



BUSINESS PAPER

GENERAL MEETING

**Wednesday 11 March 2020
at 6:30PM**



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AGENDA AND SUMMARY OF RECOMMENDATIONS

PRESENT

NATIONAL ANTHEM

OPENING PRAYER/S

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

- 4.16 *A councillor who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.*
- 4.17 *The councillor must not be present at, or in sight of, the meeting of the council or committee:*
- a) *at any time during which the matter is being considered or discussed by the council or committee, or*
 - b) *at any time during which the council or committee is voting on any question in relation to the matter.*

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

- 5.10 *Significant non-pecuniary conflict of interests must be managed in one of two ways:*
- a) *by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or*
 - b) *if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.16 and 4.17.*
- 5.11 *If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.*

CONFIRMATION OF MINUTES

THAT the Minutes of the General Meeting held on 12 February, 2020 be confirmed; a copy having been distributed to all Councillors.

PETITIONS

PRESENTATIONS

RESCISSION MOTIONS

MAYORAL MINUTES

ITEMS PASSED BY EXCEPTION / CALL FOR SPEAKERS ON AGENDA ITEMS

Note:

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

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

GENERAL BUSINESS

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

OFFICE OF THE GENERAL MANAGER

Page Number 1

Item 1 GM5/20 ENVIRONMENTAL SUSTAINABILITY ADVISORY COMMITTEE

RECOMMENDATION

THAT:

1. Council endorse the following seven community representatives as members of the Environmental Sustainability Advisory Committee – Sonja Cameron, Dennys Angove, James Chan, Annabel Anderson, Barbara Albert, Connor Kerr and Lilly Schwartz.
2. Council write to all nominees thanking them for their interest.
3. The first meeting of the Environmental Sustainability Advisory Committee be held on 2 April 2020 from 6pm to 8pm.

CORPORATE SUPPORT DIVISION

Page Number 5

**Item 2 CS5/20 INVESTMENTS AND BORROWINGS FOR 2019/20 - STATUS FOR PERIOD
ENDING JANUARY 2020**

RECOMMENDATION

THAT the contents of Director's Report No. CS5/20 be received and noted.

COMMUNITY AND ENVIRONMENT DIVISION

Nil

PLANNING AND COMPLIANCE DIVISION

Nil

INFRASTRUCTURE AND MAJOR PROJECTS DIVISION

Nil

CONFIDENTIAL ITEMS

**Item 3 CS7/20 PROPOSAL TO CREATE A DRAINAGE EASEMENT OVER COMMUNITY
LAND AT ASQUITH PARK**

This report should be dealt with in confidential session, under Section 10A (2) (c) of the Local Government Act, 1993. This report contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

Item 4 EH3/20 EXTENSION TO GREEN WASTE PROCESSING CONTRACT

This report should be dealt with in confidential session, under Section 10A (2) (c) of the Local Government Act, 1993. This report contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

PUBLIC FORUM – NON AGENDA ITEMS

QUESTIONS ON NOTICE

MAYOR'S NOTES

Page Number 8

Item 5 MN2/20 MAYOR'S NOTES FROM 1 FEBRUARY 2020 TO 29 FEBRUARY 2020

NOTICES OF MOTION**Page Number 9****Item 6 NOM6/20 MOBILE FOOD VENDORS AT STOREY PARK****COUNCILLOR TILBURY TO MOVE**

That Council seek expressions of interest from Mobile Food Vendors to operate out of Storey Park.

Page Number 10**Item 7 NOM7/20 BUILD A SAFE PASSAGE ACROSS NEW LINE ROAD FROM COUNTY DRIVE AND SHEPHERDS DRIVE****COUNCILLOR DEL GALLEGOS TO MOVE**

THAT Council:

Write to the Federal Member for Berowra, the State Member for Epping and the NSW Minister for Transport and Roads seeking a commitment and timeframe to urgently fund the construction of signalised intersection of County Drive/ New Line Road/ Shepherds Drive for the following reasons:

