 2.7% rate increase for 2019/20).
3. Following the public exhibition period, and before 30 June 2019, a further report be prepared for Council's consideration which provides details of any submissions received and recommends the adoption of a final Delivery Program 2019-21 including the Operational Plan 2019/20, which contains the Budget, Fees and Charges and Rating Structure for that year.

PURPOSE

The purpose of this Report is to present to Council for adoption the draft Delivery Program 2019-21 including the draft Operational Plan 2019/20 (incorporating the Budget, Fees and Charges and Rating Structure for 2019/20), such that the draft documents can be publicly exhibited from Thursday 11 April to Monday 13 May prior to being reconsidered for final adoption by Council in June 2019.

BACKGROUND

By 30 June in the year following local government elections, all councils are required to develop a 10 year community strategic plan, supported by a four year delivery program and a one year operational plan as well as a resourcing strategy. The purpose is to identify the main priorities and aspirations for the future of the local government area and the resources required to move to that preferred future. (N.B. This Delivery Program is for three years to align with Council's shortened term of office.)

The Office of Local Government has mandated an integrated planning framework which approaches business planning based on community aspirations and preferences. It requires that the community be presented with the key issues and challenges facing the Shire in order that they can have deliberative input into how Council, other government agencies and the community will respond to those issues and challenges. It also requires that the three year delivery program and one year operational plan be reviewed annually. This review process has now occurred for the 2019/20 financial year.

Draft Delivery Program 2019-21 including the Draft Operational Plan 2019/20

The draft Delivery Program 2019-21 is Council's response to the aspirations in Council's Community Strategic Plan, Your Vision | Your Future 2028. The Delivery Program describes Council's commitment to the community during its term of office and contains the principal activities to be undertaken. Those principal activities are aligned to the services that Council carries out with the required funding allocated.

The Operational Plan for 2019/20 is encapsulated within the Delivery Program. It outlines the individual Key Initiatives, Ongoing Activities and capital works that will be undertaken and includes Council's detailed annual budget and Statement of Council's Revenue Policy which includes the proposed rates, fees and charges.

Key Initiatives outlined in the Delivery Program 2019-21 including the Operational Plan 2019/20 include:

- 17 key projects being undertaken under the umbrella of the Accelerated Local Environmental Plan (LEP) Review with grant funding of \$2.5 million from the NSW Government for Council to review its LEP to align with the priorities in the Greater Sydney Commission's North District Plan.
- 25,000 Trees by 2020 program
- Developing Brooklyn and Pennant Hills Place Making Plans
- Finalising the Hornsby Shire Car Parking Management Strategy
- Preparing a Bushfire Management Strategy.

Research undertaken in the development of Your Vision | Your Future 2028 demonstrated that *"living in the Hornsby Shire area gives you a sense of living in a community"* as being the strongest driver in determining how residents perceive their quality of life, with 99% of residents believing they have a good to excellent quality of life. In essence, Hornsby Shire is a community that has high expectations

for the quality of life and services enjoyed by residents, businesses and visitors. These expectations can best be met by Council if it continues to provide services at the levels provided in the past, including a strong focus on capital works.

Capital works items which are detailed in the Operational Plan 2019/20 total \$40 million and include:

- \$7.5m to develop concept plans for the recreational use of Hornsby Park, and commence construction of earthworks
- \$4.5m to commence construction of Asquith-Mount Colah streetscape improvements in line with the public domain plan, and to develop further public domain plans for Galston Village, Waitara, Thornleigh, West Pennant Hills and Beecroft priority areas
- \$3m to finalise a Plan of Management for Westleigh Park and undertaking studies for submission of a Development Application for development of a recreation precinct
- \$2.5m to finalise the construction of The Storey Park Community Facility Redevelopment at Asquith
- \$2.9 million expenditure on local road improvements
- \$2.065m expenditure on parks and sporting facilities
- \$1.7m expenditure on local footpath improvements and shared paths
- \$709,000 expenditure on bushland recreational improvements.

