



BUSINESS PAPER

WORKSHOP MEETING

**Wednesday 23 February 2022
at 6:30PM**



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AGENDA AND SUMMARY OF RECOMMENDATIONS

PRESENT

NATIONAL ANTHEM

OPENING PRAYER/S

ACKNOWLEDGEMENT OF RELIGIOUS DIVERSITY

Statement by the Chairperson:

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

ACKNOWLEDGEMENT OF COUNTRY

Statement by the Chairperson:

"Council recognises the Traditional Owners of the lands of Hornsby Shire, the Darug and GuriNgai peoples, and pays respect to their Ancestors and Elders past and present and to their Heritage. We acknowledge and uphold their intrinsic connections and continuing relationships to Country."

VIDEO AND AUDIO RECORDING OF COUNCIL MEETING

Statement by the Chairperson:

"I advise all present that tonight's meeting is being video streamed live via Council's website and also audio recorded for the purposes of providing a record of public comment at the meeting, supporting the democratic process, broadening knowledge and participation in community affairs, and demonstrating Council's commitment to openness and accountability. The audio and video recordings of the non-confidential parts of the meeting will be made available on Council's website once the Minutes have been finalised. All speakers are requested to ensure their comments are relevant to the issue at hand and to refrain from making personal comments or criticisms. No other persons are permitted to record the Meeting, unless specifically authorised by Council to do so."

APOLOGIES / LEAVE OF ABSENCE

POLITICAL DONATIONS DISCLOSURE

Statement by the Chairperson:

"In accordance with Section 10.4 of the Environmental Planning and Assessment Act 1979, any person or organisation who has made a relevant planning application or a submission in respect of a relevant planning application which is on tonight's agenda, and who has made a reportable political donation or gift to a Councillor or employee of the Council, must make a Political Donations Disclosure Statement."

If a Councillor or employee has received a reportable political donation or gift from a person or organisation who has made a relevant planning application or a submission in respect of a relevant planning application which is on tonight's agenda, they must declare a non-pecuniary conflict of interests to the meeting, disclose the nature of the interest and manage the conflict of interests in accordance with Council's Code of Conduct."

DECLARATIONS OF INTEREST

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.*

PETITIONS

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

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

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

GENERAL BUSINESS

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

OFFICE OF THE GENERAL MANAGER**Page Number 1****Item 1 GM2/22 PARTNERSHIP AGREEMENT - SERVICE NSW FOR BUSINESS****RECOMMENDATION**

THAT:

1. Council delegate authority to the General Manager to enter into the agreement attached to General Manager's Report No. GM2/22 with Service NSW to deliver the Service NSW for Business Program.
2. Any necessary documents be authorised for execution under the Common Seal of Council.

Page Number 5**Item 2 GM3/22 PERFORMANCE REPORT DECEMBER 2021 - 2021-2022 DELIVERY PROGRAM; AND BUDGET 2021/22 - DECEMBER QUARTER REVIEW****RECOMMENDATION**

THAT the:

1. December 2021 Performance Report showing progress of the 2021-2022 Delivery Program including the 2021/22 Operational Plan and Budget, be received and noted.
2. Quarterly Budget Review Statement for the period ending December 2021 be received and noted.

CORPORATE SUPPORT DIVISION

Page Number 14

Item 3 CS1/22 REVIEW OF COUNCIL'S CODE OF MEETING PRACTICE

RECOMMENDATION

THAT:

1. Council adopt the draft Code of Meeting Practice attached to Director's Report No. CS1/22 for the purpose of public exhibition.
2. The public exhibition be for a period of 28 days, with a period of 42 days allowed for the lodgement of submissions by members of the public.
3. Following the conclusion of the public exhibition period, a further report be submitted for Council's consideration which details any submissions received and proposes the adoption of a final Code of Meeting Practice.

Page Number 20

Item 4 CS17/22 INVESTMENTS AND BORROWINGS FOR 2021/22 - STATUS FOR PERIOD ENDING 31 OCTOBER 2021, 30 NOVEMBER 2021 AND 31 DECEMBER 2021

RECOMMENDATION

That the contents of Director's Report No. CS17/22 be received and noted.

Page Number 23

Item 5 CS13/22 COUNCILLOR EXPENSES AND FACILITIES POLICY - REPORTING REQUIRED BY SECTION 15 OF THE POLICY

RECOMMENDATION

THAT Council note that details regarding the provision of Councillor expenses and facilities for the period from 1 July 2021 to 31 December 2021 have been tabled in accordance with the Councillors' Expenses and Facilities Policy.

Page Number 29

Item 6 CS14/22 NORTHERN SYDNEY REGIONAL ORGANISATION OF COUNCILS (NSROC) - APPOINTMENT OF COUNCILLORS TO THE BOARD

RECOMMENDATION

THAT in Council appoint to the Northern Sydney Regional Organisation of Councils (NSROC) Board one delegate (in addition to the Mayor) and two alternative delegates.

COMMUNITY AND ENVIRONMENT DIVISION

Nil

PLANNING AND COMPLIANCE DIVISION

Page Number 33

Item 7 PC3/22 REPORTING VARIATIONS TO DEVELOPMENT STANDARDS

RECOMMENDATION

THAT the contents of Director's Report No. PC3/22 be received and noted.

INFRASTRUCTURE AND MAJOR PROJECTS DIVISION

Nil

PUBLIC FORUM – NON AGENDA ITEMS

QUESTIONS WITH NOTICE

NOTICES OF MOTION

SUPPLEMENTARY AGENDA

MATTERS OF URGENCY

1 PARTNERSHIP AGREEMENT - SERVICE NSW FOR BUSINESS

EXECUTIVE SUMMARY

- In 2018, Council first entered into an agreement with state government agencies to deliver the Easy to Do Business Program.
- The program was designed to streamline the application and consent processes required to start a business. The initial focus of the program was on the café, restaurant and small bar sector. The program was free for Council to participate in and only required staff time to liaise with Service NSW representatives who would act as concierges for prospective businesses to collate the required applications and permissions to operate a new café, restaurant or small bar.
- The Easy To Do Business program has since been expanded to cover a variety of industries.
- Service NSW has requested that Council re-enter into a standard partnership agreement (attached) to continue to cooperate and collaborate on the Easy to Do Business Program - now referred to as Service NSW for Business.
- It is recommended that Council continue work with Service NSW to provide the Service NSW for Business Program to support businesses in the Shire.

