



BUSINESS PAPER

GENERAL MEETING

**Wednesday 18 September 2019
at 6:30PM**



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MATTERS OF URGENCY

AGENDA AND SUMMARY OF RECOMMENDATIONS

PRESENT

NATIONAL ANTHEM

OPENING PRAYER/S

Pastor Corri Byrne of Hills Life Church, Galston 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 14 August, 2019 be confirmed; a copy having been distributed to all Councillors.

PETITIONS

PRESENTATIONS

RESCISSION MOTIONS

Page Number 1

Item 1 RM1/19 MOTION TO ALTER A RESOLUTION – 14 AUGUST 2019 GENERAL MEETING – DEPUTY GENERAL MANAGER'S REPORT NO. CS23/19 - LOCAL GOVERNMENT NSW - 2019 ANNUAL CONFERENCE - SUBMISSION OF MOTIONS AND DETERMINATION OF VOTING DELEGATES

COUNCILLOR DEL GALLEGO TO MOVE

THAT points 2 and 3 of the resolution adopted at the General Meeting held on 14 August 2019 in respect of Item 2 - Deputy General Manager's Report No. CS23/19 - Local Government NSW - 2019 Annual Conference - Submission of Motions and Determination of Voting Delegates – namely: -

THAT:

2. Councillors Ruddock, Browne, Hutchence, Marr, McIntosh, Tilbury and Waddell be Council's voting delegates for voting on motions and for the election for Office Bearers and the Board at the 2019 LGNSW Annual Conference.
3. Registrations for attendance at the 2019 LGNSW Annual Conference be confirmed for the voting delegates determined in point 2. above together with any other Councillors who will be attending the Conference as observers.

be, and are hereby altered.

NOTE: THE ABOVE MOTION TO ALTER THE RESOLUTION IS SUPPORTED BY COUNCILLORS HEYDE AND NICITA

NOTE: In the event of the proposed Motion to Alter being adopted, it has been proposed that: The voting Delegates for the Local Government NSW 2019 Annual Conference be agreed to at tonight's meeting.

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 2

Item 2 GM14/19 PERFORMANCE REPORT JUNE 2019 - DELIVERY PROGRAM 2018-21 AND QUARTERLY BUDGET REVIEW STATEMENT

RECOMMENDATION

THAT:

1. The June 2019 Performance Report showing progress of the Delivery Program 2018-21 including the 2018/19 Operational Plan and Budget be received and noted.
2. The Quarterly Budget Review Statement for the period ending June 2019 be received and noted.

CORPORATE SUPPORT DIVISION

Page Number 7

Item 3 CS29/19 ELECTION OF DEPUTY MAYOR

RECOMMENDATION

THAT:

1. Council determine if it wishes to elect a Deputy Mayor.
2. If a Deputy Mayor is to be elected, Council:
 - a) Determine the period for which the Deputy Mayor is to be elected
 - b) Determine if the election of the Deputy Mayor is to be by preferential ballot, ordinary ballot or open voting

- c) Request the Returning Officer to conduct the election, using the election method determined in b) above.
3. If a Deputy Mayoral election is held, the ballot papers (if any) be destroyed following the declaration of the election.

Page Number 11**Item 4 CS30/19 SCHEDULE OF COUNCIL MEETINGS AND ORDER OF BUSINESS TO APPLY AT THOSE MEETINGS - OCTOBER 2019 TO SEPTEMBER 2020****RECOMMENDATION**

THAT Council adopt:

1. The schedule of ordinary Council meetings for the period October 2019 to September 2020 as set out in Attachment 1 of Director's Report No. CS30/19.
2. The order of business for the ordinary Council meetings to be held in the period October 2019 to September 2020 as set out in Attachment 2 of Director's Report No. CS30/19.

Page Number 14**Item 5 CS31/19 COUNCILLOR REPRESENTATION ON COMMITTEES, WORKING PARTIES AND OTHER RELEVANT GROUPS - OCTOBER 2019 TO SEPTEMBER 2020****RECOMMENDATION**

THAT:

1. Council review the list of Committees, Working Parties and other relevant groups included in the attachment to Director's Report No. CS31/19 and determine Councillor representation as appropriate for the period October 2019 to September 2020.
2. The Core Terms of Reference attached to Director's Report No. CS31/19 be adopted and apply to Council-Administered Committees/Working Parties/Groups as outlined in the Report.
3. A further report be submitted for Council's consideration by November 2019 which details options and provides all relevant information about the Bushland Management Advisory Committee and the potential establishment of an Environmental Sustainability Committee.

Page Number 18**Item 6 CS24/19 ADMINISTRATION OF COUNCIL'S 2020 LOCAL GOVERNMENT ELECTION****RECOMMENDATION**

THAT:

1. In principle support be given to the following:

-
- a) Pursuant to Section 296(2), (3) and (5A) of the Local Government Act, Council enter into an election arrangement contract for the Electoral Commissioner to administer all elections of Council.
 - b) Pursuant to Section 296(2), (3) and (5A) of the Local Government Act, as applied and modified by Section 18 of the Act, Council enter into a council poll arrangement contract for the Electoral Commissioner to administer all council polls of Council.
 - c) Pursuant to Section 296(2), (3) and (5A) of the Local Government Act, as applied and modified by Section 18 of the Act, Council enter into a constitutional referendum arrangement contract for the Electoral Commissioner to administer all constitutional referenda of Council.
2. Following receipt and evaluation of final cost estimates from the NSW Electoral Commission (NSWEC), the General Manager be delegated authority to enter into a contract with the NSWEC in accordance with the above, providing that such estimated costs are reasonable and generally in line with those outlined in Director's Report No. CS24/19.
 3. Should the cost estimates from the NSWEC indicate a significant increase above the expectations outlined in Director's Report No. CS24/19, a further report be submitted for Council's consideration.

Page Number 23**Item 7 CS27/19 GENERAL PURPOSE AND SPECIAL PURPOSE FINANCIAL REPORTS - 2018/19 FINANCIAL YEAR****RECOMMENDATION**

THAT:

1. The 2018/19 General Purpose and Special Purpose Financial Reports be received and noted and referred for audit.
2. The Mayor and Deputy Mayor be authorised to sign the Statutory Statements in connection with the 2018/19 Financial Reports.
3. The 2018/19 Financial Reports be authorised for "presentation to the public" on receipt of the Auditor's Report.
4. The General Manager be delegated authority to fix the date of the General Meeting at which the 2018/19 Financial Reports and Auditor's Report will be formally "presented to the public".

Page Number 26**Item 8 CS28/19 INVESTMENTS AND BORROWINGS FOR 2019/20 - STATUS FOR PERIOD ENDING 31 JULY 2019****RECOMMENDATION**

THAT the contents of Director's Report No. CS28/19 be received and noted.

COMMUNITY AND ENVIRONMENT DIVISION

Page Number 29

Item 9 EH10/19 DRAFT WASTE MATTERS STRATEGY

RECOMMENDATION

THAT Council adopt the draft Waste Matters Strategy for the purposes of public exhibition.

PLANNING AND COMPLIANCE DIVISION

Page Number 36

Item 10 PL23/19 DRAFT HORNSBY COMMUNITY PARTICIPATION PLAN

RECOMMENDATION

THAT:

1. The draft Hornsby Community Participation Plan attached to Director's Report No PL23/19 be exhibited for 28 days in accordance with Schedule 1 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*.
2. Following exhibition, a report be presented back to Council outlining any submissions and required amendments for its consideration.

Page Number 40

Item 11 PL24/19 VOLUNTARY PLANNING AGREEMENT - 50A DUFFY AVENUE, THORNLEIGH

RECOMMENDATION

THAT the Voluntary Planning Agreement attached to Director's Report No. PL24/19 be endorsed by Council.

INFRASTRUCTURE AND MAJOR PROJECTS DIVISION

Nil

PUBLIC FORUM – NON AGENDA ITEMS

QUESTIONS WITH NOTICE

MAYOR'S NOTES

Page Number 44

Item 12 MN8/19 MAYOR'S NOTES FROM 1 AUGUST 2019 TO 31 AUGUST 2019

NOTICES OF MOTION**Page Number 46****Item 13 NOM5/19 CLIMATE EMERGENCY DECLARATION**

COUNCILLOR HEYDE TO MOVE

THAT Council:

1. Declare a climate emergency in acknowledgement that urgent action is required by all levels of government; that human induced climate change represents one of the greatest threats to humanity, civilisation and other species; and that it is still possible to prevent the most catastrophic outcomes if, and only if, societies and governments take emergency action.
2. Note the recently passed motion at the Australian Local Government Association National General Assembly calling on the Federal Government to declare a climate emergency.
3. Write to the State and Federal Members of Parliament calling on them to declare a climate emergency and undertake immediate action.
4. Note the work being undertaken as part of the development of the Local Strategic Planning Statement, in particular the development of an Environmental Sustainability Strategy, Climate Change Adaptation Plan and Urban Forest Strategy, and that a report be submitted to Council outlining our emission reduction pathway.

Page Number 49**Item 14 NOM13/19 PUBLIC TRANSPORT ACCESS TO CHERRYBROOK STATION AND
REVIEW OF LOCAL BUS SERVICES**

COUNCILLOR HEYDE TO MOVE

THAT Council:

1. Write to the Minister for Transport Mr. Andrew Constance requesting an urgent review of the bus routes and timetables affecting residents in the North-West sector, specifically Cherrybrook and West Pennant Hills with a view to providing frequent, efficient and reliable bus connections across suburbs, to public transport hubs, and between schools and shops.
2. Express concern that the changes were implemented with little or no consultation with Council and the public transport users resulting in considerable anger, distress and inconvenience in the community.
3. That the review should consider progressing alternative options of getting commuters to their destinations such as improving active transport and introducing on-demand bus services to the North West Metro stations, particularly Cherrybrook. That the review should take into account the concerns of the community and be undertaken in close consultation with Council.
4. That the Minister for Transport Mr. Andrew Constance urgently progress upgrading the intersection of New Line Road / County Drive / Shepherd Drive to provide safe pedestrian

access across New Line Road to provide better active transport options to Cherrybrook Station for residents living to the east of New Line Road.

5. That the Mayor write to the Local Members seeking their support for an urgent review as outlined in this motion and that the promised integrated plan addressing all infrastructure requirements for this precinct be completed.

Page Number 51**Item 15 NOM12/19 NORTH WEST RAIL LINK TEMPORARY HAULAGE ROAD
REHABILITATION****COUNCILLOR MARR TO MOVE**

THAT Council write to the Minister for Transport and Roads, and Local Members of Parliament calling for funding to be provided and management responsibility for bush regeneration works associated with the temporary haulage road between Kirkham Street and Cheltenham Oval, be transferred to Council to ensure that it is remediated to the highest possible standard.

SUPPLEMENTARY AGENDA**MATTERS OF URGENCY**

1 MOTION TO ALTER A RESOLUTION – 14 AUGUST 2019 GENERAL MEETING – DEPUTY GENERAL MANAGER'S REPORT NO. CS23/19 - LOCAL GOVERNMENT NSW - 2019 ANNUAL CONFERENCE - SUBMISSION OF MOTIONS AND DETERMINATION OF VOTING DELEGATES

COUNCILLOR DEL GALLEGTO TO MOVE

THAT points 2 and 3 of the resolution adopted at the General Meeting held on 14 August 2019 in respect of Item 2 - Deputy General Manager's Report No. CS23/19 - Local Government NSW - 2019 Annual Conference - Submission of Motions and Determination of Voting Delegates – namely: -

THAT:

2. Councillors Ruddock, Browne, Hutchence, Marr, McIntosh, Tilbury and Waddell be Council's voting delegates for voting on motions and for the election for Office Bearers and the Board at the 2019 LGNSW Annual Conference.
3. Registrations for attendance at the 2019 LGNSW Annual Conference be confirmed for the voting delegates determined in point 2. above together with any other Councillors who will be attending the Conference as observers.

be, and are hereby altered.