1. Cherrybrook is a suburb that is divided by a 4-lane State Road with no pedestrian facilities at two major intersections between Boundary Road and Shepherds Drive.
2. Council has raised this issue with the State Government since 2004 and in 2017 Council requested this upgrade be carried out as part of the Sydney Metro works to enable active transport to and from the new Metro station.
3. Residents attempt to cross New Line Road, near this extremely busy intersection, despite the absence of signalisation or pedestrian crossing, at great personal risks to themselves and to motorists.
4. There are no pedestrian facilities to cross New Line Road to access Cherrybrook Train Station on the southern side and a major shopping centre, dog parks, community centre, swimming pool, playing fields and other public infrastructure on the northern side.
5. It is a high priority to provide residents, commuters, seniors, school kids, athletes, parents pushing prams or anyone the opportunity to walk, jog, run, skateboard, cycle, use a scooter or mobility vehicle to cross New Line Road efficiently and effectively to access Cherrybrook Train Station as well as to normalise consequences associated with recent reduced bus services.

SUPPLEMENTARY AGENDA**MATTERS OF URGENCY**

1 ENVIRONMENTAL SUSTAINABILITY ADVISORY COMMITTEE

EXECUTIVE SUMMARY

- At the 11 December General Meeting Council endorsed the establishment of an Environmental Sustainability Advisory Committee and adopted a Charter for the Committee as provided in Attachment 1 to General Manager's Report No. GM17/19.
- Calls for community representatives occurred between 3 December 2019 and 7 February 2020.
- 55 applications were received from community representatives.
- Applications have been assessed and seven community representatives have been selected in accordance with the Environmental Sustainability Advisory Committee Charter.

RECOMMENDATION

THAT:

1. Council endorse the following seven community representatives as members of the Environmental Sustainability Advisory Committee – Sonja Cameron, Dennys Angove, James Chan, Annabel Anderson, Barbara Albert, Connor Kerr and Lilly Schwartz.
2. Council write to all nominees thanking them for their interest.
3. The first meeting of the Environmental Sustainability Advisory Committee be held on 2 April 2020 from 6pm to 8pm.

PURPOSE

The purpose of this Report is to provide Councillors with an update on the establishment of the Environmental Sustainability Advisory Committee and selection of community representatives.

BACKGROUND

Council resolved at the 11 December 2019 General Meeting that:

1. Council establish an Environmental Sustainability Advisory Committee and adopt a Charter for the Committee as provided in Attachment 1 to General Manager's Report No. GM17/19.
2. Council appoint Councillor McIntosh as Chair, Councillor Heyde as Deputy Chair and Councillors Browne, Marr and Nicita as ordinary members.
3. The Committee Charter be adjusted should it be required to allow for three Councillors as ordinary members as well as the Chair and Deputy Chair.
4. Council advertise for expressions of interest for community representatives to become members of the Environmental Sustainability Advisory Committee.

Council called for nominations between 3 December 2019 and 7 February 2020. Advertising was undertaken through the following channels:

- Website
- Email to residents who had previously attended a sustainability, waste or bushland event
- Email to existing members of the Bushland Management Advisory Committee and the former Waste Working Group
- Enews
- Advertisement in Hornsby Advocate, Hills Shire Times and Northern District Times
- Inclusion in the Mayors column in the Bush Telegraph and Monthly Chronicle
- Facebook
- LinkedIn

Council received an overwhelming response with 55 community nominations as seen in Attachment 1 in alphabetical order. The quality, experience and depth of applicants was very high.

DISCUSSION

A panel of five staff members with skills in Natural Resources, Waste, Sustainability and Strategy evaluated the nominations against the following criteria:

- Ability to provide strategic advice on sustainability matters
- Ability to provide advice on a range of sustainability issues
- Ability to liaise with wider community – links to community
- Skills and experience

Shortlisted applicants were also reviewed to ensure a balance of male to female, age and locality.

In accordance with the Environmental Sustainability Advisory Committee Charter seven community representatives have been recommended who have a broad range of sustainability experience. The seven recommended applicants are:

	First Name	Last Name
1	Sonja	Cameron
2	Dennys	Angove
3	James	Chan
4	Annabel	Anderson
5	Barbara	Albert
6	Connor	Kerr
7	Lilly	Schwartz

It is considered the seven recommended selected community representatives can advise Council on the implementation, monitoring and review of the draft Environmental Sustainability Strategy and upcoming corporate plans.

It is open to Council to consider a variation to the Charter should it wish to increase the number of community representatives on the Advisory Committee.

BUDGET

There are no budgetary implications associated with this Report.

POLICY

There are no policy implications associated with this Report.