RECOMMENDATION

THAT:

1. Council delegate authority to the General Manager to enter into the agreement attached to General Manager's Report No. GM2/22 with Service NSW to deliver the Service NSW for Business Program.
2. Any necessary documents be authorised for execution under the Common Seal of Council.

PURPOSE

The purpose of this Report is to seek Council's endorsement to re-enter into a partnership agreement to deliver the Service NSW for Business Program.

BACKGROUND

At the February 2018 General Meeting, Council considered Group Manager's Report No. EH2/18 and resolved that Council:

1. Join the Easy to do Business program in partnership with Service NSW.
2. Delegate the relevant customer service functions related to the administration of the Easy to do Business program to the Chief Executive Officer, Service NSW in accordance with a Service Partnership Agreement as required under the Service NSW (One-stop Access to Government Services) Act 2013.
3. Authorise the General Manager to execute any partnership documents associated with the Easy to do Business program and to undertake all actions necessary to give effect to this resolution.

DISCUSSION

Council currently has an agreement in place with Service NSW to promote and provide access to NSW Government information and services to better assist business owners and to support the local economy.

The support provided by Council to individuals and businesses to access these services has been invaluable, particularly during these challenging economic times.

Service NSW for Business provides free, personalised support to small business owners, to help them understand industry regulations, to guide them through transactions, and to access support.

The services provided to business owners include:

- Business Concierges offering over the phone, email and face to face support, as well as case management.
- An online Business Profile to make it faster and easier for business owners to transact with the NSW Government.
- Guidance and support for small business owners impacted by natural disasters or emerging issues to access a range of Government stimulus, support and information.
- Online business information hubs including how-to guides to help business owners understand key tasks and the support available when starting and running a business in NSW.

A new standardised Partnership Agreement has been developed by Service NSW to provide consistency across all councils, reflect the broader focus of Service NSW for Business and provide the opportunity for Hornsby Shire Council to engage with all services across Service NSW - now and into the future.

The new Partnership Agreement includes further detail and clarity about the roles and responsibilities of all agencies in relation to the collection, storage and security of personal information. It is noted that for the Service NSW for Business program, personal or business information is not collected or

shared between Council and Service NSW – with the exception of information that is freely available on Council's webpage and high-level service utilisation statistics.

The intention of the Partnership Agreement is to build awareness of specialist advice services available, ensure Council staff can direct enquiries to these services and provide applicants with the skills to be better informed and researched prior to lodging any applications.

Whilst the program started with a focus on the café, restaurant and small bar sector, the supported industries now include:

- Agriculture and farming
- Building and construction
- Food production
- Hospitality
- Maritime and shipping
- Motor vehicle and road transport
- Private health
- Real estate and property
- Retail
- Security
- Cleaning

At the time of writing, 1169 of businesses in the Hornsby Shire have accessed the Easy To Do Business Program for assistance in establishing, growing or altering their business in the Hornsby Shire. No further statistics are available that would help Council to determine the efficacy of the program. However, the only change to procedure required of Council would be the referral of potential customers to the Business Concierge Service and so it is considered appropriate to provide that service option to potential customers given the low impact on current Council operations.

BUDGET

There are no budgetary implications associated with this Report. Support material, training and advice is provided by Service NSW for Business at no cost. Implementation of the program should lead to reduced processing times and costs relating to applications to Council.

POLICY

There are no policy implications associated with this Report. The program aligns with high level strategic goals contained in the Community Strategic Plan of building a sustainable and prosperous economy. The program also aligns with the goal contained in the Economic Development and Tourism Strategy 2021-2026 to provide support to small and home-based businesses.

CONCLUSION

By Hornsby Shire Council supporting this initiative, the local business community and potential business investors can have confidence that Hornsby Shire Council is supportive of small business and is actively trying to reduce the costs associated with small business start-up.


A partnership with Service NSW is important and will support the creation of new businesses within the Shire.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Strategic Place Manager – David Johnston - who can be contacted on 9847 6800.

STEVEN HEAD
General Manager
Office of the General Manager

Attachments:

1.  Partnership Agreement

File Reference: F2008/00156

Document Number: D08322798

2 PERFORMANCE REPORT DECEMBER 2021 - 2021-2022 DELIVERY PROGRAM; AND BUDGET 2021/22 - DECEMBER QUARTER REVIEW

EXECUTIVE SUMMARY

- Council is required to review its budget each quarter. At the same time, the Integrated Planning and Reporting Guidelines state that progress reports should be provided to Council on the principal activities detailed in its Delivery Program at least every six months.
- In this regard, the December 2021 Performance Report showing progress of the 2021-2022 Delivery Program including the 2021/22 Operational Plan and Budget, is attached for Council's consideration.
- The 2021/22 Original Budget forecast a surplus at 30 June 2022 of \$1.397 million. The September 2021 Review reduced the surplus by \$693K to \$704K whilst this December 2021 Review has no net budget changes. As a result, the budget forecast at 30 June 2022 is a surplus of \$704K which is required to be set aside to fund cash shortfalls identified in future years of the Long-Term Financial Plan. The surplus also provides capacity to respond to unforeseen cost increases that can occur throughout the year.
- Progress against the adopted 2021-2022 Delivery Program including the 2021/22 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 the:

1. December 2021 Performance Report showing progress of the 2021-2022 Delivery Program including the 2021/22 Operational Plan and Budget, be received and noted.
2. Quarterly Budget Review Statement for the period ending December 2021 be received and noted.