NOTE: THE ABOVE MOTION TO ALTER THE RESOLUTION IS SUPPORTED BY COUNCILLORS HEYDE AND NICITA

NOTE: In the event of the proposed Motion to Alter being adopted, it has been proposed that: The voting Delegates for the Local Government NSW 2019 Annual Conference be agreed to at tonight's meeting.

Attachments:

There are no attachments for this report.

File Reference: F2019/00184

Document Number: D07736516

2 PERFORMANCE REPORT JUNE 2019 - DELIVERY PROGRAM 2018-21 AND QUARTERLY BUDGET REVIEW STATEMENT

EXECUTIVE SUMMARY

- Council is required to review its budget each quarter. At the same time the Local Government Act 1993 states that half yearly progress reports should be provided to Council on the principal activities detailed in its Delivery Program.
- In this regard, the June 2019 Performance Report showing progress of the Delivery Program 2018-21 including the 2018/19 Operational Plan and Budget is attached for Council's consideration.
- Based on an inflow and outflow of funds as at 30 June 2019, the actual result for 2018/19 is a surplus of \$2,305K, which is \$330K greater than the surplus of \$1,975K in Council's 2018/19 Revised Budget.
- Progress against the adopted Delivery Program including the 2018/19 Operational Plan and Budget, and the operational performance of the organisation has been in line with the service delivery standards adopted by Council.

RECOMMENDATION

THAT:

1. The June 2019 Performance Report showing progress of the Delivery Program 2018-21 including the 2018/19 Operational Plan and Budget be received and noted.
2. The Quarterly Budget Review Statement for the period ending June 2019 be received and noted.

PURPOSE

The purpose of this Report is to present for Council's consideration the June 2019 Performance Report showing progress of the Delivery Program 2018-21 including the 2018/19 Operational Plan and Budget, as required under s404 (5) of the Local Government Act 1993. Details within the Performance Report cover the twelve months from 1 July 2018 to 30 June 2019.

The Performance Report includes Council's Consolidated Budget Summary as at June 2019.

BACKGROUND

Due to legal action by Ku-ring-gai Council opposing the NSW Government's intention to amalgamate Hornsby and Ku-ring-gai Councils, the term of office for the former Council was extended to five years with the election delayed until September 2017 for a three-year term of office (see Circular No. 16-44 dated 18 November 2016 from the Office of Local Government).

On 13 June 2018, Council adopted a three-year Delivery Program 2018-21 including the Operational Plan and Budget 2018/19. The Delivery Program and Operational Plan set out the manner in which Council intends to deliver services and measure performance.

In line with Office of Local Government requirements, a Quarterly Budget Review Statement (QBRS) must be submitted for Council's consideration at the end of each quarter. The Statement must be based on key financial indicators and the estimate of income and expenditure set out in Council's Operational Plan for the relevant year. To streamline reporting the QBRS will be linked to the half yearly performance report for each December and June period.

DISCUSSION

The NSW Government's decision to remove all territory south of the M2 from Hornsby Shire in May 2016 resulted in Council losing \$10 million net each year. This has meant that Council's income is not able to realise all of Hornsby Shire's expectations of the many different services to be provided, and Council's ability to deliver community priorities is threatened. Council continues to lobby the NSW Government for appropriate compensation. The Delivery Program 2018-21 including the 2018/19 Operational Plan represents Council's best efforts to meet community priorities after recognising these constraints.

Key capital achievements for 2018/19 include:

- Hornsby Park – From Quarry to Park – this project involves the redevelopment of the abandoned Hornsby Quarry and adjacent Old Mans Valley on the western side of Hornsby into open space for recreation purposes. Over the past 12 months, Council has been preparing an Environmental Impact Statement for the Park which was on public exhibition in early 2019. Since March 2017, excavated fill material has been transported from the North Connex road project to the Hornsby Quarry. This stage was completed in January 2019.

The total expenditure to 30 June 2019 on this project is \$2.043 million out of a budget of \$50 million. The funding of \$50 million for this project was provided in June 2018 from the NSW Government's Stronger Communities Fund.

- Westleigh Park Development – concept designs are nearing completion which will provide the basis for development of a park masterplan and subsequent dedicated plan of management for Westleigh Park. Detailed options will be developed in consultation with the community.

The total project expenditure to 30 June 2019 (including the acquisition costs of \$21 million funded by development contributions) on this project is \$2.732 million out of a budget of

\$6.462 million. Funding of \$40 million for this project was provided in June 2018 from the NSW Government's Stronger Communities Fund. Any remaining funds at the end of a financial year are transferred to the following financial year.

- Storey Park – a new facility will be built on the existing Asquith Community Centre site. Plans include multi-purpose rooms that will be ideal for a wide range of events and activities and park facilities. The total expenditure to 30 June 2019 on this project is \$2.634 million out of a budget of \$6.308 million funded by development contributions. This project is currently on track to be completed by the end of this calendar year.
- Orara Park, Waitara – is a new expanded local community park in Waitara located between Romsey Street and Waitara Avenue extending across Orara Street. The western half of Orara Park in Waitara is complete and now open to the public. New playground equipment and rubber softfall has been placed in the playground and new concrete paths finished, providing a pedestrian link between Orara Street and Romsey Street. Furniture and lights have been installed. The project commenced in May 2018 and was allocated an expenditure budget of \$1.42 million. The total amount spent to complete the project is \$1.43 million.
- Waitara Park Embellishment - including drainage and inclusive playground – the total spend to 30 June 2019 on this project is \$14.490 million out of a budget of \$15.173 million. The Park was opened to the public in April 2019 and included six new tennis courts and an amenities building, a contribution to the PCYC facility, new fencing and sightcreens at Mark Taylor Oval and significant drainage improvements along Park Avenue. Unspent funds on completion of the project relate to section 7.11 development contributions and will be retained for reallocation to future eligible section 7.11 development contribution projects.
- 25,000 Trees by 2020 – Council is committed to planting 25,000 new trees by September 2020 to invest in the environment for future generations. The expenditure incurred to 30 June 2019 was \$425K. During the month of August, the total number of trees planted has reached 10,542, consisting of 9,162 in parks and reserves and 1,380 in street tree locations across the Shire. This project is part funded by development contributions.
- Beecroft Station Gardens – Upgrade of Beecroft Station Gardens alongside the railway station and construction of a new carpark at the Beecroft Community Centre within Beecroft Village Green to the south. The site was officially opened on 20 October 2018. Total expenditure was \$1.500 million (\$600K funded from development contributions) out of a budget of \$1.875 million.
- Completing a review of the alignment of Council's planning instruments with the North District Plan in conjunction with the Greater Sydney Commission.

Other operational achievements are contained in the Performance Report Attachment to this Report, however the following two significant achievements should be noted:

- Successfully securing \$2.5 million in funding from the State Government to assist in the development of a long-term vision for the Shire and reviewing the local strategies and plans that shape the way Hornsby Shire will change over time. Seventeen separate studies are currently being progressed across Council to inform a Local Strategic Planning Statement (LSPS) to identify Hornsby Shire's special characteristics and the values that are to be preserved, and how change will be managed into the future.

- A suite of initiatives that aim to address the design quality of residential flat developments and town houses. Amendments to the Hornsby Development Control Plan have been adopted to improve the design, setbacks and landscaping of developments. In addition, a Planning Proposal is being progressed to amend the Local Environmental Plan design excellence clause to apply to all multi-unit development regardless of height. Council has commenced the process of establishing a formal Design Excellence Review Panel to comment on the urban design merits of planning applications.

BUDGET

This Review includes the full year results for 2018/19, comparing actual expenditure, income and funding sources against the budget. Based on this inflow and outflow of funds as at 30 June 2019, the actual result for 2018/19 is a surplus of \$2,305K, which is \$330K greater than the surplus of \$1,975K in Council's 2018/19 Revised Budget.

This positive variance of \$330K is largely the result of a surplus of funds allocated to the upgrade of Beecroft Station Gardens that was completed within the year. The Budget result at 30 June 2019 is satisfactory in maintaining financial benchmark indicators in respect to liquidity.

In line with Council's Long Term Financial Plan, the 2018/19 surplus has been set aside in Council's debt retirement and capital projects restricted asset account. This will enable the funding of a \$20 million shortfall in the Annual Budget in 2023/24 due to the implementation of initiatives identified in the LTFP.

It is noted that there has been a steady increase in the number of Class 1 Development Application appeals over the last two years which is reflective of the trend across Sydney as reported in the NSW Land and Environment Court Annual Report. This may reflect the resource difficulties experienced by some councils in assessing applications within the statutory time period. However, it should also be noted that some developers elect to commence an appeal at the earliest stage possible for finance/timing reasons. Approximately 30% of all Class 1 appeals currently being defended by Council are based on deemed refusals, rather than actual refusals. The increase in appeals is reflected in increasing legal costs and as at 30 June 2019, the actual expenditure on legal matters exceeded the full year budget (of \$350K) by \$662K. Although there was an opportunity to offset most of the expenditure in 2018/19, an additional budget of \$500K has been included for 2019/20.

POLICY

There are no policy implications associated with this Report.

CONCLUSION

Council's consideration of this Report ensures that relevant statutory requirements have been met. The June 2019 Performance Report and quarterly budget review demonstrate that Council remains in a strong position to deliver local services and facilities in a financially responsible manner.

RESPONSIBLE OFFICER

The officers responsible for preparation of this Report are the Manager, Strategy and Place – Louise Gee and the Acting Chief Financial Officer – Duncan Chell. They can be contacted on 9847-6531 and 9847-6822 respectively.

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

GLEN MAGUS
Director - Corporate Support
Corporate Support Division

STEVEN HEAD
General Manager
Office of the General Manager

Attachments:

- 1. [↔](#) Performance Report - June 2019
- 2. [↔](#) June Quarterly Budget Review Statement
- 3. [↔](#) 30 June 19 Budget Result

File Reference: F2017/00322
Document Number: D07733848

ITEM 2

3 ELECTION OF DEPUTY MAYOR

EXECUTIVE SUMMARY

- In accordance with Section 231 of the Local Government Act, Councillors may elect a person from among their number to be the Deputy Mayor, with the term of such office being either equal to that of the Mayoral term or for a shorter period.
- This Report provides details about the role of a Deputy Mayor and the choices that Council has about the period and method of election to such office.
- If Council decides to elect a Deputy Mayor, it will need to determine the term for which the Deputy Mayor will serve and the method of voting to be used for electing the Deputy Mayor. It will also need to appoint the General Manager (or his delegate) to conduct the election.

RECOMMENDATION

THAT:

1. Council determine if it wishes to elect a Deputy Mayor.
2. If a Deputy Mayor is to be elected, Council:
 - a) Determine the period for which the Deputy Mayor is to be elected
 - b) Determine if the election of the Deputy Mayor is to be by preferential ballot, ordinary ballot or open voting
 - c) Request the Returning Officer to conduct the election, using the election method determined in b) above.
3. If a Deputy Mayoral election is held, the ballot papers (if any) be destroyed following the declaration of the election.