The Budget 2019/20

Council staff commenced preparation of the 2019/20 Budget in December 2018. To minimise some of the financial constraints and considerations impacting on local government generally and Council specifically, and to avoid excessive bids for funding which could not be met, the 2019/20 Budget parameters included:

- A general rate increase of 2.7% for 2019/20 – i.e. the percentage increase approved by IPART
- Zero external loan borrowing and the continuation of prudent financial management
- A nil increase to Divisional expenditure (net of direct labour) for material and contract expenditure - this is despite substantial price increases, particularly for construction materials. Any increase has been required to be offset by productivity improvements, service reductions or increased fees
- Direct salaries and wages to include provision for the Local Government (State) Award increase. A labour increase of 2.5% for 2019/20 has been allowed and calculated on 50 pay weeks. The two week reduction from a full year represents organisational savings which occur as a result of the average delay in replacing staff members who retire/resign/etc. and/or productivity improvements that are required
- The use of Council staff where possible to undertake SRV projects; Section 7.11 and 7.12 Development Contributions projects; and other funded projects
- In line with commitments made in previous years, an allocation of \$1.2 million to fund the Section 94 gap

- The September Quarterly Budget Review 2018 was used as the starting point for 2019/20 estimates.

There were a number of additional items included in the 2019/20 Budget that were above the parameters stated. These additional items had been approved as part of Council's LTFP (refer to Deputy General Manager's Report CS6/19) and are listed below:

- The footpath budget to be increased to \$1 million.
- A budget allocation of \$317K allocated for improved signage with an emphasis on entry signs, urgent replacements, rural and wildlife protection signs.
- Hornsby Library Refurbishment \$1.7 million.
- Heritage Planning Study \$425K.
- '\$25,000 Trees by 2020' initiative \$1.25 million.
- Public Domain funding of \$4.5 million – funding subject to approval of a revised Development Contributions Plan.

To fund these items required a range of improvements to the budget including a reduction in employee costs (direct and indirect costs), increased investment revenue due to a revised investment strategy and the receipt of funds from the NSW Government as part of the 'Stronger Communities Funding' program. These improvements were identified as part of the LTFP and included items of net expenditure reduction in the 2018/19 Budget that have also continued to be applied to 2019/20.

The draft Budget for 2019/20 has been developed in line with the above parameters. Those parameters, together with savings achieved over the past few years and the achievement of further savings targeted across the organisation, has achieved a cash- funding surplus of \$4.474 million. This surplus has largely been achieved by the receipt of \$90 million from the NSW Government's 'Stronger Communities Funding' with investment returns at \$2.7 million and a revised investment strategy estimated to realise a further \$750k. It is noted that the 'Stronger Communities Funding' will be applied to the revitalisation of the Hornsby Quarry and the former Water Board site at Westleigh over the next few years. Market volatility and changes to interest rates may also amend outcomes forecasted in the revised investment strategy estimated to achieve a further \$750K in 2019/20.

This cash-funding surplus forecasted for 2019/20 will be required to be set aside in a restricted asset account towards the funding of a significant cash shortfall identified in the Long Term Financial Plan.

Fees and Charges

The proposed Fees and Charges for 2019/20 have been reviewed and increased by the CPI or by an amount which has regard to market conditions and the appropriate cost recovery level. Opportunities to recover administrative and overhead costs in respect of business activities have also been investigated and implemented where appropriate. Where applicable, the final price includes GST which does not contribute revenue to Council but is forwarded to the Federal Government.

For 2019/20, most fees and charges have been increased by a CPI forecast of 2.5%. In respect to the Domestic Waste Management charge an increase of 15% has been required due to the need to fund future waste management initiatives under Council's waste management strategy.

Rating Structure

Council reviewed its rating structure at the April 2006 Ordinary Meeting when it considered Executive Manager's Report No. CC20/06. That structure has applied in respect of the calculation of the rates

since that time and it is recommended that the same rating structure continue in 2019/20. Details of the rates types and yields, rating categories, base amounts, minimum rates for business properties, ad valorem amounts and other statutory rating information are set out in the draft Operational Plan document.

The Valuer General supplied Council with new land values for properties across the Shire as at 1 July 2016. These values have now been used for the 2017/18, 2018/19 and 2019/20 financial years. The rating information is in line with the 2.7% increase approved by IPART for 2019/20. The base amount for ordinary, residential and farmland rates will increase from \$540 in 2018/19 to \$555 in 2019/20.

CONSULTATION

The formal public exhibition period for the draft Delivery Program 2019-21 including the Operational Plan 2019/20 is scheduled to occur from Thursday 11 April to Monday 13 May 2019. Comments received during the formal exhibition period will be considered and reported to Council prior to adoption of the final documents in June 2019.

BUDGET

Any budget implications have been included in the Discussion section of this Report.

POLICY

The Delivery Program 2019-21 including the Operational Plan 2019/20 is Council's principal instruction to the organisation and describes Council's commitment to the community during its remaining term of office.