PURPOSE

The purpose of this Report is to present for Council's consideration the December 2021 Performance Report showing progress of the 2021-2022 Delivery Program including the 2021/22 Operational Plan and Budget, as required under section 406 of the Local Government Act 1993 and the Integrated Planning and Reporting Guidelines, September 2021. Details within the Performance Report cover the six-month period 1 July to 31 December 2021. The Performance Report includes Council's Consolidated Budget Summary as at December 2021.

BACKGROUND

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. The Office of Local Government requires that the Delivery Program and one-year Operational Plan be reviewed annually.

Due to the COVID-19 pandemic, the Minister for Local Government announced the postponement of the September 2020 Local Government Elections, thereby extending the Council term (*refer OLG Circular 20-10 / 25 March 2020*) and the existing Delivery Program for a further 12 months (*refer OLG Circular 20-15 / 1 May 2020*). NSW Council elections were further delayed for three months until 4 December 2021 (*see OLG Circular No. 21-20 / 25 July 2021*) in response to the escalating outbreak of the Delta variant of the COVID-19 virus.

A 2021-2022 Delivery Program, including the 2021/22 Operational Plan and Budget, was adopted by Council on 9 June 2021. This Performance Report provides updates on progress of actions within that document.

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 COVID-19 pandemic, and the resulting social distancing and mass gathering restrictions, has meant that Council is experiencing ongoing business disruptions impacting its ability to carry out services as normal. At the start of the pandemic in March 2020 Council quickly transitioned its essential service operations and public facilities. The June 2021 COVID lockdown of Greater Metropolitan Sydney saw restrictions reinstated on the operations of Council's services and facilities with all indoor and some outdoor facilities being closed to the public. While departments across Council were making and supporting the transitions required, they were still busy delivering on operational commitments to the community.

The attached Performance Report contains some commentary to describe the issues and challenges Services have faced during the first six months of the year. The Report also contains updates on Major Projects, which are further detailed below in the Budget Section, and operational highlights which include:

- Memorandum of Understanding signed by Council with Hornsby Chamber of Commerce to grow the local economy and jobs
- Hornsby Thematic History – the first project completed under the Comprehensive Heritage Study programmed over the next four years - endorsed by Council October 2021

- Community Strategic Plan review – online survey during September/October 2021 seeking feedback on vision, community outcomes, challenges, opportunities, and priorities for the future gathered 1,800 responses
- Public consultation commenced for an update to the Disability Inclusion Action Plan and a new Healthy Ageing Strategy
- Reusable nappies and sanitary products rebate trial undertaken September/October 2021 received an overwhelming response
- Park and playground upgrade at Hopeville Park, Hornsby Heights
- Park upgrade at Galston Recreation Reserve
- Refurbishment of the Brooklyn Boardwalk
- Installation of pedestrian path and lighting at Kenley Park, Normanhurst

The Delivery Program including the Operational Plan by its very nature contains a large number of Key Initiatives, Ongoing Activities and Capital Projects. All of these components are reported on quarterly with an update on progress and a traffic light assigned for current status. These quarterly reports are lengthy and detailed, however relevant progress is summarised under each Service commentary within the attached Performance Report. Key Initiatives and Capital Projects completed or needing attention are listed under their relevant section.

Budget Comment

This Review includes the second quarter results for 2021/22, comparing actual expenditure, income and funding sources for the second quarter against the Budget. The Net Operating and Capital Result after internal funding movements showed a positive variance of \$2.1 million or approximately 1% of the consolidated year to date budget. This positive variance is typical at the second quarter and is the result of timing differences associated with project related works that are expected to be expended by 30 June 2022.

The 2021/22 Original Budget forecast a surplus at 30 June 2022 of \$1.397 million. The September 2021 Review reduced the surplus by \$693K to \$704K whilst this December 2021 Review has no net budget changes. As a result, the budget forecast at 30 June 2022 is a surplus of \$704K which is required to be set aside to fund cash shortfalls identified in future years of the Long-Term Financial Plan. The surplus also provides capacity to respond to unforeseen cost increases that can occur throughout the year. However, it is noted that the budget changes made during the September 2021/22 Quarterly Review in respect to the Wisemans Ferry and Galston Aquatic Centre projects required the use of internally restricted assets, deferment of maintenance, reallocation of grants funds and the partial use of the Original 2021/22 Budget surplus to fund increased capital costs. The projected budget surplus is now below the operating capacity level generally provided on an annual basis to respond to budget shocks such as natural disasters, asset failures, statutory increases above CPI and/or unplanned cost increases.

As noted within the following Major Projects section of this report there are several risks to the project budgets for Hornsby Library, Myall Road Drainage and Wisemans Ferry that could require budget changes for additional funding before 30 June 2022 depending on the outcome of applications for external grants. Revised total cost estimates for these projects are expected to be known by the 31 March 2021/22 Quarterly Review. At the March 2021/22 Budget Review it would therefore be appropriate to report on the financial impact on any of the above-mentioned project risks and the options to fund any cost escalations. It is noted that the General Manager has requested that the

organisation review operational and capital budgets for potential deferment options to offset against any potential cost increases in the projects stated above.

BUDGET - MAJOR PROJECTS

Updates in respect to the progress of projects of significant dollar value or of community interest are noted below.

As noted in Deputy General Manager's Report No. IM2/21 – Master Plan for Hornsby and Westleigh Parks (considered at the 14 April 2021 General Meeting), the financial capacity of Council to manage the operational, maintenance and renewal costs of facilities established for Hornsby Park and Westleigh Park based on the full scope of works identified in the draft master plans, would not be feasible based on Council's current financial capacity. Financial analysis by Council has indicated that an annual expenditure budget of \$1.4 million could be allocated towards future recurrent maintenance based on existing financial capacity.