PURPOSE

The purpose of this Report is to provide Council with the opportunity to consider whether or not it wishes to elect a Deputy Mayor. The Report includes information about the role of the Deputy Mayor and the different methods of voting which can be used to elect a Deputy Mayor.

BACKGROUND

In accordance with Section 231 of the Local Government Act, Councillors may elect a person from among their number to be the Deputy Mayor, with such term of office being either equal to that of the Mayoral term or for a shorter period.

Prior to the March 2004 local government elections, Hornsby Council's Mayor was elected annually by the Councillors. It was also Council's practice to annually elect a Deputy Mayor. At the 2004 election, the method of electing Hornsby's Mayor was changed to be by the residents/ratepayers across the Shire for the term of the elected Council i.e. a popularly elected Mayor, rather than by the elected Councillors on an annual basis.

Although Councillors no longer have the responsibility of electing the Mayor, it is still necessary for Council to decide whether or not to elect a Deputy Mayor and, if so, to determine the period of the term to be served by the Deputy Mayor. Council's latest decision in this regard was at the General Meeting held on 18 September 2018, when it considered Deputy General Manager's Report No. CS37/18 and elected Councillor del Gallego as Deputy Mayor for the period to September 2019.

DISCUSSION

The Role of Deputy Mayor

The Deputy Mayor may exercise any function of the Mayor, at the request of the Mayor, if the Mayor is prevented by illness, absence or otherwise from exercising the function, or if there is a casual vacancy in the office of Mayor. If there was to be a casual vacancy in the office of Mayor up until 18 months prior to the date specified for the next ordinary election, a by-election for the position of Mayor would need to be conducted in accordance with a timetable set by the Local Government Act. If the vacancy occurred within 18 months of the next ordinary election, the vacancy would be filled by the NSW Governor appointing a Councillor nominated by the Council to be the Mayor. The Deputy Mayor would usually fulfil the duties of Mayor during the above periods until a new Mayor was elected or appointed.

Period of Election of the Deputy Mayor

Under Section 231 of the Local Government Act, Councillors may elect a Deputy Mayor for the same period as the Mayoral term or for a shorter period. As Council's Mayor is popularly elected, the current Mayoral term is until the next local government elections, currently scheduled for September 2020. Council may, therefore, determine that a Deputy Mayor be elected for the period until September 2020 or for some shorter period e.g. six months. The practice at Hornsby Council has been to elect a Deputy Mayor for a 12-month period.

Method of Election

If a Deputy Mayor is to be elected, the method of election is in accordance with Schedule 7 of the Local Government (General) Regulation 2005. A Councillor may be nominated without notice for election as Deputy Mayor provided the nomination is made in writing by two or more Councillors (one of whom may be the nominee) and the nominee consents to the nomination in writing. The nomination is to be delivered or sent to the Returning Officer. A nomination form in respect of a Deputy Mayoral Election is included as an attachment to this Report.

If only one Councillor is nominated for election as Deputy Mayor, that Councillor is elected. If more than one Councillor is nominated, an election shall be held at which the General Manager (or his nominee) is the Returning Officer. The Council must resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting. To ensure probity of the election process, the counting of votes where necessary is undertaken in the presence of the Returning Officer and at least one other staff member.

It should be noted that any recommendation on the method of election (if any) is dependant to some extent on the number of candidates – see below.

Preferential Ballot

Preferential ballot would only normally be used if there are three or more candidates. Under this system, Councillors indicate their order of preference for all candidates. If a candidate receives more than half the first preference votes (i.e. an absolute majority), he or she is declared elected. If no candidate has an absolute majority, the candidate with the lowest number of votes is excluded and his or her preferences are allocated to the other candidates and so on, until one candidate has more than half the votes. A preference for each candidate standing for election must be indicated on a ballot paper, or the ballot paper will be declared invalid.

Ordinary Ballot

Ordinary ballot would normally apply where there are two or more candidates and Council decides to proceed by secret ballot. If there are only two candidates, the candidate with the higher number of votes is elected. If the two candidates are tied, the one elected is chosen by lot. If there are three or more candidates, the candidate with the lowest number of votes is excluded and a fresh vote is taken and so on, until there are only two candidates. A final vote between the two candidates is then taken and the candidate with the higher number of votes is declared elected. If at any stage during a count up until two candidates are remaining, there is a tie on the lowest number of votes, the one excluded is chosen by lot.

Open Voting

Open voting uses the same system as ordinary ballot, except that voting is by a show of hands or similar means and not by secret ballot.

Choosing by Lot

To choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the Returning Officer, folded, to prevent the names being seen, mixed and then drawn at random by the Returning Officer. The candidate whose name is on the drawn slip is chosen.

Appointment of Scrutineers and Inspection of Ballot Papers and Progress of Count

Council has previously sought legal advice about the ability of Councillors to inspect ballot papers and the progress of the count as well as the ability of election candidates to appoint scrutineers. In summary, the advice was that candidates are not entitled to appoint scrutineers; an inspection of the ballot papers should not be permitted; the progress of the count should not be revealed; and the ballot papers (if any) for the Deputy Mayoral election should be destroyed after the election has been declared.

BUDGET

There are no budgetary implications associated with this Report.

POLICY

There are no policy implications associated with this Report.

CONCLUSION

Council needs to consider the contents of this Report and determine whether or not it wishes to elect a Deputy Mayor. If it does decide to elect a Deputy Mayor, Council will also need to determine the term of office and method of voting to be used to elect the Deputy Mayor. It will also need to request the General Manager, or his nominee, to conduct the election.

RESPONSIBLE OFFICER

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

ROBYN ABICAIRE
Manager - Governance and Customer Service
Corporate Support Division

GLEN MAGUS
Director - Corporate Support
Corporate Support Division

Attachments:

1. [➡](#) Nomination Form - Deputy Mayoral Election - September 2019

File Reference: F2004/07075
Document Number: D07736528

4 SCHEDULE OF COUNCIL MEETINGS AND ORDER OF BUSINESS TO APPLY AT THOSE MEETINGS - OCTOBER 2019 TO SEPTEMBER 2020

EXECUTIVE SUMMARY

- In accordance with Clauses 3.2 and 8.1 of the Code of Meeting Practice, Council annually determines a schedule of meeting dates for the following year and the order of business to apply at those meetings.
- It is proposed that the practice of holding one General Meeting per month be maintained for 2019/20, with that Meeting to be held on the second Wednesday of each month (excluding January); and that Workshop Meetings and informal Councillor Workshop/Briefings continue to be held on other Wednesdays of the month, with appropriate notice being provided as required.
- It is also proposed that the existing order of business (with one minor change) be maintained for 2019/20.

RECOMMENDATION

THAT Council adopt:

1. The schedule of ordinary Council meetings for the period October 2019 to September 2020 as set out in Attachment 1 of Director's Report No. CS30/19.
2. The order of business for the ordinary Council meetings to be held in the period October 2019 to September 2020 as set out in Attachment 2 of Director's Report No. CS30/19.

PURPOSE

The purpose of this Report is to recommend a proposed schedule of ordinary Meeting dates for the period October 2019 to September 2020, and the order of business to apply at those meetings.

BACKGROUND

Council last considered its schedule of meetings and order of business at those meetings at the 12 September 2018 General Meeting – refer Deputy General Manager's Report No. CS39/18. At the Meeting, Council decided to maintain the practice of holding one General Meeting per month with that Meeting to be held on the second Wednesday of each month (excluding January) and that Workshop Meetings and informal Councillor Workshops/Briefing sessions continuing to be held as required, and with appropriate notice being provided, on the first, third, fourth and/or fifth Wednesdays of each month (except January).

DISCUSSION

Schedule of Meetings

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

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

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

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

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

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

A proposed schedule of General Meeting and Workshop Meeting dates for the period from October 2019 to September 2020 has now been drafted and is attached to this Report. The draft schedule of Meetings maintains the existing structure of one General Meeting per month which considers both planning and other matters, as well as providing for Workshop Meetings and informal Councillor Workshops/Briefings as required. Meeting dates which fall within school holiday periods have been marked with an asterisk* in the attached schedule. In addition, it should be noted that the meeting scheduled for September 2020 falls three days immediately prior to the Local Government Election, due to be held on 12 September 2020.

Order of Business

In respect of the order of business to apply at General and Workshop Meetings, a proposed order of business for the period from October 2019 to September 2020 has been drafted and is attached to this Report. The draft order of business maintains the existing structure with a slight change to remove Questions Without Notice (QWN), and the re-titling of Questions of Which Notice Has Been Given (QWNHBG) to Questions on Notice (QON), in accordance with Councils recently adopted Code of Meeting Practice.

BUDGET

There are no budgetary implications associated with this Report.

POLICY

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

CONCLUSION

The existing schedule of holding one monthly General Meeting (except for January) is working well and the Council Meetings process appears to be running smoothly and efficiently. No changes are proposed to the Meeting schedule, although it should be noted that the Local Government Elections are scheduled to be held on 12 September 2020, i.e. the Saturday immediately following the September 2020 General Meeting. The only change to the order of business to be conducted at those meetings is the removal of Questions Without Notice (QWN) and the re-titling of Questions of Which Notice Has Been Given (QWNHBG) to Questions on Notice (QON).

RESPONSIBLE OFFICER

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

ROBYN ABICAIRE
Manager - Governance and Customer Service
Corporate Support Division

GLEN MAGUS
Director - Corporate Support
Corporate Support Division

Attachments:

1. [Schedule of ordinary Council Meetings](#)
2. [Council Meetings Order of Business - October 2019 - September 2020](#)

File Reference: F2004/07032
Document Number: D07736579

5 COUNCILLOR REPRESENTATION ON COMMITTEES, WORKING PARTIES AND OTHER RELEVANT GROUPS - OCTOBER 2019 TO SEPTEMBER 2020

EXECUTIVE SUMMARY

- Each year, Council reviews the need for Councillor representation on Committees, Working Parties and other relevant groups and makes a determination about the appointment of Councillors for the ensuing 12 months.
- This Report provides up to date information about each of the current Committees, Working Parties and other groups, and seeks a Council determination in respect of the appointment of Councillors for the period October 2019 to September 2020.

RECOMMENDATION

THAT:

1. Council review the list of Committees, Working Parties and other relevant groups included in the attachment to Director's Report No. CS31/19 and determine Councillor representation as appropriate for the period October 2019 to September 2020.
2. The Core Terms of Reference attached to Director's Report No. CS31/19 be adopted and apply to Council-Administered Committees/Working Parties/Groups as outlined in the Report.
3. A further report be submitted for Council's consideration by November 2019 which details options and provides all relevant information about the Bushland Management Advisory Committee and the potential establishment of an Environmental Sustainability Committee.

PURPOSE

The purpose of this Report is to provide the opportunity for Council to review Councillor representation on Committees, Working Parties and other relevant groups and appoint Councillor representatives, as considered appropriate, for the period October 2019 to September 2020.

BACKGROUND

At the 12 September 2018 General Meeting, Council considered Deputy General Manager's Report No. CS38/18 and appointed Councillor representatives to Committees, Working Parties and other relevant groups for the period October 2018 to September 2019. It was also determined that a review of Committees, Working Parties, and other relevant groups be conducted. As that review is still progressing, it is appropriate that Council determine relevant Councillor representation for the 2019/20 period.