CONCLUSION

The draft Delivery Program and the associated Operational Plan 2019/20 (including the Budget, Fees and Charges and Rating Structure) encompass Council's prudent and financially viable response to the priorities and expected levels of service voiced by the community. Public exhibition of these documents provides an opportunity for the community to give feedback on any proposed initiative or activity for 2019/20. That feedback will be considered by Council prior to final adoption of the documents in June 2019.

RESPONSIBLE OFFICER

The officers responsible for the preparation of this Report are the Acting Chief Financial Officer – Pamela Cook and the Manager, Strategy and Place Unit – Louise Gee, who can be contacted on 9847 6534 and 9847 6531 respectively.

GLEN MAGUS
Acting Deputy General Manager - Corporate
Support
Corporate Support Division

STEVEN HEAD
General Manager
Office of the General Manager

Attachments:

1. [🔗](#) Draft Delivery Program 2019-21 including the Operational Plan 2019/20

File Reference: F2019/00075

Document Number: D07629003

4 REVIEW OF COUNCIL'S CODE OF MEETING PRACTICE

EXECUTIVE SUMMARY

- Amendments made to the Local Government Act (LGA) in August 2016 provided for a Model Code of Meeting Practice (MCMP) to be prescribed by the Local Government (General) Regulation (LGGR).
- Following an extensive consultation process across local government in the period that followed, a MCMP was prescribed by the NSW Government in December 2018 and the previous meetings' provisions included in the LGGR were repealed.
- The MCMP consists of mandatory and non-mandatory provisions. Councils are required to adopt their own Code of Meeting Practice by 14 June 2019 which at least incorporates the mandatory provisions of the MCMP.
- Council officers have developed a draft Code of Meeting Practice incorporating the mandatory, and some of the non-mandatory, provisions of the MCMP as well as some existing provisions from its existing Code which are considered relevant and good practice for Hornsby Shire Council.
- In line with Section 361 of the LGA, Council is required to exhibit the draft Code for at least 28 days and provide members of the public with 42 days in which to make a submission or comment on the draft Code.
- This Report attaches a recommended draft Code of Meeting Practice and discusses the main changes from Council's existing meeting practices.
- In order to meet legislative deadlines, Council needs to adopt a draft Code of Meeting Practice for the purpose of public exhibition at this Meeting.

RECOMMENDATION

THAT:

1. Council adopt the draft Code of Meeting Practice attached to Deputy General Manager's Report No. CS8/19 for the purpose of public exhibition.
2. In line with the requirements of the Local Government Act, the public exhibition be for a period of 28 days, with a period of 42 days allowed for the lodgement of submissions by members of the public.
3. At its 12 June 2019 General Meeting, Council consider a further report on this matter which details any submissions received and proposes the adoption of a final Code of Meeting Practice.

PURPOSE

The purpose of this Report is to provide Council with information about proposed amendments to its Code of Meeting Practice; and to recommend that Council adopt a draft amended Code for the purpose of public exhibition in accordance with the requirements of the LGA.

BACKGROUND

In August 2016, amendments were made to the LGA which provided for a MCMP to be prescribed by the LGGR. Following an extensive consultation process across local government, a MCMP was prescribed and the previous meetings' provisions included in the LGGR were repealed. A copy of the final MCMP is attached for reference.

The MCMP consists of three elements. It contains mandatory provisions (included in black font) that reflect the existing meetings provisions of the LGA and update and enhance the meetings' provisions previously specified under the LGGR to reflect contemporary meetings' practice by councils. It also contains non-mandatory provisions (indicated in red font) that cover areas of meetings' practice that are common to most councils but where there may be a need for some variation in practice between councils based on local circumstances. The non-mandatory provisions operate to set a benchmark based on what the Office of Local Government (OLG) considers best practice for council meetings. Provisions are also included which are specific to joint organisations of councils (indicated in blue font), but which are not applicable to Hornsby Shire Council.

The MCMP has been designed to achieve a range of outcomes including:

- Promoting, as the principal object of meetings, the making of decisions by the governing bodies of councils that are in the best interests of the council and the community as a whole.
- Promoting more accessible, orderly, effective and efficient meetings and to provide councils with the tools to achieve these outcomes.
- Prescribing principles to inform the way in which meetings are conducted and to impose meeting rules that are consistent with these principles.
- Codifying areas of common practice across councils in a way that is clear, efficient, leads to better informed and more effective decision making and that is consistent with the requirements of the LGA.
- Promoting greater consistency between councils across the State in key areas of meetings' practice without losing the ability to allow some variation in practice to meet local needs or expectations.
- Allowing greater flexibility in the conduct of meetings to accommodate a range of potential scenarios that are not addressed by the current meeting rules.
- Simplifying the language currently used to make the prescribed meeting rules more accessible and easier to understand.
- Modernising the rules to accommodate current and emerging technologies (e.g. electronic notice, electronic voting systems and webcasting).