Because of these financial constraints either a focus on developing Hornsby Park with minimal development at Westleigh Park or focus on Westleigh Park with minimal development at Hornsby Park will be required.

- **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. The tender awarded to Ditchfield Contracting Pty Ltd for the bulk earthworks and site rehabilitation has commenced. These works will create the final landform for the site and address stability issues with the northern slope. A notional amount of \$5 million dollars has been set aside for the rehabilitation and regeneration of the vegetation communities on the site. Master planning for the final park embellishments has been completed with a master plan adopted following community engagement at the July 2021 Council meeting. Design of the park embellishments in accordance with the adopted master plan has commenced. The total life to date expenditure on the project to 31 December 2021 is \$7.102 million. Year to date expenditure at 31 December 2021 is \$2.872 million compared to a year to date budget of \$9 million. The variance is due to the contractor for the bulk earthworks commencing later than anticipated.

Currently \$50 million of funding is available from the NSW Government's Stronger Communities Fund provided in June 2018. Further funding of \$28 million is available from development contributions subject to the priority allocated to projects in accordance with development contributions on hand. As noted in Deputy General Manager's Report No. IM2/21 – Master Plan for Hornsby and Westleigh Parks (considered at the 14 April 2021 General Meeting), the total estimated cost of the facilities canvassed in the Master Plan for the park is \$130 million. Therefore, a reduction in scope compared to the Master Plan or staging the project over an extended period will be required unless additional funding can be identified, including additional funding for recurrent maintenance costs.

- **Westleigh Park Development** – A final draft conceptual master plan for the Westleigh Park site has been completed based on the site having an active sport focus. Community engagement was undertaken on the conceptual master plan from April to June 2021. Council resolved at its July Council meeting to undertake further engagement on a range of matters prior to further considering the draft conceptual master plan. This engagement will commence in the first half of 2022. The total life to date expenditure to 31 December 2021 on this project (excluding the acquisition costs of \$21 million funded by development contributions) is \$1.8

million. Financial year to date expenditure at December 2021 is \$330K compared to a year to date budget of \$1.5 million. The variance is due to the impact associated with deferral of the adoption of the Master Plan, which has required a reconsideration of the approval process.

Currently \$40 million of funding is available, provided in June 2018 from the NSW Government's Stronger Communities Fund. Further funding is available from development contributions subject to the priority allocated to projects in accordance with development contributions on hand. As noted in Deputy General Manager's Report No. IM2/21 – Master Plan for Hornsby and Westleigh Parks (considered at the 14 April 2021 General Meeting), the total estimated cost of the facilities canvassed in the Master Plan for the park is \$80 million. Therefore, a reduction in scope compared to the Master Plan or staging the project over an extended period will be required unless additional funding can be identified, including additional funding for recurrent maintenance costs.

- **Public Domain** - Concept design options for Asquith to Mount Colah and Galston Road main street projects were prepared and presented to Council with preferred concept options adopted. The aim of the projects is to improve streetscape amenity through the planting of advanced trees, landscaped garden beds, footpaths, shared paths, seating, signage and improved parking arrangements.

The cost estimate for the Asquith to Mount Colah project from Hookhams Corner to Wattle Street is approximately \$9.3 million with funding being sourced from developer contributions. The Asquith to Mount Colah project was being undertaken by Talis Civil Pty Ltd, however, they have gone into liquidation and ceased operating. Works were well advanced on the shared path construction, central landscaped median and pavement works and a new contractor will be engaged to complete the project. It is proposed to commence Stage 2 of the Asquith to Mount Colah Public Domain project. Design works are underway which would provide an opportunity to provide some basic improvements (footpath and tree planting along the Pacific Highway and the construction of pedestrian refuge(s) at selected locations).

The total life to date expenditure to 31 December 2021 on this project is \$3.054 million out of a budget of \$9.3 million, funded from development contributions. Year to date expenditure at 31 December 2021 is \$1.607 million compared to a budget of \$1.25 million. The variance is due to the timing of expenditure noting that cost reductions have been achieved due to the decision to retain power poles and avoid the relocation of water mains

- **Galston Aquatic Centre Refurbishment** - A tender for the refurbishment of the Galston Aquatic Centre was advertised in June 2021 and works commenced in November 2021.

Tendered costs for the refurbishment of this facility increased due to the impact of COVID-19 lockdown measures and cost increases largely arising from associated supply chain issues. Progressing with the original scope of work required an additional allocation to increase the current budget by \$1.5 million from \$5.6 million to \$7.1 million.

An informal briefing in October 2021 was provided to Councillors in respect to budget increases following the tender results. This included a range of options from project deferral, staging of works and funding the original scope of work and the associated impact on Council's budget. Councillors supported the original scope planned for this project with funding sources identified. Concurrently the September 2021/22 Quarterly Review included budget changes to increase the project cost by \$1.5 million that required the use of internally

restricted assets, deferment of maintenance, reallocation of grants funds and the partial use of the Original 2021/22 Budget surplus to fund increased capital costs.

It is noted that Council Officers applied for a grant for this project. Council has recently been advised that it was successful in obtaining the grant. Any adjustment to the source of original funds will be reported back to the next available quarterly review.

- **Hornsby Library** - The Library refurbishment works are being undertaken by Built Pty Limited. Works commenced in February 2021 and whilst construction is nearing completion, delays have resulted from COVID-19 construction industry restrictions. The Library is due to re-open in early February 2022.

Council officers are currently working with the contractor to address a number of defects requiring rectification. The associated costs of rectification are a risk to the budget for the project. Council Officers are working on a revised estimate of the total cost that will be considered at the March 2021/22 Quarterly Review.

The life to date expenditure incurred to 31 December 2021 is \$4.679 million out of a budget of \$5.2 million funded from development contributions, external grants and savings within Council's Community and Environment Division. The budget was increased from \$4.7 million to \$5.2 million from savings within Council's Community and Environment Division at 30 June 2021 to cover additional expenditure identified during construction.