DISCUSSION

The list of Committees, Working Parties and other groups has been reviewed by the relevant Divisions and is included as an attachment to this Report. Where appropriate, a comment about the operation of the Committee, Working Party or group and/or whether Councillor Representation is still required has been provided by the Divisional Manager.

To assist Council in determining Councillor Representation for the 2019/20 period, the 2018/19 Councillor representatives on each Committee, Working Party and group are included in the column titled "Councillor Representation 2018/19" and a blank column has been left in respect of "Councillor Representation 2019/20".

Council will note that a column has been included which shows for each Committee, Working Party or group whether it is managed externally (i.e. where Council essentially simply nominates a representative/s to attend meetings) and those which have been established by Council (i.e. where Council has the ability to determine the protocol associated with operations and meetings). The table has been split so that the Committees/Working Parties are grouped under the heading of either "Council" or "External".

At the 12 September 2018 General Meeting Council agreed to progress a review of its Committees, Working Parties and other Groups. A number of informal Councillor Workshops/Briefings have been held since that time to discuss the future of the Committees, Working Parties and Groups, particularly focussing on those administered by Council.

The most recent of these Workshops was held on 7 August 2019 where the main issues discussed included the formalisation of a standard Terms of Reference for all Council Administered Committees, Working Parties and Groups and the need to further review the Bushland Management Advisory Committee. The following points from that Workshop are as follows:

- Council does not have any Committees established under the legislative provisions of the Local Government Act or Regulations but has historically created a number of Council-Administered Advisory Committees, Working Parties and Groups and appointed Councillor representatives to various External Committees which are coordinated by other bodies.
- The current review has been focused on the Council-Administered Advisory Committees, Working Parties and Groups. For each of those, there was discussion about Councillors previously agreed position; feedback received from the Committee by staff and Councillors; and how to progress.

- There was general agreement on how to progress with all but the Bushland Management Advisory Committee (BMAC). In respect of BMAC, Councillors asked that an options paper be provided by November 2019 to enable Council to consider whether it wishes to dissolve the BMAC and create an Environmental Sustainability Committee in its place that also incorporated bushland matters; or to retain BMAC with a focus on bushland matters and create an additional Environmental Sustainability Committee focused on other environmental and sustainability matters. The options paper would include a draft charter for the Committees.
- A draft "Core Terms of Reference" for Council-Administered Committees, Working Parties and Groups was tabled for discussion, noting that the draft is intended to be an overarching document for all. The Committees, Working Parties and Groups will also have their own Charter which is specific to their particular roles and responsibilities. A copy of this Core Terms of Reference is attached to this Report.
- By having a Terms of Reference document, better consistency will be achieved in respect of how membership of each Committee/Working Party is determined; how often the Committee/Working Party meets; the need to operate in line with Council's Code of Conduct; etc. The intention is to introduce the Terms to all Council-Administered Committees, Working Parties and Groups prior to the end of this Council term

BUDGET

Any budgetary implications are detailed in the comment column of the attachment to this Report.

POLICY

There are no policy implications associated with this Report.

CONCLUSION

Having regard to the discussions of the various Councillor Workshops it is proposed that: Council appoint representatives to all Committees, Working Parties and Groups shown in the table attached to this report; the Core Terms of Reference also attached to this report be adopted and apply to Council-Administered Committees, Working Parties and Groups; and that a further Report be prepared for Council's consideration by November 2019 in respect of options for the Bushland Management Advisory Committee and another Committee focusing on environmental sustainability.

RESPONSIBLE OFFICER

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

ROBYN ABICAIRE
Manager - Governance and Customer Service
Corporate Support Division

GLEN MAGUS
Director - Corporate Support
Corporate Support Division

Attachments:

1.  Councillor Representation on Committees
2.  Core Terms of Reference

File Reference: F2004/07056

Document Number: D07736885

ITEM 5

6 ADMINISTRATION OF COUNCIL'S 2020 LOCAL GOVERNMENT ELECTION

- In February 2019 (refer Deputy General Manager's Report No. CS1/19), Council postponed a decision about who would administer its September 2020 election until IPART had finalised its review of the costs of conducting local government elections. Although IPART submitted its final report to the Government on 30 August, the Government is not expected to issue a full response to the report for some time. As such, the NSWEC will find it difficult to provide a final cost estimate to Council to administer its September 2020 election before the statutory deadline for Council to make a decision in respect of the election (i.e. 1 October 2019).
- In the knowledge that the NSWEC successfully administered Council's 2012 and 2017 elections without incident, it is proposed that Council agree in principle to the NSWEC being engaged to administer the 2020 election (subject to reasonable final cost estimates) because: there is lack of election service providers available to the industry; it will allow Council to remain at arms' length from the election process; and will ensure that an experienced provider is responsible for all risks associated with the management of the election.

RECOMMENDATION

THAT:

1. In principle support be given to the following:
 - a) Pursuant to Section 296(2), (3) and (5A) of the Local Government Act, Council enter into an election arrangement contract for the Electoral Commissioner to administer all elections of Council.
 - b) Pursuant to Section 296(2), (3) and (5A) of the Local Government Act, as applied and modified by Section 18 of the Act, Council enter into a council poll arrangement contract for the Electoral Commissioner to administer all council polls of Council.
 - c) Pursuant to Section 296(2), (3) and (5A) of the Local Government Act, as applied and modified by Section 18 of the Act, Council enter into a constitutional referendum arrangement contract for the Electoral Commissioner to administer all constitutional referenda of Council.
2. Following receipt and evaluation of final cost estimates from the NSW Electoral Commission (NSWEC), the General Manager be delegated authority to enter into a contract with the NSWEC in accordance with the above, providing that such estimated costs are reasonable and generally in line with those outlined in Director's Report No. CS24/19.
3. Should the cost estimates from the NSWEC indicate a significant increase above the expectations outlined in Director's Report No. CS24/19, a further report be submitted for Council's consideration.

PURPOSE

The purpose of this Report is to provide Council with information which will enable it to make an in-principle decision in respect of who will conduct its 12 September 2020 election.

BACKGROUND

At its 20 February 2019 General Meeting, Council was due to consider Deputy General Manager's Report No. CS1/19 – Administration of Council's 2020 Local Government Election (copy attached) – which recommended that:

1. *In principle support be given to the following:*
 - a) *Pursuant to Section 296(2) and (3) of the Local Government Act, Hornsby Shire Council enter into an election arrangement contract for the Electoral Commissioner to administer all elections of Council.*
 - b) *Pursuant to Section 296(2) and (3) of the Local Government Act, as applied and modified by Section 18 of the Act, Hornsby Shire Council enter into a council poll arrangement contract for the Electoral Commissioner to administer all council polls of Council.*
 - c) *Pursuant to Section 296(2) and (3) of the Local Government Act, as applied and modified by Section 18 of the Act, Hornsby Shire Council enter into a constitutional referendum arrangement contract for the Electoral Commissioner to administer all constitutional referenda of Council.*
2. *Following receipt and evaluation of cost estimates from the NSW Electoral Commission, the General Manager be delegated authority to enter into a contract with the NSW Electoral Commission in accordance with the above, providing that such estimated costs are generally in line with those outlined in Deputy General Manager's Report No. CS1/19.*
3. *Should the cost estimates from the NSW Electoral Commission indicate a significant increase above the expectations outlined in Deputy General Manager's Report No. CS1/19, a further report be submitted for Council's consideration.*

Prior to Council's consideration of Deputy General Manager's Report No. CS1/19, advice was received from the Office of Local Government (OLG) on 8 February 2019 via Circular No. 19-02 that the NSW Government had approved a review by the Independent Pricing and Regulatory Tribunal (IPART) of the costs of conducting local government elections in NSW.

A letter dated 11 February 2019 was also received from the Electoral Commissioner advising that the NSW Electoral Commission (NSWEC) would not be providing cost estimates to councils for the 2020 ordinary elections until the IPART review had been completed.

It was noted at the time that IPART's final review was due to be submitted to the Minister for Local Government by 30 August 2019 and that the OLG had indicated that legislation would be introduced in the first parliamentary sitting period following the 2019 State election such that the deadline in respect of when a council must make a decision about who will administer its 2020 election would be extended until 1 January 2020. (N.B. This extension was subsequently changed to 1 October 2019 when the legislation was finalised)

It was considered, therefore, that it was appropriate for a decision regarding the administration of Council's 2020 election to be postponed pending the outcome of the IPART review. As a consequence, Deputy General Manager's Report No. CS1/19 was withdrawn from the agenda for the

20 February 2019 General Meeting, noting that a new report would be prepared for Council's consideration later in 2019 once all relevant information was to hand in order to allow Council to make an informed decision.

DISCUSSION

IPART submitted its final report on the cost of local government elections to the Minister for Local Government on 30 August 2019. It appears that the Government is intending to provide an initial response to the IPART report in the near future. This, however, is unlikely to provide enough time for the NSWEC to furnish its final estimates for the 2020 elections to councils and for councils to make a final decision by 1 October 2019 about whether they will engage the Electoral Commissioner or a private provider to administer the election.

In its draft report released in June 2019, IPART sought feedback on its recommended changes to what councils pay for local government election services provided by the NSWEC. IPART's main recommendation was that councils across NSW should pay for the full efficient costs of the election services they receive. This would mean that on average, councils would pay 62% more than what they paid for their 2016 or 2017 election. Apart from general cost escalations over the period between elections, the main reason for the average 62% increase is that IPART recommended that there be a substantial reduction in the Government's financial support/subsidy that has traditionally been provided to local government for core responsibilities associated with the election.

In Hornsby Shire Council's case, the IPART draft report states that the amount charged by the NSWEC to administer Council's September 2017 election was \$685,000; the amount estimated by the NSWEC to administer Council's September 2020 election is \$855,000; and the amount recommended by IPART for the NSWEC to administer Council's September 2020 election is \$1,095,000.

Based on those figures, and noting that the Government will most likely be under considerable pressure from the local government industry to continue to provide financial support/subsidy for the core responsibilities associated with the administration of the September 2020 elections, it would appear that Council would be liable for a charge in the range of \$855,000 and \$1,095,000 if it decides to use the services of the NSWEC for the September 2020 election.

Whilst the lower figure is generally in line with expectations and has been budgeted for in Council's Long Term Financial Plan for the 2020/21 financial year, a figure at the high end of the range would have a negative impact on the 2020/21 Budget.

There are a number of sound reasons for Council to engage the NSWEC to administer its elections. Those reasons, which were discussed in Deputy General Manager's Report No CS1/19, include:

- A decision to appoint the NSWEC would be consistent with that of approximately 95% of councils across NSW and should ensure an efficiency of approach in respect of all required elections.
- The NSWEC has successfully administered Council's 2012 and 2017 elections under a contract with Council. They also administered previous Council elections in line with State Government requirements at the time.
- The NSWEC would be responsible for the risks associated with administering the full election process.
- The NSWEC would manage all interfaces with the public. Their appointed staff would be responsible for responding to questions and enquiries from the public, ensuring all relevant

information is loaded to our website, etc. leaving Council staff free to carry on with their usual duties.