Councils are required to adopt their own code of meeting practice that incorporates the mandatory provisions of the MCMP. A council's code may also incorporate any or all of the non-mandatory provisions of the MCMP and any other supplementary provisions adopted by the council. The code must not contain provisions which are inconsistent with the mandatory provisions. Until a council

adopts a new code, its existing code will remain in force up until six months from the date on which the new MCMP was prescribed (i.e. up until 14 June 2019).

Before adopting a new code, councils are required to exhibit a draft code for at least 28 days and provide members of the public with at least 42 days in which to comment on the draft code. After considering all submissions received by it concerning the draft code, a council may decide to amend any non-mandatory provisions of its draft code; or adopt the draft code as its code of meeting practice. If a council decides to amend its draft code, it may publicly exhibit the amended draft, or, if the council is of the opinion that the amendments are not substantial, it may adopt the amended draft code without further public exhibition as its code of meeting practice.

Following on from a Councillor Workshop to discuss this matter, Council officers have developed a draft Code of Meeting Practice which incorporates the mandatory (and some of the non-mandatory) provisions of the MCMP issued by the OLG in December 2018 as well as some supplementary provisions from its existing Code which are considered relevant and good practice for Hornsby Shire Council. A copy of the draft Code of Meeting Practice is attached.

Non-mandatory provisions of the MCMP, which Council officers consider should be included in Council's draft Code, are indicated in **red** font in the attached. Sections from the MCMP which are not relevant to Hornsby Shire Council are referenced by the section number, followed by the words "Not Applicable". Additions included from Council's existing Code of Meeting Practice are shown in **blue** font.

In line with Section 361 of the LGA, Council is required to exhibit the draft Code for at least 28 days and provide members of the public with 42 days in which to make a submission or comment on the draft Code.

DISCUSSION

To assist Council in its consideration of this matter, the main points of difference in the draft Code from Council's current Code are summarised below. Comments are provided in Section reference order from the attached draft Code.

- Section 3.10 Incorporates an administrative consideration which changes the deadline for the lodgement of Notices of Motion by Councillors for inclusion in the Business Paper. This deadline has been brought forward from Monday 10am in the week prior to the meeting to Friday 5pm two weeks prior the meeting. This change ensures consistency of timelines for staff reports and Notices of Motion to be included in the Business Paper.
- Section 3.12 Provides for the General Manager to submit a report addressing any legal, strategic, financial or policy implications of a Notice of Motion which need to be considered.
- Section 3.13 Allows for funding considerations to be taken into account in respect of Notices of Motion which require the expenditure of funds for purposes not already identified in Council's Budget or Long Term Financial Plan
- Section 3.14 Makes provision for Councillors to raise Questions With Notice in the same way they lodge Notices of Motion.
- Section 3.32 Provides for the holding of pre-meeting briefing sessions prior to each Council Meeting. The proposal is to incorporate these briefings into the Councillor Workshop which is held in the week prior to a monthly General Meeting.