CONCLUSION

It is proposed that the seven community representatives be endorsed by Council as committee members for the Environmental Sustainability Advisory Committee. The seven selected community representatives have a broad range of sustainability experience. It is believed the recommended community representatives can advise Council on the implementation, monitoring and review of the draft Environmental Sustainability Strategy and upcoming corporate plans.

RESPONSIBLE OFFICER

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

LOUISE GEE
Manager - Strategy and Place
Office of the General Manager

STEVEN HEAD
General Manager
Office of the General Manager

Attachments:

1.  Environmental Sustainability Advisory Committee Nominations

File Reference: F2004/09491-05

Document Number: D07863068

ITEM 1

2 INVESTMENTS AND BORROWINGS FOR 2019/20 - STATUS FOR PERIOD ENDING JANUARY 2020

EXECUTIVE SUMMARY

- This Report provides details of Council's investment performance for the period ending 31 January 2020 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 for January 2020 of 3.61% and year to date 2.68%.

RECOMMENDATION

THAT the contents of Director's Report No. CS5/20 be received and noted.

PURPOSE

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

BACKGROUND

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

DISCUSSION

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

Council's investment performance for the month ending 31 January 2020 is detailed in the attached document. In summary, the portfolio achieved an annualised return for January 2020 of 3.61% and year to date 2.68%.

In respect of Council borrowings, the weighted average interest rate payable on outstanding loans taken out from June 2010 to date, based on the principal balances outstanding is 6.42%. The Borrowings Schedule as at 31 January 2020 is also attached for Council's information.

BUDGET

Revised budgeted income for 2019/20 is \$6,397,008 with an average budgeted monthly income of \$553,084. Investment income for the month ended 31 January 2020 was \$ 841,956 which includes a gain of \$370,703 from TCorp Managed Funds and interest income of \$471,253.

Budgeted investment income year to date at January 2020 is \$3,731,588. Total investment income year to date at 31 January 2020 is \$4,710,999 which includes a gain of \$808,856 from TCorp Managed Funds and a one-off receipt of \$319,902 in relation to a class action against Standard and Poor's for compensation of losses incurred on structured investment products during the global financial crisis.

Approximately 29% of the investment income received by Council relates to externally restricted funds (e.g. Section 7.11 and Section 7.12 development contribution funds) and is required to be allocated to those funds. All investments have been made in accordance with the Local Government Act, the Local Government (General) Regulation and Council's Investment of Surplus Funds Policy and Investment Strategy.

CONCLUSION

The investment of Council funds and the extent of its borrowings as at 31 January 2020 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 – Duncan Chell - who can be contacted on 9847 6822.

DUNCAN CHELL
Chief Financial Officer
Corporate Support Division

GLEN MAGUS
Director - Corporate Support
Corporate Support Division

Attachments:

1.  HSC Borrowings Schedule 31 January 2020
2.  HSC Investment Summary Report January 2020

File Reference: F2004/06987-02
Document Number: D07852169

5 MAYOR'S NOTES FROM 1 FEBRUARY 2020 TO 29 FEBRUARY 2020

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

Wednesday 5th February 2020 – The Mayor hosted two Citizenship Ceremonies within the Council Chambers of Hornsby Shire Council.

Friday 14th February 2020 – The Mayor attended the Ground-breaking Ceremony of the Kokoda Residences 'Turning of the First Sod' with the Governor of New South Wales held in Waitara.

Saturday 15th February 2020 – The Mayor attended Scouts Australia NSW Branch Gala Dinner held at Baden Powell Scout Centre in Pennant Hills.

Wednesday 19th February 2020 – On behalf of the Mayor, Deputy Mayor, Councillor Hutchence hosted two Citizenship Ceremonies within the Council Chambers of Hornsby Shire Council.

Thursday 20th February 2020 – On behalf of the Mayor, Councillor Browne attended and officially opened Senior's Week 2020 held at Hornsby RSL in Hornsby.

Thursday 20th February 2020 – On behalf of the Mayor, Deputy Mayor, Councillor Hutchence attended the Official Opening of the Stage One Redevelopment of the Presbyterian Aged Care based in Thornleigh.

Sunday 23rd February 2020 – The Mayor attended the New South Wales Government State Memorial for those impacted by the recent bushfires held at Qudos Arena at Sydney Olympic Park.