- Any problems and issues would be handled by the NSWEC, with back up able to be provided readily by their head office if required.
- It is prudent that Council remain at arms' length from the election process, ensuring openness and accountability. By engaging the NSWEC, who are an experienced and well-respected election services provider, and not being directly involved in the running of its own election, such openness and accountability is clearly demonstrated to the community.
- The NSWEC have effectively adopted an "all or nothing" approach. In other words, if councils choose not to engage the NSWEC, the NSWEC is not responsible for providing any advice, assistance or materials whatsoever in relation to the election. The only thing provided through the NSWEC is the electoral roll, which is a legislative requirement.

Having regard to the lack of information currently available to Council, and noting that it appears that there is only one other provider (untested by Council) of election services currently in the market, it would appear to be a sensible decision for Council to agree in principle to appoint the NSWEC to administer its September 2020 election and delegate authority to the General Manager to enter into a contract with the NSWEC, on the basis that its estimated costs are generally in line with those outlined in this Report.

Council's Ward Boundaries

In line with the requirements of the Local Government Act, Council is required to keep its ward boundaries under review to ensure that there is not more than a 10% variation in the number of electors per ward. The latest elector numbers as at 26 August 2019 for A, B and C Wards are shown below:

A Ward	33,763 electors
B Ward	33,292 electors
C Ward	33,024 electors
Total	100,079 electors

As there are currently variations of less than 10% between the number of electors in each Ward, no action is required by Council. The Ward boundaries are still appropriate.

BUDGET

Although no official quote has been provided to Council by the NSWEC to administer Council's September 2020 election, the IPART report indicates that the NSWEC's current estimate is \$855,000. That figure is generally in line with expectations and has been budgeted for in Council's Long Term Financial Plan for the 2020/21 financial year.

POLICY

There are no policy implications associated with this Report.

CONCLUSION

Having regard to the information contained in this Report, and the challenging timeline that has been created by the NSW Government, it is appropriate that (subject to a reasonable cost estimate being provided by the NSWEC) that Council agree in principle to engage the NSWEC to administer its

September 2020 election. Council is familiar with NSWEC processes and has worked with them as part of the successful administration of Council's 2012 and 2017 elections under a contract with Council. If Council does not receive a reasonable cost estimate from the NSWEC, a further report will be submitted for Council's consideration.

RESPONSIBLE OFFICER

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

ROBYN ABICAIR

Manager - Governance and Customer Service
Corporate Support Division

GLEN MAGUS

Director - Corporate Support
Corporate Support Division

Attachments:

1. [🔗](#) Local Government Election Report CS1/19 - February 2019

File Reference: F2019/00008

Document Number: D07707754

**7 GENERAL PURPOSE AND SPECIAL PURPOSE FINANCIAL REPORTS - 2018/19
FINANCIAL YEAR**

wEXECUTIVE SUMMARY

- Council's General Purpose and Special Purpose Financial Reports for the year ended 30 June 2019 (the Financial Reports) have been completed by staff in accordance with statutory requirements and accounting standards.
- Subject to Council's approval, the Financial Reports now need to be referred for audit.
- Following receipt of the Auditor's Reports, it is proposed that the Financial Reports and Auditor's Report be "presented to the public" at the 13 November 2019 General Meeting.

RECOMMENDATION

THAT:

1. The 2018/19 General Purpose and Special Purpose Financial Reports be received and noted and referred for audit.
2. The Mayor and Deputy Mayor be authorised to sign the Statutory Statements in connection with the 2018/19 Financial Reports.
3. The 2018/19 Financial Reports be authorised for "presentation to the public" on receipt of the Auditor's Report.
4. The General Manager be delegated authority to fix the date of the General Meeting at which the 2018/19 Financial Reports and Auditor's Report will be formally "presented to the public".

PURPOSE

The purpose of this Report is to recommend that Council's 2018/19 Financial Reports be received and noted and referred for audit.

BACKGROUND

In accordance with Section 413 of the Local Government Act, Council must prepare a set of Financial Reports for each year and must refer them for external audit as soon as practicable after the end of that year.

DISCUSSION

Council's Financial Reports for 2018/19 have been completed by staff in accordance with the requirements of the Local Government Act, the Local Government Code of Accounting Practice and relevant Accounting Standards. It is recommended that they be referred to Council's external auditors for review.

The unaudited Financial Reports (a copy of which has been provided to Councillors under separate cover) are not for distribution to the public at this stage. The audited Reports are those that will be made available to the public in accordance with Local Government Act requirements.

Council is required to give notice as to the Meeting at which the Financial Reports (including the Auditor's Reports) will be formally "presented to the public". The proposed date for this Meeting will be set as soon as possible after the Auditor's Reports have been received.

At this stage, it is anticipated that the Reports will be "presented to the public" at the 13 November 2019 General Meeting. Council's external auditor is expected to be available to make a presentation on the Reports at that General Meeting.

Following presentation of the Reports to the public, any person may make a submission concerning the Reports within a period of seven days after the 13 November 2018 General Meeting.

BUDGET

There are no budgetary implications associated with this Report.

POLICY

The Financial Reports have been compiled in accordance with the Local Government Act, the Local Government (General) Regulation 2005 and the Local Government Code of Accounting Practice issued by the Office of Local Government.

CONCLUSION

Council's referral of the 2018/19 Financial Reports for audit, and ultimately the presentation of the Financial and Auditor's Report to the public at the 13 November 2019 General Meeting, will ensure that the requirements of the Local Government Act have been met.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Acting Chief Financial Officer – Duncan Chell, who can be contacted on 9847 6822.

DUNCAN CHELL
Acting Chief Financial Officer
Corporate Support Division

GLEN MAGUS
Director - Corporate Support
Corporate Support Division

ITEM 7

Attachments:

There are no attachments for this report.

File Reference: F2019/00148

Document Number: D07732171

8 INVESTMENTS AND BORROWINGS FOR 2019/20 - STATUS FOR PERIOD ENDING 31 JULY 2019

EXECUTIVE SUMMARY

- This Report provides details of Council's investment performance for the period ending 31 July 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 for July 2019 of 3.70% which includes a gain of \$168,423 from TCorp Managed Funds and a one-off receipt of \$319,902 in relation to a class action against Standard and Poor's.

RECOMMENDATION

THAT the contents of Director's Report No. CS28/19 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

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 July 2019 is detailed in the attached document. In summary, the portfolio achieved an annualised return for July 2019 of 3.70%.

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 6.56%. The Borrowings Schedule as at 31 July 2019 is also attached for Council's information.

At the Council meeting held on 24 July 2019, there was discussion about whether the monthly investment report could be expanded to include reporting on the percentage of Council's portfolio that is invested with non-fossil fuel lending financial institutions. A review in line with that discussion has occurred and has resulted in this report incorporating the requested information. Such information will continue to be included in future monthly investment reports.

BUDGET

Budgeted investment income for 2019/20 is \$7,802,000 with an average budgeted monthly income of \$650,167. Investment income for the month ended 31 July 2019 was \$1,045,328, which includes a gain of \$168,423 from TCorp Managed Funds, interest income of \$557,003 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 26% 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 July 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 – Duncan Chell - who can be contacted on 9847 6822.

DUNCAN CHELL
Acting Chief Financial Officer
Corporate Support Division

GLEN MAGUS
Director - Corporate Support
Corporate Support Division

Attachments:

1. [HSC Investment Summary Report Jul 2019](#)
2. [HSC Borrowings Schedule 31 Jul 2019](#)

File Reference: F2004/06987-02
Document Number: D07732827

9 DRAFT WASTE MATTERS STRATEGY

EXECUTIVE SUMMARY

- The Hornsby community generates around 66,000 tonnes of household waste a year that includes 31,600 tonnes of residual waste (red bin), 11,300 tonnes recycling (yellow bin), 17,000 tonnes garden organics (green bin), 900 tonnes of metals and 5,700 tonnes of bulky clean up waste.
- Hornsby currently diverts around 29,200 tonnes of resources from landfill and sends the remaining 37,300 tonnes of residual waste to landfill. This means that Hornsby Shire is recovering 44% of our waste and diverting it from landfill.
- The draft Waste Matters Strategy ('the draft Strategy') has been developed to provide Council and the community with a guide as we seek to deliver increased recycling, resource recovery and diversion of waste from landfill towards the NSW Waste Avoidance and Resource Recovery target of 70%.
- Due to the changing regulatory environment and its impact on waste processing plants, the draft Strategy has adopted a "watching brief" on processing technologies and focuses on community engagement and education programs, along with diverting residual bulky waste from landfill into energy-from-waste processing.
- It is anticipated that implementing the draft Strategy will increase our residents' landfill diversion/resource recovery rate from 44% to around 54%.
- The draft Strategy is recommended for adoption by Council for the purposes of community consultation.

RECOMMENDATION

THAT Council adopt the draft Waste Matters Strategy for the purposes of public exhibition.

PURPOSE

The purpose of this Report is to seek Council's approval to publicly exhibit the draft Strategy.

BACKGROUND

In March 2018 Council endorsed the establishment of a Waste Working Group comprised of community members, Councillors and Council officers to guide the development of a new Waste Strategy to provide Council and the community with a guide to deliver increased recycling, resource recovery and diversion of waste from landfill.

Since then the working group, assisted by technical experts, has worked to develop a draft Strategy for the Hornsby community.

DISCUSSION**Our current performance**

Hornsby Shire residents currently divert 44% of our waste from landfill into resource recovery through kerbside recycling and garden waste composting services provided by Council. This landfill diversion rate is similar to other metropolitan council's across Sydney.

Options to improve resource recovery

The NSW Waste and Resource Recovery Act and Strategy has established a 70% resource recovery target for residential waste.

Under the waste hierarchy the Waste Matters Strategy will continue to deliver initiatives to address:

- Waste reduction/avoidance
- Re-use
- Recycling
- Recovering materials for energy
- Treating our waste and
- Only then landfilling material as our lowest priority.

Currently 56% of Hornsby Shire's waste is disposed of at landfill. In this material there are significant opportunities to improve our communities resource recovery performance due to its composition. For example, approximately 70% of the material in the red lid bin can be composted or recycled:

- 35% food organics
- 20% other compostable organics
- 15% standard recyclables

Focusing on diverting the compostable organics going to landfill, along with addressing the remaining standard recyclables in the garbage stream, will deliver the largest available resource recovery outcome.

The draft Strategy development process identified and assessed a range of options to deliver increased resource recovery outcomes, focusing on:

- Diverting organics from landfill
- Recovering standard recyclables and

- Using residual waste destined for landfill as a potential energy source

There are two main approaches to divert organics from landfill being Food Organics Garden Organics (FOGO) processing, and Mixed Waste Processing at an Alternative Waste Treatment (AWT) facility.

FOGO processing involves the weekly collection of a combined food and garden organics bin for composting, and the fortnightly collection of the residual waste bin (red bin). Due to the presence of food, processing of this material must take place in specially designed and licenced indoor composting facilities. This approach has been successfully implemented in a number of regional areas, however has had limited uptake in the Sydney metropolitan area due to facility availability (there are only two facilities in Sydney) and a higher presence of units and apartments that are not able to receive such a service. There are also concerns regarding plastic contamination in the food waste stream that can contaminate clean garden waste. Processing costs are also significantly higher when compared to traditional garden organics composting due to the requirement for FOGO to be processed in specifically designed indoor facilities.

Mixed Waste Processing also focusses on the compostable materials within the waste stream, however it seeks to use technology to extract recyclables and compost the remaining mixed waste material via mechanical and biological means at an advanced waste treatment facility. As it accepts a mixed waste stream, this technology does not require source separation of material, however fine plastics and other non-organic materials in the composted organic material can pose challenges. Similar to FOGO, Mixed Waste Processing requires a specifically licenced indoor composting facility.