- Section 3.36 Requires Councillors to declare and manage conflicts of interest at pre-meeting briefing sessions in the same way they do for General Meetings of Council.
- Section 4 The MCMP proposed a new non-mandatory approach to Public Forum whereby it would be held prior to the Council Meeting, with rules related to public speakers and the running of the Forum. Following discussion between staff and Councillors, there is support for Council retaining its current Public Forum process whilst incorporating the following provisions from the MCMP:
- Public Forum speakers will be limited to three minutes to address Council
 - Speakers will be encouraged to register their intention to speak prior to the day of the meeting, and preference will be given to speakers who have pre-registered
 - Public Forum is not to be used by speakers to ask questions of Councillors and/or staff
 - If a speaker is asked a question by a Councillor, they will be given one minute to respond
- Section 5.14 Provides for a Council Meeting to be cancelled due to a known lack of a quorum or in the event of an emergency.
- Section 5.19 Provides for the webcasting of Council meetings (which Council achieved well in advance of the 14 December 2019 deadline imposed on all councils).
- Section 9.10 Provides for funding considerations to apply to Mayoral Minutes (as per the requirements that apply to Notices of Motion in Section 3.13).
- Section 9.14 Allows for Councillors to raise questions in respect of Council meeting agenda items.
- Section 10 Deals with the rules of debate on motions, foreshadowed motions, amendments and foreshadowed amendments. This is a change that may require training in addition to an explanation. The topic was discussed in detail at a Councillor Workshop held on 19 March 2019 and further clarification will be provided to Councillors at an additional Workshop once a final Code is adopted. The intent of the new rules is to limit discussion and voting to a single motion/amendment before considering further (foreshadowed) amendments and motions. This is different to Council's current practice in which motions, amendments, foreshadowed amendments and foreshadowed motions are all able to be debated concurrently prior to a vote being taken. As the rules of debate in Section 10 are mandatory provisions from the MCMP, they must be incorporated in Council's draft Code.
- Section 15.15 Provides for expulsion of person/s from a Meeting by resolution of Council.
- Section 15.19 Requires that the expulsion of any persons from a Meeting is to be recorded in the Minutes and must include their name if known.
- Section 17.3(a) Requires that in the event that a rescission motion is lodged, it should be supported by a proposed motion that would be moved in the event the rescission motion is carried. (N.B. should replaces may from the current Code)
- Section 17.12 to 17.20

Provides a process to allow an item on the agenda to be recommitted or rescinded during a Council Meeting. Council can rescind an item at the Meeting at which it was initially dealt provided the appropriate support and documentation is submitted prior to the closure of the Meeting. Recommittal of an item can also occur in order to correct an error or ambiguity of a resolution or verify voting. Adoption of these non-mandatory clauses recommended by the OLG are in line with current processes but also clarify and tighten aspects of those processes.

Section 18 Provides for Meetings to generally conclude by 11pm, although there is provision for this time limit to be extended by resolution of Council.

As Council is required to have a final Code of Meeting Practice (which is based on the mandatory provisions of the MCMP) adopted by 14 June 2019, it needs to adopt a draft Code of Meeting Practice for the purposes of public exhibition at tonight's Meeting. Following the public exhibition period, it is proposed that a further report will be prepared for Council's consideration at the 12 June 2019 General Meeting providing details of any submissions received and proposing adoption of a final Code. The table below shows the timetable to be followed to achieve such an outcome.

| | |
|--|---|
| Wednesday 10 April 2019 Council Meeting | To consider this Report which provides for the adoption by Council of a draft Code of Meeting Practice for public exhibition. |
| Thursday 11 April 2019 | Commencement of public exhibition period for draft Code |
| Thursday 9 May 2019 | End of public exhibition period for draft Code |
| Thursday 23 May 2019 | End of period for public to make submissions on draft Code |
| Wednesday 29 May 2019 Councillor Workshop | For discussion of any submissions received about the draft Code |
| Wednesday 12 June 2019 Council Meeting | To consider a report which details all the submissions received and proposes adoption of a new Code of Meeting Practice |
| Date to be determined Councillor Workshop | To discuss any amended meeting practices that will apply from the 24 July 2019 General Meeting |

CONSULTATION

The MCMP was developed following extensive consultation across the local government sector. Council was involved in this consultation and forwarded a submission to the OLG for consideration.

An opportunity is now required to be provided for interested members of the public to make submissions on Council's draft Code of Meeting Practice.

BUDGET

There are no budgetary implications associated with this Report.

POLICY

Should Council adopt the recommendations of this Report, the attached draft Code of Meeting Practice will be publicly exhibited. Once that public exhibition process has completed, Council will consider a further report prior to adoption of a final Code.

CONCLUSION

Following discussion at a Councillor Workshop, Council officers have developed a draft Code of Meeting Practice for formal consideration by Council. The draft Code incorporates the mandatory, and some of the non-mandatory, provisions of the MCMP as well as some existing provisions from Council's existing Code which are considered relevant and good practice for Hornsby Shire Council. It is a requirement of the LGA that, once adopted, a draft Code is to be placed on public exhibition prior to adoption of a final Code. This report provides the opportunity for adoption of a draft Code which can be publicly exhibited by Council.