Saturday 29th February 2020 – The Mayor attended the Art North Exhibition and Opening Event at the Grace Cossington-Smith Art Gallery at Abbotsleigh School for Girls in Wahroonga.

File Reference: F2004/07053

Document Number: D07860930

6 MOBILE FOOD VENDORS AT STOREY PARK

COUNCILLOR TILBURY TO MOVE

That Council seek expressions of interest from Mobile Food Vendors to operate out of Storey Park.

Note from Councillor

Storey Park community centre and playground officially opened on 26 January this year and has already proven itself to be very popular with local residents.

From its opening families have enjoyed the facilities provided, often spending hours at Storey Park. I have already received feedback that their experience would be improved if food and drink could be purchased on site as this is often an integral part of the social experience at key play spaces.

I understand that the forecourt of the building was designed and constructed to allow mobile food vehicles to attend the site and provide a food/beverage offering.

I believe that Council should explore how this could be provided at Storey Park to firstly improve the community's experience, and secondly to potentially provide some revenue that could be used to offset the cost of operating and maintaining the facility.

Attachments:

There are no attachments for this report.

File Reference: FOOD/4/2020

Document Number: D07868417

7 BUILD A SAFE PASSAGE ACROSS NEW LINE ROAD FROM COUNTY DRIVE AND SHEPHERDS DRIVE

COUNCILLOR DEL GALLEGTO TO MOVE

THAT Council:

Write to the Federal Member for Berowra, the State Member for Epping and the NSW Minister for Transport and Roads seeking a commitment and timeframe to urgently fund the construction of signalised intersection of County Drive/ New Line Road/ Shepherds Drive for the following reasons:

1. Cherrybrook is a suburb that is divided by a 4-lane State Road with no pedestrian facilities at two major intersections between Boundary Road and Shepherds Drive.
2. Council has raised this issue with the State Government since 2004 and in 2017 Council requested this upgrade be carried out as part of the Sydney Metro works to enable active transport to and from the new Metro station.
3. Residents attempt to cross New Line Road, near this extremely busy intersection, despite the absence of signalisation or pedestrian crossing, at great personal risks to themselves and to motorists.
4. There are no pedestrian facilities to cross New Line Road to access Cherrybrook Train Station on the southern side and a major shopping centre, dog parks, community centre, swimming pool, playing fields and other public infrastructure on the northern side.
5. It is a high priority to provide residents, commuters, seniors, school kids, athletes, parents pushing prams or anyone the opportunity to walk, jog, run, skateboard, cycle, use a scooter or mobility vehicle to cross New Line Road efficiently and effectively to access Cherrybrook Train Station as well as to normalise consequences associated with recent reduced bus services.

Note from Councillor

On a clear afternoon, about 4:30pm, three weeks ago, I witnessed a lady with her dog on a leash, attempting to cross New Line Road, Cherrybrook from County Drive onto Shepherd's Drive.

I was on the opposite side of the round-about, stopped, waiting for cars from my right to complete their turn when I noticed her on the median strip, with cars streaming by.

I immediately had this horrific vision that either the dog was going to get hit first then drag her along or both will get it! It was a horrific vision. Thank God, she eventually managed to cross New Line Road.

On a recent Friday afternoon about 5:30 pm, I saw a real estate agent holding a contact display board

running across New Line Road to get to the County Drive Side.

I spoke with a regular dog walker who frequents this area and was informed that there are daily attempts of many people taking the risk of crossing this extremely busy intersection. To-date, I have not heard of any fatalities or major accidents in that roundabout. However, we must not wait for the first fatality or major accident to occur. It is now a matter of when a major accident will occur, not if this will occur.

With the advent of Cherrybrook Train Station opening and changes to bus services, it is now extremely urgent that residents are provided a safe passage across New Line Road from either side of County Drive & Shepherds Drive to be able to walk, jog, run, skateboard, cycle, use a scooter or mobility vehicles across this road.

It is absolutely absurd that Cherrybrook has a state-of-the-art train station on the southern side and a major shopping centre, dog parks, community centre and playing fields on the northern side with no safe passage in between County Drive and Shepherds Drive across New Line Road.

I urge my colleagues to support this motion.

Attachments:

There are no attachments for this report.

File Reference: F2004/09785-02

Document Number: D07868903