- **Wisemans Ferry** – Construction is being managed by Council and includes a new three-lane boat ramp and 150 spaces for trailer and vehicle parking, as well as intersection upgrades and other ancillary works. The original budget for the project was \$3.85 million, largely funded from a contribution from The Hills Shire Council and an external grant from the NSW State Government.

The project was impacted by the flooding of the Hawkesbury River and the inclusion of asbestos in the sediment deposited on the floodplain. Continuing the project required an additional funding allocation of \$3.75 million, which has been sought from NSW Public Works Advisory and other government agencies to cover the cost of entombing the asbestos into excavated contaminant cells and other works associated with the flooding and the outcome of these applications is currently unknown. The September 2021/22 Quarterly Review included budget changes to increase the budget by \$3.75 million from \$3.85 million to \$7.6 million should Council's application to NSW Public Works Advisory be unsuccessful.

The entombment of the asbestos has been completed and works are proceeding with construction of the contracted works associated with the boat ramp facility. The facility is now scheduled to be completed in March 2022. Works associated with paid parking at the site are the subject of a separate tender and are separately funded. The actual costs of the works associated with the paid parking scheme will be known shortly following receipt and evaluation of tenders.

The contractor has made a claim for additional money under the NSW Building and Construction Security of Payment Act, 2021. The costs associated with the adjudication process are a risk to the budget for the project.

The expenditure incurred to 31 December 2021 is \$7.463 million before adjudication costs, compared to the revised budget of \$7.6 million. The revised budget is insufficient to cover the remaining costs to complete the project and the adjudication cost. Council Officers are working on a revised total cost estimate for the project and whilst the total estimate is

unknown at 31 December 2021, it is estimated that an additional budget of at least \$1.7 million may be required. Council Officers are seeking approval to allocate federal grant funds of \$1.7 million to the project from Council's Phase 3 allocation for the Local Roads and Community Infrastructure Grant Program to cover the additional cost identified to date.

It is noted that there continues to be a risk to the budget for the project until a revised total cost is known. This will be considered further at the March 2021/22 Quarterly Review.

It is noted that the General Manager has requested that an external review be undertaken for this project examining the construction and financial challenges that have occurred following the flooding of the Hawkesbury.

Asbestos Treatment – Council Administration Building

Works commenced in the prior year to remediate Council's Administration Building in accordance with the resolution from Confidential Deputy General Manager's Report IM8/20. The work is divided into two stages:

Stage One:

- Removal of all asbestos from Ground Floor North and First Floor North.
- Removal of Synthetic Mineral Fibre ceiling panels (and suitable replacement) from 2nd Floor North and 3rd Floor North. This has been included as a precautionary measure and will incur a minimal cost of about \$30,000.

Stage Two:

- Solutions to enable re-occupation of the Administration Building or consider other more viable options are currently being assessed and will be reported at the appropriate time in a quarterly review.

Stage one was completed in the year ended 30 June 2021 with a total cost of \$1.533 million funded from an external grant. Stage two is progressing in accordance with internally agreed timeframes. Councillors are soon to be briefed on studies that have been undertaken to review future central office options.

Myall Road Drainage

This project involves the storm water upgrade of a former water course to reduce the risk of inundation in the surrounding area including adjacent houses. The Original Budget is \$2.275 million and there is the risk of a cost increase due to poor ground conditions and structural engineering requirements. Council Officers are working on a revised estimate of the total cost that will be considered at the March 2021/22 Quarterly Review.

Reimbursement for Storm Expenditure

Severe storms in the Hornsby Shire during 2018 resulted in extensive clean-up costs being incurred by Council. The storms were declared a natural disaster by the NSW Government and Council received formal confirmation for reimbursement of \$460K from the Office of Emergency Management in June 2019. This amount has now been received by Council. An additional claim had been pursued in respect to this storm however this claim has been unsuccessful.

Council incurred further costs during another series of severe storms in February 2020. As these storms were also declared a natural disaster by the NSW Government, Council submitted a claim for \$708K to recoup costs incurred during the clean-up after the storms. Within the quarter ended 31

December 2021 Council has received payment for 75% of the amount claimed and payment of the final 25% is contingent upon the completion of a detailed assessment of Council's claim.

Compulsory Acquisition of Land

As resolved in Confidential Director's Report No. CS6/22 at the 9 February 2021 General Meeting, Council endorsed action authorised by the General Manager to finalise legal proceedings concerning an owner initiated compulsory acquisition of land prior to a costly six-day hearing on this matter.

Director's Report No. CS6/22 provided detailed costs in respect to resolving legal proceedings noting that a restricted asset had been established in a prior year to fund anticipated costs for this matter. This restricted asset had sufficient funds for the payment to the Applicant to finalise this legal matter.

Byles Creek

Council considered Confidential Director's Report No. CS71/21 and CS78/21, Owner Initiated Acquisition of Land at its 8 September and 13 October 2021 General Meetings and resolved to acquire parcels of land along the Byles Creek walking track under the hardship provisions of the Land Acquisition (Just Terms Compensation) Act ("the Act"), 1991 for Public Recreation.

Both acquisitions are complete, and costs incurred to date have been funded from the Sale of 179 Beecroft Road Cheltenham Restricted Asset Reserve.

BUDGET

This Report provides the December 2021 Quarter Review of the 2021/22 Operational Plan (Budget), which, if adopted, will achieve a forecast surplus at 30 June 2022 of \$704K. The predicted Budget result at 30 June 2022 is satisfactory in maintaining financial benchmark indicators in respect to liquidity noting that there are risks to the budgets for major projects that will be considered further at the March 2021/22 Quarterly Review.

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 December 2021 Performance Report and quarterly budget review demonstrate that Council remains in a stable 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 Chief Financial Officer – Duncan Chell. They can be contacted on 9847-6531 and 9847-6822 respectively.