RESPONSIBLE OFFICER

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

ROBYN ABICAIR
Manager - Governance and Customer Service
Corporate Support Division

GLEN MAGUS
Acting Deputy General Manager - Corporate
Support
Corporate Support Division

Attachments:

1. [⇒](#) Model Code of Meeting Practice - Office of Local Government
2. [⇒](#) Draft Code of Meeting Practice - Hornsby Shire Council

File Reference: F2004/07032

Document Number: D07621961

5 INVESTMENTS AND BORROWINGS FOR 2018/19 - STATUS FOR PERIOD ENDING FEBRUARY 2019

EXECUTIVE SUMMARY

- This Report provides details of Council's investment performance for the period ending 28 February 2019 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 portfolio achieved an annualised return of 4.30% for 28 February 2019

RECOMMENDATION

THAT the contents of Deputy General Manager's Report No. CS9/19 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 28 February 2019 is detailed in the attached document. In summary, the portfolio achieved an annualised return of 4.30% for February 2019 and year to date 2.69%.

In respect of Council borrowings, the weighted average interest rate payable on outstanding loans taken out from June 2009 to date, based on the principal balances outstanding is 6.76%. The Borrowings Schedule as at 28 February 2019 is also attached for Council's information.

BUDGET

Budgeted investment income for 2018/19 is \$3,679,500 with an average budgeted monthly income of \$306,625. Year to date investment income ended 28 February was \$5,033,000 which includes unrealised gains or losses from managed funds.

Approximately 27% of the investment income received by Council relates to externally restricted funds (e.g. Section 711 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.

It is noted that at the General Meeting held on the 13 March 2019, Council approved a range of budget changes including a significant increase to the 2018/19 investment budget (refer to Deputy General Manager's Report No CS6/19 – Update of Council's Long Term Financial Plan). This is due to a higher investment balance from the receipt of \$90 million from the Stronger Community Funding from the NSW government and the implementation of a revised investment strategy. Future reports will reflect these budget changes.

CONCLUSION

The investment of Council funds and the extent of its borrowings as at 28 February 2019 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 Acting Chief Financial Officer – Pam Cook - who can be contacted on 9847 6834.

PAMELA COOK
Acting Chief Financial Officer
Corporate Support Division

GLEN MAGUS
Acting Deputy General Manager - Corporate
Support
Corporate Support Division

Attachments:

1. [⇒](#) HSC Investment Summary Report February 2019
2. [⇒](#) HSC Borrowings Schedule 28 February 2019

File Reference: F2004/06987-02
Document Number: D07624552

6 HORNSBY SHIRE POPULATION PROJECTIONS 2016-2036

EXECUTIVE SUMMARY

- Council engaged *.id the Population Experts (.id)* to undertake the Hornsby Shire Population Projections 2016-2036 project (project). The key aim of the project is to inform the current Accelerated Local Environmental Plan Review (LEP Review) studies and the preparation of a draft Hornsby Local Strategic Planning Statement (LSPS).
- The forecasts provide the demographic and spatial context for the draft LSPS and will also form a corporate data set that can inform the long term direction of Council's services.
- Council is already a subscriber to Profile *.id* which is available on Council's website and provides a current demographic profile based on census information. Once endorsed, the forecast demographic data will also be available on Council's website under Forecast *.id*
- Assumptions made to undertake the forecast include long-term additional dwellings within Hornsby Town Centre, development on State Government land around the Cherrybrook train station and no additional changes to zoning across the Shire.
- The population of the Shire is forecast to increase by 0.98% per annum from 147,600 people in 2016 to 179,600 in 2036 with net increases in all age groups. The key drivers of change for the Shire relate to dwelling stock and net migration.
- The data shows that the Shire tends to lose young adults between 18-25 years olds to pursue tertiary education, housing choice and affordability in other areas. People aged 50-69 are especially prone to leaving the area. However, our aging population is set to increase over time.
- The forecasts provide a clear understanding of the changing demography and the subsequent needs of future communities for housing, health, aged care, child care, education, recreation and employment.
- It is recommended that Council endorse the forecasts and associated report.

RECOMMENDATION

THAT Council endorse the Hornsby Shire Population Projections 2016-2036 (accessible via Council website at <https://forecast.id.com.au/hornsby>) and the associated Report attached to Group Manager's Report No. PL3/19, as a data set to inform the draft Local Strategic Planning Statement and the provision of services across the organisation.

PURPOSE

The purpose of this Report is to present the Hornsby Shire Population Projections 2016-2036 and the associated Summary Report for Council endorsement.

BACKGROUND

In October 2018, Council engaged .id the Population Experts to undertake the Hornsby Shire Population Projections 2016-2036 project. The key aim of the project is to inform the current LEP Review studies and the preparation of a draft LSPS. The forecasts will also provide consistency in demographic and housing data for other projects across the organisation.