Following extensive research, site tours, modelling and analysis, the Waste Working Group reached a view that only Mixed Waste Processing was capable of achieving the 70% resource recovery target. Further this option had the best value for money outcome with the lowest cost for our community.

As the working group was seeking to finalise its preferred approach, the NSW EPA introduced major regulatory changes governing the end use of mixed waste processing compost products.

Regulatory Impacts on Mixed Waste Processing Plants

Compost products produced at Mixed Waste Processing plants are governed by EPA regulations that specify the amount of plastics, chemicals and other contaminants allowable in the final product along with where they can be applied and at what rates. Prior to the introduction of these regulations in March 2010, the manufacture and distribution of mixed waste organic material was unregulated.

In this regulatory context waste companies made significant capital investment decisions to build and operate mixed waste treatment facilities, contracting with many Council's to process their waste and divert it from landfill.

In October 2018 with little warning, the NSW EPA announced significant regulatory changes that overnight stopped the use of mixed waste organic material on agricultural land and mine site rehabilitation until further controls could be considered. This status remains at the time of writing this report.

The regulatory changes were introduced in response to independent research trials that had been commissioned by the EPA that found that there were limited agricultural benefits from applying mixed waste organic material at the regulated levels and that there are physical contaminants and potential environmental risks.

Due to the regulatory changes, Council's with contracts in place for mixed waste processing are seeing their contractor sending composted mixed waste organic material to landfill.

These regulatory changes have created significant uncertainty, industry instability and blocked the Waste Matters Strategy preferred pathway to recover the compostable organics going to landfill through mixed waste processing.

It is understood that the EPA are currently reviewing its approach to mixed waste organics material, and local government and the waste industry are awaiting further regulatory advice that will provide certainty to the sector.

The draft Waste Matters Strategy has considered the impacts arising from the regulatory changes and determined that a risk averse approach and adopting a “watching brief” on this situation is prudent to avoid Council getting locked into high value long term contractual arrangements that don't deliver intended outcomes.

Council will need to monitor options for recovering organic wastes going to landfill over the coming 1-3 years and reassess a preferred approach in due course.

Bulky Waste Processing

Our community's bulky waste is taken to a resource recovery transfer station where any materials suitable for reuse or recycling are recovered. The residual bulky waste is then transported to landfill.

There is now an opportunity to send this residual bulky waste destined for landfill, to an energy-from-waste processor where it is prepared as an energy fuel source (replacing coal, natural gas and hydrocarbon fuels) in Australian and overseas cement kilns. This energy-from-waste use would divert around 8-10% of community's waste going to landfill.

The draft Waste Matters Strategy encourages residents to adopt better purchasing, reuse, repair and resale practices to avoid placing bulky waste out for landfill or energy-from-waste, however sending residual bulky waste for energy-from-waste use is above landfill disposal on the waste hierarchy and is considered a more beneficial option. Mattresses in the bulky waste stream will also be recovered for deconstruction and recycling of component materials.

Draft Waste Matters Strategy Focus

The draft Strategy has many outcome driven actions that will allow Council and our community to get on and make sound progress until the broader regulatory framework around organics processing is clarified and market certainty is restored.

In the interim, the draft Strategy has responded strongly to community calls for strengthened community engagement and education across a broad range of waste related program areas. Our core strategic response focuses around four key themes as follows:

1. Optimising and enhancing waste services to the community
 - a) Increase the diversion of organic waste from landfill
 - b) Explore targeted enhancement to collection and drop-off services
 - c) Maximise resource recovery levels from all streams
2. Empowering residents to increase avoidance, reuse and recycling
 - a) Increase community engagement and education to support desired behavioural changes
 - b) Build the capacity of residents to avoid waste and build a reuse culture
 - c) Improve waste management and resource recovery outcomes in multi-unit dwellings

- d) Reduce illegal dumping and littering
3. Supporting schools, businesses, community organisations and Council to improve waste management
 - a) Promote improved waste management for local businesses and schools
 - b) Improve waste management at special events
 - c) Support local community organisations championing waste messages
 - d) Support the circular economy, sustainable procurement and buying recycled content
4. Council leadership, advocacy and regional collaboration
 - a) Encourage development of overarching national and state policies that facilitate optimised waste management outcomes
 - b) Support development of regional initiatives that coordinate and strengthen collective responses
 - c) Participate in key state-wide and regional industry and education networks

CONSULTATION

An extensive community consultation and engagement process has been undertaken to ensure community participation and involvement in the draft Strategy development and to integrate community needs and expectations into the draft Strategy focus areas.

A key part of Council's engagement was the calling together of a waste strategy working group consisting of community members, technical advisors and Council officers. This group guided the development of the draft Strategy, conducted site visits and participated in broader community consultation/engagement activities.

The community told us the following key messages:

- Most residents are generally satisfied with Council's waste services and approaches. Residents want to see more recycling and resource recovery and within reason are prepared to pay to do more.
- Residents want more information on where their waste goes, more education on how to use waste services and how to recycle more.
- Residents want to know how to home compost and worm farm, how to reduce plastics and packaging and for council to advocate/lobby to government and supermarkets to reduce plastics and packaging in general. Residents want to see single use plastics reduced, to receive more help on how to reuse and repair household items and for more reuse of clothing.
- Residents want a focus on helping units and apartments reduce and better manage their waste, better waste management at community events and a focus on littering and illegal dumping within the Shire.

Full details on the community consultation and engagement process and the *Waste Management Strategy – Community Engagement Consolidated Report* prepared by Micromex Research, 05 December 2018 can be found at <http://wastematters.hornsby.nsw.gov.au>

The purpose of this Report is for Council to adopt the draft Strategy and seek the views of the wider community on its content and recommendations. This would be via advertisements in local media and exhibition on Council's website for a period of 28 days.

BUDGET

Waste management costs are increasing due to rising contract costs for the collection and processing or landfilling of waste.

These increasing contractual costs have been included in forward waste budgets and are covered by the current 2019-20 Domestic Waste Management Charge within residents' rates. The cost to implement draft Strategy projects and initiatives will be accommodated within these forward waste budgets.

Future major step increases to our community's landfill diversion and resource recovery outcomes will relate to processing options for organic material that is currently within the red lid bin as certainty returns around the regulatory environment for this material. Processing of this material will come at additional cost depending on the pathway selected in the future.

POLICY

The draft Strategy will set the policy framework for Council and the community as we seek to deliver increased recycling, resource recovery and diversion of waste from landfill towards the NSW Waste Avoidance and Resource Recovery target of 70%.

CONCLUSION

The draft Waste Matters Strategy:

- Adopts a prudent precautionary watching brief on regulatory changes and available technologies to recovering organics from our community's waste to landfill.
- Articulates a broad range of community engagement and education programs, projects and initiatives focused around optimising and enhancing waste services to the community; empowering residents to increase avoidance, reuse and recycling; supporting schools, businesses, community organisations and Council to improve waste management; and Council leadership, advocacy and regional collaboration.
- Sets out proactive actions that Council can progress related to sending residual bulky waste to energy-from-waste processing; mattress recycling; re-establishing annual EPA household chemical cleanout days; establishing E-waste drop-off services for rural residents; and expanding items accepted at the Thornleigh Community Recycling Centre.

The draft Strategy has responded to the community's needs, expectations and aspirations that were identified within the extensive community engagement and consultation process and also to the current challenges and operating environment facing the waste management sector.

It is recommended that Council adopt the draft Waste Matters Strategy for the purposes of public exhibition.

RESPONSIBLE OFFICER

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

CHRIS HORSEY
Manager - Waste Management
Community and Environment Division

STEPHEN FEDOROW
Director - Community and Environment
Community and Environment Division

Attachments:

1.  Draft Waste Matters Strategy

File Reference: F2018/00082

Document Number: D07740871

ITEM 9

10 DRAFT HORNSBY COMMUNITY PARTICIPATION PLAN

EXECUTIVE SUMMARY

- On 1 March 2018, the *Environmental Planning and Assessment Act 1979 (EP&A Act)* was amended to require all planning authorities, including councils, to prepare a Community Participation Plan (CPP).
- The purpose of a CPP is to provide a single document that the community can access which sets out how they can participate in planning matters such as plan making, development assessment, strategy development and planning proposals.
- The *Environmental Planning and Assessment Regulation 2000* requires all planning authorities to publish their CPP on the NSW Planning Portal by 1 December 2019.
- A draft Hornsby CPP has been prepared to reflect community participation requirements as they relate to planning functions and is attached to this report. Once finalised, the Hornsby CPP will supersede Part 1B.5 Notification and Exhibition of the Hornsby Development Control Plan.
- The preparation of the draft CPP has required consolidation of Council's existing planning notification and exhibition practices into one document and is not a review of Council's Notification and Exhibition policy.
- Council is currently preparing a wider Communications and Engagement Strategy (CES), which would provide direction for all of Council's communications and engagement activities. In the future, it would be appropriate that the requirements of the CPP be integrated into Council's CES. However, to meet legislative requirements, the CPP is being developed initially as a standalone document.

RECOMMENDATION

THAT:

1. The draft Hornsby Community Participation Plan attached to Director's Report No PL23/19 be exhibited for 28 days in accordance with Schedule 1 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*.
2. Following exhibition, a report be presented back to Council outlining any submissions and required amendments for its consideration.

PURPOSE

The purpose of this Report is to seek Council's endorsement to exhibit the attached draft Hornsby Community Participation Plan.

BACKGROUND

On 1 March 2018, the *Environmental Planning and Assessment Act 1979 (EP&A Act)* was amended to require all planning authorities, including State Government agencies and councils, to prepare a Community Participation Plan (CPP) to outline how and when the authority will undertake community participation when carrying out its planning functions. The relevant planning functions for a Council in accordance with Section 2.21(2), include:

- Planning instrument functions under Part 3 of the EP&A Act.
- Development consent functions under Part 4 of the EP&A Act.
- Contribution plan functions under Part 7 of the EP&A Act.

The *Environmental Planning and Assessment Regulation 2000* requires all planning authorities to publish their CPP on the NSW Planning Portal by 1 December 2019.

DISCUSSION

The purpose of the Hornsby Shire Community Participation Plan (CPP) is to provide a single document that the community can access which sets out how they can participate in planning matters. This includes plan making, development assessment, strategy development and planning proposals that are required to be assessed and determined by Council or local, district or regional planning panels.

The CPP will not relate to any other functions of Council other than those for planning. Currently, the notification and exhibition requirements for development applications are contained within Part 1B.5 Notification and Exhibition of the Hornsby Development Control Plan (HDCP). The CPP will supersede the relevant provisions in the HDCP. It will include all minimum legislative requirements exhibition timeframes for planning functions performed at Council prescribed under the *EP&A Act*.

The Hornsby CPP is structured as follows:

1. **Introduction** – This section includes information about what a CPP is, when it applies and its objectives.
2. **Development Consent Functions** – This section includes the information currently contained within Part 1B.5 Notification and Exhibition of the HDCP including exhibition periods, methods, submissions and post determination notification.
3. **Strategic Planning Functions** – This section provides an overview of strategic planning functions and exhibition periods, Council's approach to community participation and information about submissions.
4. **How to get involved** - This section includes Council's contact details for the community to utilise to provide feedback on planning matters.