GLEN MAGUS
Director - Corporate Support
Corporate Support Division

STEVEN HEAD
General Manager
Office of the General Manager

Attachments:

1.  31 December 2021 Consolidated Budget Result
2.  31 December 2021 Quarterly Budget Review Statement
3.  Performance Report - December 2021

File Reference: F2020/00348

Document Number: D08326095

3 REVIEW OF COUNCIL'S CODE OF MEETING PRACTICE

EXECUTIVE SUMMARY

- Amendments made to the Local Government Act (LGA) in August 2016 provided for a Model Code of Meeting Practice (MCMP) to be prescribed by the Local Government General Regulation (LGGR). Following an extensive consultation process across local government in the period that followed, a MCMP was prescribed by the NSW Government in December 2018 and the previous meetings' provisions included in the LGGR were repealed.
- The initial MCMP consisted of mandatory and non-mandatory provisions and councils were required to adopt their own Code of Meeting Practice (CMP) which at least incorporated the mandatory provisions. On 12 June 2019, Council adopted a CMP incorporating the mandatory provisions; some of the non-mandatory provisions; and other provisions from its previous CMP which were considered to be relevant and good practice for Council.
- Following further extensive consultation undertaken by the Office of Local Government (OLG) in 2021, an updated MCMP was prescribed under the LGGR. The main change was the inclusion of new non-mandatory provisions that allow councils to permit individual councillors to attend meetings by audio-visual link and for meetings to be held by audio-visual link in the event of natural disasters or public health emergencies.
- Council officers have developed an updated draft CMP which is based on the current CMP, but which also incorporates the new non-mandatory provisions relating to councillor attendance at meetings and the holding of meetings by audio-visual link in exceptional circumstances.
- In line with Section 361 of the LGA, Council is required to exhibit the draft Code for at least 28 days and provide members of the public with 42 days in which to make a submission or comment on the draft Code.

RECOMMENDATION

THAT:

1. Council adopt the draft Code of Meeting Practice attached to Director's Report No. CS1/22 for the purpose of public exhibition.
2. The public exhibition be for a period of 28 days, with a period of 42 days allowed for the lodgement of submissions by members of the public.
3. Following the conclusion of the public exhibition period, a further report be submitted for Council's consideration which details any submissions received and proposes the adoption of a final Code of Meeting Practice.

PURPOSE

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

BACKGROUND

In August 2016, amendments were made to the LGA which provided for a MCMP to be prescribed by the LGGR. Following an extensive consultation process across local government, an initial MCMP was prescribed, and the previous meetings' provisions included in the LGGR were repealed. The MCMP consisted of three elements.

It contained mandatory provisions that reflected the existing meetings provisions of the LGA and updated and enhanced the meetings' provisions previously specified under the LGGR to reflect contemporary meetings' practice by councils. It also contained non-mandatory provisions that covered areas of meetings' practice that are common to most councils but where there may be a need for some variation in practice between councils based on local circumstances. The non-mandatory provisions operated to set a benchmark based on what the Office of Local Government (OLG) considered best practice for council meetings. Provisions were also included which were specific to joint organisations of councils, but which were not applicable to Hornsby Shire Council.

The MCMP was designed to achieve a range of outcomes including:

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

Councils were required to adopt their own code of meeting practice by June 2019 which incorporated the mandatory provisions of the MCMP. A council's code could also incorporate any or all of the non-mandatory provisions of the MCMP and any other supplementary provisions adopted by the council. The code could not contain provisions which were inconsistent with the mandatory provisions.

On 12 June 2019, Council adopted a CMP incorporating the mandatory provisions; some of the non-mandatory provisions; and other provisions from its previous CMP which were considered to be relevant and good practice for Council.

Following further extensive consultation by the OLG with the local government industry in 2021, an updated MCMP has recently been prescribed under the LGGR. The updated MCMP contains:

- New provisions that allow councils to permit individual councillors to attend meetings by audio-visual link and to hold meetings by audio-visual link in the event of natural disasters or public health emergencies. The provisions governing attendance at meetings by audio-visual link are non-mandatory and councils can choose not to adopt them or to adapt them to meet their own needs.

Amendments to the provisions governing the webcasting of meetings and disorder at meetings to reflect amendments to the LGGR since the initial MCMP was prescribed.

- An amendment which implements recommendation 6 from the Independent Commission Against Corruption (ICAC) report in relation to its investigation of the former Canterbury City Council (Operation Dasha). In this regard, ICAC recommended that the MCMP be amended to require that council business papers include a reminder to councillors of their oath or affirmation of office, and their conflict-of-interest disclosure obligations.

DISCUSSION

Following on from a Councillor Workshop to discuss this matter, Council officers have developed a draft CMP which incorporates the mandatory (and some of the non-mandatory) provisions of the MCMP prescribed in November 2021 as well as some supplementary provisions from Council's existing Code which are considered to be relevant and represent good practice.

It is noted that the inclusion of new non-mandatory provisions predominantly relate to the potential opportunity for Councillors to occasionally attend a meeting by audio-visual link. This opportunity has been promoted as good practice by the OLG and is understood to have been made available to councillors by most local councils across the State.

To assist Council's consideration of the draft CMP, the main points of difference between the draft updated CMP and the existing CMP are summarised below. Comments are provided in Section reference order from the attached draft updated Code and advise whether the changes are mandatory, non-mandatory or supplementary.