On 20 February 2019, the Head of Population Forecasting from .id presented the population and housing forecasts to Councillors at an informal workshop.

The attached report summarises the findings and how they relate to housing (including aged care facilities), employment and demand for social and community services (such as schools, childcare, health services and recreational facilities).

DISCUSSION

This report highlights key findings and briefly discusses the impacts of the projected population on future land use planning and policy directions.

Summary of key findings

- The total population of the Shire is forecast to increase by 0.98% per annum from 147,600 people in 2016 to 179,600 in 2036.
- Highest growth is expected between 2016 and 2021, and then growth will decrease as development rates fall.
- Average household size is forecast to decline from 2.91 persons in 2016 to 2.75 persons in 2036.
- Key areas of short-term growth are Asquith, Waitara and Hornsby (areas outside the Town Centre).
- By 2031, population growth is expected to focus within the Hornsby Town Centre.
- The main drivers of change in the Shire relate to growth from new dwellings (total growth) and the people attracted to, or leaving, the Shire (net migration).
- The development currently focused within Higher Density Residential (R4) and Medium Density Residential (R3) zones in Asquith, Mount Colah, Waitara and Hornsby will cease over the next decade as all available capacity is utilised.
- As no additional 'up-zonings' are assumed in these forecasts, the Hornsby Town Centre is expected to become the focus of residential development over time.
- Hornsby Shire's dominant housing market role is assumed to continue as a destination for young and mature families.
- Hornsby Shire is forecast to lose retirees (50-69 years). Many of the older residents and retirees whose children have left home will continue to leave the Shire. The incentive to leave is to make capital gain and migrate to more affordable parts of the State, including the Central Coast, Mid-North Coast and The Hills Shire.

- The share of elderly persons aged 70 and over will increase from 11.0% to 14.1%. As a result, the number of persons in aged care is forecast to rise from 1,860 in 2016 to 2,540 in 2036.

Changes in Age Structure between 2016 – 2036

Like most areas in New South Wales, the Shire is expected to have a large increase in older people. However, the overall population is not expected to age significantly. Instead, the population is expected to grow in all age groups. The nature of development around major centres, especially the Hornsby Town Centre, means that there is likely to be a much larger number of young adults than previously experienced. However, population distribution within the Shire is expected to remain relatively similar in 2036 compared to 2016.

Changes in suburbs and small areas

Demographic changes within each area and suburb within Hornsby Shire will be different, with some areas expected to experience a larger drop in average household size or larger increases in older persons. This will lead to different growth outcomes across the Shire. Areas with a large share of mature families such as Castle Hill, Berowra Heights and Cherrybrook are expected to experience a larger drop in average household sizes than the average for the Shire. This is due to the large out-migration of young adults leaving the family home.

Despite the differences in growth rates, the majority of suburbs follow the Shire pattern of attracting families and elderly persons, while losing young adults and retirees. There are differences between suburbs over time, which relate to the amount of new dwelling stock approved and changes to the existing dwelling stock within areas. For example, additional dwellings constructed in Beecroft-Cheltenham during 2011-2016 attracted more families. Even though many of the dwellings constructed in these areas were medium and high density, additional housing attracted new residents, as well as opportunities for down-sizing for retirees and the elderly. Similarly, aged care opportunities provided between 2011 and 2016 by the Anglicare Village in Castle Hill led to significant net migration of persons aged 65 and over to the suburb. It is assumed that places like Asquith, Mount Colah and Cherrybrook will attract young adults in their twenties as the dwelling stock of these areas diversifies over time.

Northern areas of the Shire are generally expected to be stable or decrease in population. This is due to limited new dwelling growth and because average household size is likely to fall as many mature families transition to 'empty-nesters' with children leaving the family home. Castle Hill and Dural are expected to decrease in population, based on limited dwelling gain and decreasing household size.

Meeting the North District Pan housing targets

The forecasts assume an additional 14,791 dwellings in Hornsby Shire from 2016-2036. This represents 16.1% of the North District's overall 20-year strategic housing target of 92,000 dwellings to 2036. These forecasts align closely to the State Government's medium growth scenario.

The minimum five year target set out in the North District Plan for Hornsby Shire Council of 4,350 additional dwellings will be met and exceeded. The forecasts show that, based on the current zonings and Council's intention to focus future growth within the Hornsby Town Centre, there will be adequate capacity to meet the long-term 20 year target.