Community Engagement Strategy

The CPP will not relate to any other functions of Council other than those for planning. The CPP is distinct from the Communications and Engagement Strategy (CES) currently being prepared, which will provide direction for all of Council's communications and engagement activities.

To provide a comprehensive and clear approach to the delivery of communications and engagement in Hornsby Shire, it would be appropriate that the requirements of the CPP be integrated into Council's CES. However, to meet legislative requirements, allow for appropriate community consultation and publish a Council-endorsed CPP before 1 December 2019, the Plan is being developed initially as a standalone document.

The consultant engaged to prepare Council's CES has reviewed and had input into the attached draft Hornsby Community Participation Plan.

STATUTORY CONSIDERATIONS

The CPP has been prepared to satisfy the requirements of Division 2.6 and Schedule 1 of the *Environmental Planning and Assessment Act 1979* having regard to the Community Participation Principles set out in Section 2.23(2) of the *EP&A Act* which were established to make it is easier for the community to understand how to participate in planning decisions.

CONSULTATION

In accordance with Schedule 1 of the *Environmental Planning and Assessment Act 1979*, the draft Hornsby Community Participation Plan will be exhibited for 28 days. The draft CPP will be available online through Council's website, in the local papers and through Council's social media platforms.

BUDGET

There are no budgetary implications associated with this Report.

POLICY

Part 1B.5 Notification and Exhibition of the Hornsby Development Control Plan has been incorporated into the Community Participation Plan. Once finalised, the CPP will supersede the provisions in the HDCP relating to notification and advertisement of development applications (Part 1B.5 Notification and Exhibition).

A separate report would be prepared for Council's consideration for any future amendments to the HDCP as necessary following adoption of the CPP.

CONCLUSION

The attached Hornsby CPP has been prepared to provide a single document that the community can access which sets out how they can participate in planning matters such as plan making, development assessment, strategy development and planning proposals.

The preparation of the CPP is not a review of Council's exhibition and notification policy and the document will not relate to any other functions of Council other than those for planning.

In the future, it would be appropriate that the requirements of the CPP are integrated into Council's CES. However, to meet legislative requirements, allow for the appropriate consultation period and publish a Council-endorsed CPP before 1 December 2019, it is being developed initially as a standalone document.

RESPONSIBLE OFFICER

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

KATHERINE VICKERY
Manager - Strategic Landuse Planning
Planning and Compliance Division

JAMES FARRINGTON
Director - Planning and Compliance
Planning and Compliance Division

Attachments:

1. [🔗](#) DRAFT Community Participation Plan

File Reference: F2004/06261-02

Document Number: D07729468

ITEM 10

11 VOLUNTARY PLANNING AGREEMENT - 50A DUFFY AVENUE, THORNLEIGH

EXECUTIVE SUMMARY

- A Voluntary Planning Agreement ('the Agreement') was submitted on behalf of the owners of property No. 50A Duffy Avenue, Thornleigh.
- At its meeting on 12 June 2019, Council considered Director's Report No. PL15/2019 and resolved to endorse the proposed Agreement.
- The Agreement proposes that the developer make a monetary contribution of \$79,478 in accordance with Council's *Green Offset Code* (Amended 2015) towards the replacement of vegetation lost as a result of the approved subdivision (DA/510/2018).
- The Voluntary Planning Agreement has been reviewed by Council's solicitors and changes recommended in accordance with the *Environmental Planning Assessment Act, 1979*. In light of the changes, it is appropriate that Council endorse the revised final Agreement.
- It is recommended that Council endorse the amendments to the Agreement to offset the loss of native vegetation through Council's Bush Care Program, to rehabilitate and regenerate bushland on land owned by Council.

RECOMMENDATION

THAT the Voluntary Planning Agreement attached to Director's Report No. PL24/19 be endorsed by Council.

PURPOSE

The purpose of this Report is to seek Council's endorsement of amendments to the Voluntary Planning Agreement ('the Agreement') which proposes that the developer of No. 50A Duffy Avenue, Thornleigh pay Council a monetary contribution for the replacement of vegetation lost as a result of development of the property.

BACKGROUND

On 30 May 2018, DA/510/2018 was lodged for the Torrens Title subdivision of one lot into six as a staged development. On 6 August 2018, the developer made an offer to Council to enter into a Voluntary Planning Agreement (VPA) with Council pursuant to Section 7.4 of the *Environmental Planning and Assessment Act 1979*.

The Agreement proposed that the developer make a monetary contribution of \$79,478 towards the replacement of vegetation lost in accordance with Council's *Green Offset Code* (Amended 2015).

On 19 December 2018, the Hornsby Local Planning Panel (HLPP) resolved to approve DA/510/2018 subject to additional conditions requiring the retention of an additional 7 trees fronting Sefton Road. Condition No. 23 of the approved development requires the developer to enter into a VPA with Council to offset the loss of trees on site.

At its meeting on 12 June 2019, Council considered Director's Report No. PL15/2019 and resolved to endorse the proposed Agreement.

The proposed Agreement has been reviewed by Council's solicitor and changes have been made subject to Council's endorsement.

DISCUSSION

The Agreement proposes that the developer make a monetary contribution of \$79,478 towards replacement of 0.1533ha of vegetation that would be lost as a result of the approved development. The Agreement includes a multiplier of 2 for "Other Native Vegetation and Remnant Trees" given that the trees proposed to be removed are not naturally occurring as they were planted for landscaping purposes as a condition of consent under a previous development consent (No. 134/76).

This offset is calculated as follows:

Offsets amount = Area to be cleared (in hectares) x offsets multiplier x vegetation offset (as per Council's Fees and Charges) plus 10% management fee.

The offset calculation is therefore:

$\$79,478 = (0.1533 \times 2 \times \$235,660) + 10\% = \$72,253 + \$7,225$

Total Development Contribution required = \$79,478 to the Bushland Restoration Offset Program.

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

A planning agreement is a voluntary agreement or other arrangement under this Division between a planning authority (or 2 or more planning authorities) and a person (the developer):

- a) Who has sought a change to an environmental planning instrument, or*
- b) Who has made, or proposes to make, a development application or application for a complying development certificate, or*

- c) *Who has entered into an agreement with, or is otherwise associated with, a person to whom paragraph (a) or (b) applies,*
- under which the developer is required to dedicate land free of cost, pay a monetary contribution, or provide any other material public benefit, or any combination of them, to be used for or applied towards a public purpose.*

The Act prescribes the content, form, subject matter and procedures for making planning agreements. The proposed Agreement has been reviewed by Council's solicitor in accordance with Section 7.4 of the *Environmental Planning and Assessment Act, 1979*.

Council's solicitor has recommended that the proposed Agreement be amended as follows:

- Inserting Clause 5.3 requiring payment of the monetary contribution prior the issuing of a Subdivision Certificate.
- Inserting clause 5.4 so as not to exclude the application of section 7.11, 7.12 or 7.24 to the Development.

Accordingly, the Applicant has updated the proposed Agreement to include the above recommendations and the amendments to the Agreement are submitted to Council for its endorsement.

CONSULTATION

The proposed Agreement was placed on public exhibition for a period of 28 days in accordance with Section 7.5(1) of the *Environmental Planning and Assessment Act 1979* and Council's *Policy on Planning Agreements 2007*. During this period, one submission was received. The issues raised were addressed in Director's Report No. PL/15/2019. The amendments to the Agreement are minor and are not required to be re-exhibited.

BUDGET

There are no budgetary implications associated with this Report.

POLICY

There are no policy implications associated with this Report.

CONCLUSION

The proposed amendments to the Agreement are consistent with Council's current *Policy on Planning Agreements* and satisfies the requirements of the *Environmental Planning and Assessment Act, 1979*.

The collection of a monetary contribution serves the purpose of offsetting the loss of trees in accordance with Council's Bushcare program and Green Offset Code which aims to protect, enhance, manage and create habitat on receiving land that is ecologically suitable and appropriate.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Manager Development Assessments – Rod Pickles.

JAMES FARRINGTON
Director - Planning and Compliance
Planning and Compliance Division

Attachments:

1. [↗](#) Explanatory Note
2. [↗](#) Revised VPA - 35 Sefton Road

File Reference: DA/510/2018

Document Number: D07747401

ITEM 11

12 MAYOR'S NOTES FROM 1 AUGUST 2019 TO 31 AUGUST 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.

Thursday 1st August 2019 – On behalf of the Mayor, Deputy Mayor, Councillor Del Gallego attended the Kuring-Gai Police Commands Awards Ceremony at Asquith Leagues Club in Waitara.

Friday 2nd August 2019 – On behalf of the Mayor, Councillor Waddell attended the Musical 'Wizard of Oz' at Galston High School, Galston.

Saturday 3rd August 2019 – On behalf of the Mayor, Councillor Tilbury attended the Dangar Island 'Community First Response Turns 5' Event held in the Park and Hall on Dangar Island.

Saturday 3rd August 2019 – The Mayor attended the Eastwood / Hills Fellowship of Australian Writers Prize held at Pennant Hills Community Centre in Pennant Hills.

Saturday 3rd August 2019 – The Mayor attended the 60 Year Anniversary Dinner of Asquith Girls High School held at Hornsby RSL in Hornsby.

Sunday 4th August 2019 – The Mayor attended the SAN RunforLife 2019 held at The San Adventist Hospital in Wahroonga.

Sunday 4th August 2019 - The Mayor attend Tree Planting with Beecroft Civic Trust and Byles Creek Valley Union at Observatory park in Beecroft.

Sunday 4th August 2019 – On behalf of the Mayor, Councillor Waddell attended the General Meeting of the Berowra Waters Progress Association held at Berowra Waters Rural Fire Station in Berowra Waters.

Sunday 4th August 2019 – On behalf of the Mayor, Councillor Browne attended The Golden Kangaroos Presents: The Rising Tides at The Epping Club in Epping.

Wednesday 7th August 2019 – On behalf of the Mayor, Deputy Mayor, Councillor Del Gallego hosted two Citizenship Ceremonies in the Council Chambers at Hornsby Shire Council.

Friday 9th August 2019 – The Mayor attended the Castle Hill Branch of Australian Red Cross 30th Annual General Meeting held at Glenhaven Green Retirement Village in Glenhaven.

Friday 9th August 2019 – The Mayor attended the Celebration Event of the Opening of the new Beecroft House Project held at Beecroft House in Beecroft.

Saturday 10th August 2019 – The Mayor attended the Northern District Hockey Club Day held at Pennant Hills Playing Field in Pennant Hills.

Sunday 11th August 2019 – The Mayor attended and gave a speech at the Lighting of the Lamp Indian Fair held in Hornsby Mall in Hornsby.

Tuesday 13th August 2019 – The Mayor attended the Council Community Forum held at Asquith Leagues Club in Waitara.

Saturday 17th August 2019 – The Mayor attended the Multicultural Mass ‘Celebrating Disciples of All Nations held at Our Lady of the Rosary in Waitara.

Monday 19th August 2019 – The Mayor attended a 30 Year Anniversary Morning Tea at The Richard Geeves Centre in North Turramurra.

Wednesday 21st August 2019 – The Mayor hosted two Citizenship Ceremonies in the Council Chambers at Hornsby Shire Council.

Thursday 22nd August 2019 – The Mayor attended the Link Housing Opening Night of "No Place Like Home" - A free community art exhibition and event held at Wallarobba Arts and Cultural Centre in Hornsby.