Section 3.23	Requires business papers for all ordinary and extraordinary meetings to contain a statement reminding Councillors of their oath or affirmation of office and their obligations to disclose and appropriately manage conflicts of interest. (Mandatory)
Section 4.28(a)	Requests public forum speakers to provide a copy of their address (submission) to Council when registering to speak. This will allow for distribution of the submissions to Councillors and senior staff prior to the meeting so that responses to issues raised can be developed as necessary and assist a more efficient meeting process. (Supplementary)
Section 5.2	Provides the opportunity for a Councillor to attend a meeting by audio-visual link as permitted by the CMP. (Mandatory)

Section 5.14	Provides the Mayor, in consultation with the General Manager and as far as practicable with each Councillor, to cancel a meeting where it becomes apparent that a quorum may not be present or that the health, safety or welfare of Councillors, Council staff and members of the public may be put at risk by attending the meeting because of a natural disaster or a public health emergency. (Non-mandatory)
Sections 5.16-30	Sets out the protocols for a Councillor, with the approval of the Council, to attend a meeting by audio-visual link. The notice requirements for the lodgement of such a request by a Councillor would be as per the lodgement of a Notice of Motion – i.e. by at least 5.00pm on the Friday, nine business days before the meeting is to be held - see section 3.10. (Non-mandatory)
Sections 5.34-39	Sets out the requirements in respect of the webcasting of Council meetings e.g. the method of webcasting, advice to those attending and the publishing and retaining of the webcast on the website. (Mandatory)
Section 5.44	Provides for the General Manager and Council staff (with the approval of the General Manager) to attend meetings by audio-visual link. (Mandatory)
Section 14.20	Requires Councillors attending a meeting by audio-visual link to ensure that no other person is within sight or hearing of the meeting at any time the meeting is closed to the public. (Non-mandatory)
Sections 15.11-12	Further clarifies what constitutes an act of disorder and how the Chairperson may deal with such an act. (Mandatory)
Sections 15.21-22	Details how acts of disorder by Councillors attending a meeting by audio-visual link are dealt with. (Non-mandatory)
Section 15.25	Strengthens the definition of disorderly conduct in respect of the unauthorised recording or live streaming of meetings. (Mandatory)
Section 16.2	Deals with the declaring and managing of conflicts of interest by Councillors attending a meeting by audio-visual link. Where a Councillor has declared a pecuniary or significant non-pecuniary conflict of interest in a matter being discussed at a meeting, their audio-visual link to the meeting is to be suspended or terminated for the duration of Council's consideration of the matter. (Non-mandatory)
Section 19.2	Requires the minutes of a meeting to record whether Councillors have attended in person or by audio-visual link. This requirement also applies to the minutes of Committee meetings – see section 20.23. (Non-mandatory)
Section 22	Defines an audio-visual link as a facility that enables audio and visual communication between persons at different places. (Mandatory)

Before adopting a new code, councils are required to exhibit a draft code for at least 28 days and provide members of the public with at least 42 days in which to comment on the draft code.

After considering all submissions received by it concerning the draft code, a council may decide to amend any non-mandatory provisions of its draft code; or adopt the draft code as its code of meeting practice. If a council decides to amend its draft code, it may publicly exhibit the amended draft, or, if the council is of the opinion that the amendments are not substantial, it may adopt the amended draft code without further public exhibition as its code of meeting practice.

CONSULTATION

The updated MCMP was finalised following extensive consultation across the local government sector, including with Council. Discussions at a Councillor Workshop have taken place and an opportunity is now proposed to be provided for interested members of the public to make a submission in respect of Council's draft CMP before a decision is made on its adoption by Council.

BUDGET

The only budgetary considerations associated with this Report relate to the extra cost to Council of providing for hybrid meetings i.e. where some Councillors attend in person and some by audio-visual link. An amount will need to be considered at the appropriate Quarterly Budget Review upon receipt of quotations for equipment, etc.

POLICY

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

CONCLUSION

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



RESPONSIBLE OFFICER

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

STEPHEN COLBURT
Manager, Governance and Customer Service
Corporate Support Division

GLEN MAGUS
Director - Corporate Support
Corporate Support Division

Attachments:

1.  Model Code of Meeting Practice - Office of Local Government
2.  Draft Code of Meeting Practice - Hornsby Shire Council

File Reference: F2004/07032
Document Number: D08315484

ITEM 3

4 INVESTMENTS AND BORROWINGS FOR 2021/22 - STATUS FOR PERIOD ENDING 31 OCTOBER 2021, 30 NOVEMBER 2021 AND 31 DECEMBER 2021

EXECUTIVE SUMMARY

- This Report provides details of Council's investment performance for the period ending 31 October 2021, 30 November 2021 and 31 December 2021 as well as the extent of its borrowings at the end of the same period.
- Council invests funds that are not, for the time being, required for any other purpose. The investments must be made in accordance with relevant legislative requirements and Council's policies and the Chief Financial Officer must report monthly to Council on the details of funds invested.
- All of Council's investments have been made in accordance with the requirements of the Local Government Act, the Local Government (General) Regulation and Council's Investment of Surplus Funds Policy and Investment Strategy.
- In respect of Council's cash and term deposit investments.

The portfolio achieved a negative annualised return for October 2021 of -0.41% which includes a yield of -7.38% from TCorp Managed Funds.

The portfolio achieved an annualised return for November 2021 of 1.77% which includes a yield of 16.08% from TCorp Managed Funds.

The portfolio achieved an annualised return for December 2021 of 1.55% which includes a yield of 9.99% from TCorp Managed Funds.
- On a financial year to date basis the portfolio achieved a positive annualised return of 1.09% which includes a yield of 5.15% from TCorp Managed Funds.

RECOMMENDATION

That the contents of Director's Report No. CS17/22 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 months ending 31 October 2021, 30 November 2021 and 31 December 2021 is detailed in the attached documents. In summary, the portfolio achieved an annualised return for October of -0.41%, November of 1.77% and December of 1.55%.

On a financial year to date basis the portfolio achieved an annualised return of 1.09% which includes a yield of 5.15% from TCorp Managed Funds.

In respect of Council borrowings, the interest rate payable on the outstanding loan taken out in June 2013 (the last time that Council borrowed), based on the principal balances outstanding, is 5.89%. The Borrowings Schedule as at 31 October 2021, 30 November 2021 and 31 December 2021 is also attached for Council's information.