Key impacts of the forecasts on land use planning and services

- The forecasts suggest that the current planning framework allows the Shire to meet its obligations to provide sufficient housing to 2036.

- The delivery of additional housing should provide housing diversity and choice. Recent developments predominantly resulted in two-bedroom, high density apartments. This dwelling type tends to attract working, young adults on above average incomes and does not generally provide for affordable housing.
- The impact of the population forecasts in generating local employment growth is twofold. There is the general increase in local employment which will occur as a result of a growing population to 2036. The other increase relates to the potential for growth within the Hornsby Town Centre.
- Positioning the Hornsby Town Centre as a focus of residential development may attract greater private sector and State Government investments.
- In growth areas such as the Hornsby Town Centre and Asquith, there will be pressure to provide a greater number of services including cultural, recreational and community facilities.
- In other areas such as Castle Hill, Berowra Heights and rural areas, the expected decrease in population and overall ageing of the population may create challenges relating to the continuation of existing services.
- The forecasts provide a useful insight as to how specific services provided to Hornsby residents may need to grow and change based on changes to population by age and changes to the household mix.
- Use of standardised demographic data across all areas of Council will provide advantages and efficiencies in undertaking projects and establish a consistent understanding of how our population is changing to aid planning.

BUDGET

The project was funded by the Accelerated LEP Review project grants. There are no budgetary implications associated with this Report.

POLICY

The forecasts will inform a number of Accelerated LEP Review projects and the preparation of a draft LSPS. The forecasts will also provide consistency in demographic and housing data for other projects across the organisation.

CONCLUSION

The forecasts provide the demographic and spatial context for the draft LSPS and will also form a corporate data set that can inform the long term direction of Council's services. It is recommended that the Hornsby Shire Population Projections 2016-2036 and associated Summary Report be endorsed to inform the LEP Review studies, drafting of the LSPS and other Council projects outside the LEP Review program to ensure consistency across the organisation.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is Manager Strategic Planning, Katherine Vickery who can be contacted on (02) 9847 6744.

KATHERINE VICKERY
Manager - Strategic Planning
Planning and Compliance Division

JAMES FARRINGTON
Group Manager - Planning and Compliance
Planning and Compliance Division

ITEM 6

Attachments:

1. [↔](#) Hornsby Shire Population Projections Report 2016-2036 (2019)

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7 MAYORS NOTES FROM 01 MARCH - 31 MARCH 2019

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

Friday 1st March 2019 – The Mayor attended the Seven News Young Achiever Awards Gala Presentation Dinner held at Doltone House, Darling Island, Pyrmont.

Saturday 2nd March 2019 – The Mayor attended the ART NORTH at Grace Cossington Smith Gallery at Abbotsleigh Girls School in Wahroonga.

Saturday 2nd March 2019 – On behalf of the Mayor, Councillor Michael Hutchence attend the 1st Cherrybrook Scouts 'Movies Under The Stars' held on John Purchase Oval in Cherrybrook.

Tuesday 5th March 2019 – On behalf of the Mayor, Councillor Nathan Tilbury attended the International Women's Day Breakfast held at Asquith Girls High School in Asquith.

Tuesday 5th March 2019 – The Mayor attended the Launch of the Fusion Street Library and Free Little Pantry on Jersey Street in Hornsby.

Wednesday 6th March 2019 – The Mayor hosted two Citizenship Ceremonies in the Council Chambers at Hornsby Shire Council.

Friday 8th March 2019 – On behalf of the Mayor, Councillor Nathan Tilbury attended the Hornsby and Kuring Gai Women's Shelter Annual Fundraising Dinner held at Hornsby RSL in Hornsby.

Monday 18th March 2019 - The Mayor attended the Commissioning of Christopher Bradbury as Principal of Northholm Grammar School at Northholm Grammar School in Arcadia.

Tuesday 19th March 2019 – The Mayor attended the 55th Beecroft Cheltenham Civic Trust AGM held at Beecroft Bowling Club in Beecroft.

Wednesday 20th March 2019 – The Mayor hosted two Citizenship Ceremonies in the Council Chambers at Hornsby Shire Council.

Sunday 24th March 2019 – The Mayor attended the 50th Garden Party Celebrations of Warrah at The Warrah School in Dural.

Saturday 30th March 2019 – On behalf of the Mayor, Councillor Warren Waddell attended the 50th Anniversary of the Hornsby Ku-ring-gai Sailing Club on Dead Horse Beach in Brooklyn.

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