Thursday 22nd August 2019 – The Mayor attended the Inaugural St Leo's Catholic College Higher Education and Careers Expo held at The Mary MacKillop Centre, St Leo's Catholic College, in Wahroonga.

Friday 23rd August 2019 – The Mayor attended and hosted the New South Wales Rural Fire Service Mayoral Dinner held at Hornsby RSL in Hornsby.

Thursday 29th August 2019 – On behalf of the Mayor, Deputy Mayor, Councillor Del Gallego attended the Future Living Summit at Events Cinema in Hornsby Westfields.

Sunday 25th August 2019 – The Mayor attended the Our Lady of the Rosary Primary School Family Fair held at Our Lady of the Rosary Primary School in Waitara.

Sunday 25th August 2019 – The Mayor attended the Official Launch of the Women's Shed Hornsby Ku-ring-gai held at the PCYC in Waitara.

Friday 30th August 2019 - On behalf of the Mayor, Deputy Mayor, Councillor Del Gallego attended the New South Wales State Emergency Services Hornsby Unit Awards and Mayoral Dinner held at Hornsby RSL in Hornsby.

Saturday 31st August 2019 – The Mayor attended the Mount Kuring-Gai Public School Fete held at Mount Kuring-Gai Public School in Mount Kuring-Gai.

Saturday 31st August 2019 – On behalf of the Mayor, Councillor Tilbury attended the Ku-ring-gai Netball Association Grand Finals at Canoon Road Courts in Turramurra.

File Reference: F2004/07053

Document Number: D07741187

13 CLIMATE EMERGENCY DECLARATION

COUNCILLOR HEYDE TO MOVE

THAT Council:

1. Declare a climate emergency in acknowledgement that urgent action is required by all levels of government; that human induced climate change represents one of the greatest threats to humanity, civilisation and other species; and that it is still possible to prevent the most catastrophic outcomes if, and only if, societies and governments take emergency action.
2. Note the recently passed motion at the Australian Local Government Association National General Assembly calling on the Federal Government to declare a climate emergency.
3. Write to the State and Federal Members of Parliament calling on them to declare a climate emergency and undertake immediate action.
4. Note the work being undertaken as part of the development of the Local Strategic Planning Statement, in particular the development of an Environmental Sustainability Strategy, Climate Change Adaptation Plan and Urban Forest Strategy, and that a report be submitted to Council outlining our emission reduction pathway.

Note from Councillor

Declaring a climate emergency has a very clear purpose: it acknowledges that protecting all residents, communities and our local bushland and wildlife from the ravages of climate damage and reducing operational and community emissions is a priority from now on.

There are three main reasons for Hornsby Council to declare a climate emergency:

1. We face catastrophic loss of wildlife, plant life and human life in the Bushland Shire, and around the world, if we do not rapidly cut emissions and start to draw down carbon already in the atmosphere.
2. We are uniquely placed to take action and show leadership: local government tends to be more open, democratic, and less affected by big money and party politics than State and Federal Governments.
3. There is increasing awareness of the threat of climate damage amongst Hornsby Shire residents, and demonstrable support for declaring a climate emergency and reducing emissions.

Is this an emergency?

The central aim of the [Paris Agreement](#) is to keep a global temperature rise this century well below 2 degrees Celsius above pre-industrial levels and try to achieve only a 1.5 degree rise. That is because

2 degrees is dangerous to human life and ecosystems. Countries [including Australia](#) have failed to implement their commitments. But even if they did, it would [mean a rise of 3.5 degrees](#), a world which national security experts describe as outright social chaos.

At present, we are on track to achieve a 4.5 degree increase in temperatures, which national security experts have described as a world [incompatible with any organised society](#).

Is damage already occurring?

Dangerous climate damage is already occurring at 1 degree of heating. Just [7% of the Barrier Reef](#) has not been affected by bleaching. Fires burn in the Arctic, including Siberia, Alaska and Canada. 2,000 fires are burning in the Amazon, home to a quarter of the Earth's land-bound species. For comparison, when 0.2% of the Amazon burned in 2016, it released 30m tons of CO₂ – about the same as [Denmark emitted in 2018](#).

Even achieving the most ambitious goal of 1.5°C will mean the [death of 70-90% of the Great Barrier Reef](#). With 2°C of warming, [99 per cent of tropical coral reefs die](#). As IPCC-contributing Australian scientist, [Joelle Gergis explains](#), “An entire component of the Earth's biosphere – our planetary life support system – would be eliminated. The knock-on effects on the 25 per cent of all marine life that depends on coral reefs would be profound and immeasurable.”

Climate is a threat to human life

Climate damage is an [existential risk to humanity](#). It poses permanent, large-scale negative consequences for our species and all other life on the planet which we may never recover from.

To restrict warming to 2°C above pre-industrial levels, the world needs to triple its current emission reduction pledges - and then implement them. To restrict global warming to 1.5°C, [global ambition needs to increase fivefold](#).

For reference, Australia's federal targets are [26 to 28 per cent below 2005 levels by 2030](#). That is aligned to temperature increases of temperature increases of [3 to 4°C](#).

The damage from climate heating has already started, [and deaths, climate-related stunting, malnutrition and lower IQ in children within the coming decades will impact Australia and the Pacific](#). At its August meeting in Canberra, the [AMA Federal Council](#) declared that climate change will have the earliest and most severe health consequences on vulnerable populations around the world, including in Australia and the Pacific region. They went on to say that climate change is a health emergency, with clear scientific evidence indicating severe impacts for our patients and communities now and into the future.

Is it possible to avoid catastrophic climate impacts?

It is possible to limit warming to 1.5°C. If all emissions from human activity and fossil fuels was reduced to zero immediately, [the IPCC says it is technically possible](#) to stay within that range, but to do so, we must respond as we would in an emergency.

So the [economic and technological means already exist](#) to limit the rise to 1.5 degrees Celsius. What is lacking is the political will to acknowledge that it is too late to gradually transition to a clean tech world, and that we now have no choice but to declare the situation an emergency and bring down emissions with extreme rapidity in order to ensure that people and ecosystems are again made safe.

That is now the task of leaders at every level of society and government - including local councils.

Attachments:

There are no attachments for this report.

File Reference: F2018/00162#10-002

Document Number: D07686167

14 PUBLIC TRANSPORT ACCESS TO CHERRYBROOK STATION AND REVIEW OF LOCAL BUS SERVICES

COUNCILLOR HEYDE TO MOVE

THAT Council:

1. Write to the Minister for Transport Mr. Andrew Constance requesting an urgent review of the bus routes and timetables affecting residents in the North-West sector, specifically Cherrybrook and West Pennant Hills with a view to providing frequent, efficient and reliable bus connections across suburbs, to public transport hubs, and between schools and shops.
2. Express concern that the changes were implemented with little or no consultation with Council and the public transport users resulting in considerable anger, distress and inconvenience in the community.
3. That the review should consider progressing alternative options of getting commuters to their destinations such as improving active transport and introducing on-demand bus services to the North West Metro stations, particularly Cherrybrook. That the review should take into account the concerns of the community and be undertaken in close consultation with Council.
4. That the Minister for Transport Mr. Andrew Constance urgently progress upgrading the intersection of New Line Road / County Drive / Shepherd Drive to provide safe pedestrian access across New Line Road to provide better active transport options to Cherrybrook Station for residents living to the east of New Line Road.
5. That the Mayor write to the Local Members seeking their support for an urgent review as outlined in this motion and that the promised integrated plan addressing all infrastructure requirements for this precinct be completed.

Note From Councillor

The North West Metro opened in May 2019. After waiting for improvements in public transport services for decades, the line was welcomed by the 19,000 residents of Cherrybrook, residents in West Pennant Hills and across The Hills district.

On 28 July, the State Government cut Hillsbus services and reduced other routes to the Cherrybrook, West Pennant Hills and Hills districts, [explaining that](#) they were “making it easier to use public transport to get to key local destinations, including metro stations”.

They went on to signal “Extra services, greater travel options and adjustments to some bus routes in North West Sydney”.

As a result of these adjustments, the Government reduced peak hour bus services to the city. Services started later and finished earlier and had reduced frequency. Some routes like the 621

service were cancelled altogether. Commuters no longer had bus services to the city outside peak hours, despite parking at Metro train stations being at capacity after 7am on weekdays. There were no access to bus services to and from Metro stations for many residents across the Hills.

Many residents were not aware of the changes and large numbers of commuters were caught unawares when the changes took effect on Monday 29 July.

As a result of the bus cancellations and reduced services, two petitions were started by local residents, with a combined total of well over 10,000 names. Hundreds of residents posted detailed descriptions of the difficulties individuals, families, people with disability, children and elderly residents now had in accessing work, places of study, schools and shops.

The comments focussed around the need to return the cancelled 621 service and the night-time 620X services, and need to quickly introduce new services to connect to Cherrybrook Station including:

- Increasing bus services to Cherrybrook (626), and introduce a direct service to and from northern Cherrybrook
- Restoring the 642X off-peak service
- Introducing additional services from Pennant Hills Station to Mount St Benedict's College on the 625 or 632 route

Residents held a snap public meeting on Saturday 27 July where they expressed the need for a public meeting to discuss the issue, and frustrations in not being heard in representations to local State MPs and the Minister for Transport.

Residents held a large public meeting on Sunday 4 August attended by hundreds, calling for services to be returned as a matter of urgency. Residents explained that given the topography and urban design of the West Pennant Hills and Cherrybrook areas, bus services were vital for people to access the new metro station, travel between suburbs access education and access shopping areas.

Since mid-July stories from residents have been inundating social media and have been featured in local print media and on state TV news.

Hillsbus services remain cut and cancelled.

Attachments:

There are no attachments for this report.

File Reference: F2004/08742

Document Number: D07750797

15 NORTH WEST RAIL LINK TEMPORARY HAULAGE ROAD REHABILITATION

COUNCILLOR MARR TO MOVE

THAT Council write to the Minister for Transport and Roads, and Local Members of Parliament calling for funding to be provided and management responsibility for bush regeneration works associated with the temporary haulage road between Kirkham Street and Cheltenham Oval, be transferred to Council to ensure that it is remediated to the highest possible standard.

Note from Councillor:

Recently, I have been made aware of the poor condition and bushland remediation of the temporary haulage road that was constructed through bushland from Kirkham Street to Cheltenham Oval to enable construction vehicle access as part of the development of the Sydney Metro NorthWest train line.

As works for the Sydney Metro NorthWest train line and facilitates are now completed, the haulage road is required to be remediated to a high quality commensurate with the surrounding bushland.

However, I am deeply concerned that this will not be achieved. To date, there have been significant delays in planting council nursery plant stock, over watering and poor soil management resulting in high pH levels due to site management being undertaken by landscapers who in my opinion are not best qualified to oversee relevant site remediation techniques. Rather bush regenerators should manage the site remediation to ensure that a high-quality outcome is achieved that benefits the bushland shire.

The site must be rehabilitated back to its original condition and a lesser standard is not acceptable. Hence, I believe that it would be appropriate for Council to write to the Minister for Transport and Roads, and Local Members of Parliament calling for funding to be provided and management responsibility for bush regeneration works be transferred to Council to manage, to ensure it is remediated to the highest possible standard. Funding should be sufficient to provide for a minimum of 5 years site revegetation and management.

Attachments:

There are no attachments for this report.

File Reference: F2018/00232

Document Number: D07750776