BUDGET

Budgeted investment income for the year is \$3,855,180 with an average budgeted monthly income of \$321,265.

Net investment income for the month ended 31 October 2021 was \$87,500 which includes an unrealised loss of -\$147,504 from TCorp Managed Funds.

Net investment income for the month ended 30 November 2021 was \$505,049 which includes an unrealised gain of \$278,470 from TCorp Managed Funds.

Net investment income for the month ended 31 December 2021 was \$427,701 which includes an unrealised gain of \$185,721 from TCorp Managed Funds.

Budgeted investment income year to date at 31 December 2021 is \$1,927,587. Total investment income year to date at 31 December 2021 is \$1,947,415 which includes a year to date net gain of \$576,608 from TCorp Managed Funds.

Approximately 54.33% of the investment income received by Council relates to externally restricted funds (e.g. Stronger Communities Grant funding and Section 7.11 and Section 7.12 development contribution funds) and is required to be allocated to those funds. All investments have been made in accordance with the Local Government Act, the Local Government (General) Regulation and Council's Investment of Surplus Funds Policy and Investment Strategy.

The returns from TCorp Managed Funds are presently experiencing significant market volatility due to uncertainty over the COVID-19 Pandemic and economic conditions. It is noted that this product has a 7-year investment horizon and will, therefore, reflect marked to market valuations monthly. Advice provided by Council's independent investment advisor, Prudential Investment Services, is to hold this investment for the 7-year timeframe originally planned. This is due to the anticipated net positive performance returns that will be gained over the long term for this investment.

CONCLUSION

The investment of Council funds and the extent of its borrowings as at 31 October 2021, 30 November 2021 and 31 December 2021 is detailed in the documents attached to this Report. Council's consideration of the Report and its attachments ensures that the relevant legislative requirements and Council protocols have been met in respect of those investments and borrowings.

RESPONSIBLE OFFICER

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

DUNCAN CHELL
Chief Financial Officer
Corporate Support Division

GLEN MAGUS
Director - Corporate Support
Corporate Support Division

Attachments:

1.  HSC Investment Summary Report December 2021
2.  HSC Investment Summary Report November 2021
3.  HSC Investment Summary Report October 2021
4.  HSC Borrowings Schedule December 2021
5.  HSC Borrowings Schedule November 2021
6.  HSC Borrowings Schedule October 2021

File Reference: F2004/06987-02

Document Number: D08347890

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

EXECUTIVE SUMMARY

- The Councillors' Expenses and Facilities Policy, which is modelled on the Office of Local Government's Better Practice Template, requires that a report on the provision of facilities and payment of expenses to Councillors is to be tabled at a Council Meeting at six monthly intervals.
- Council last considered the required report at the General Meeting of 11 August 2021.
- This report covers the 6-month period from 1 July 2021 to 31 December 2021. Details are provided of expenditure grouped according to specific categories, summarised by individual Councillor and as a total for all Councillors.
- It is recommended that Council note the contents of the Report.

RECOMMENDATION

THAT Council note that details regarding the provision of Councillor expenses and facilities for the period from 1 July 2021 to 31 December 2021 have been tabled in accordance with the Councillors' Expenses and Facilities Policy.

PURPOSE

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

BACKGROUND

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

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

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

Council last considered a report on Councillors' Expenses and Facilities at the 11 August 2021 General Meeting (Report No. CS49/21). In accordance with Section 15 of the Policy reporting takes place on a six-monthly basis. This Report includes expenses incurred in the 6-month period from 1 July 2021 to 31 December 2021.

The main categories of expenses facilities are summarised in the table below. As stated in the Policy Summary, the amounts originally included when the Policy was first adopted in 2018 are to be increased by CPI each year. The table below shows the amounts which apply to the financial year 2021/2022.

General travel expenses (other than travel associated with Conferences and Professional Development)	\$5,240 total for all Councillors	Per year
Interstate, overseas and long-distance intrastate travel expenses	\$0	Per year
Accommodation and meals	As per the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, adjusted annually	Per meal/night
Professional development (includes associated travel and subsistence where applicable)	\$31,443 total for all Councillors	Per year

Conferences and seminars (includes associated travel and subsistence where applicable)	\$36,684 total for all Councillors (Increased to \$51,617 in the years where the LGNSW Conference is held outside the Sydney metropolitan region.)	Per year
ICT expenses	\$4,716 per Councillor \$2,620 per Councillor	Per year (first year of election) Per year (following years of election)
Carer expenses	\$2,097 per Councillor	Per year
Home office expenses (equipment and facilities other than stationery)	\$314 per Councillor	Per year
Stationery	\$3,144 total for all Councillors	Per year
Postage stamps	Provided by Council	Not relevant
Christmas or festive cards	\$524 for the Mayor \$524 total for all other Councillors	Per year
Access to facilities in a Councillor common room	Provided to all Councillors	Not relevant
Council vehicle and fuel card	Provided to the Mayor	Not relevant
One reserved parking space at Council offices One shared parking space at Council offices	Provided to the Mayor Shared by all Councillors	Not relevant
Furnished office	Provided to the Mayor	Not relevant
Number of exclusive staff supporting Mayor and Councillors	Provided to the Mayor and Councillors	Two
Spousal attendance at conferences	\$1,048 for the Mayor \$524 per Councillor	Per year

ITEM 5

Attendance at non-Council functions	\$1,048 for the Mayor \$524 per Councillor	Per year

DISCUSSION

When Council last reviewed its Councillors' Expenses and Facilities Policy in August 2018, it was required to ensure that the Policy was in line with, and modelled on, the "Councillor Expenses and Facilities Policy – Better Practice Template" issued by the Office of Local Government (OLG).

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

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

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

The table below provides the required information for the 6-month period from 1 July 2021 to 31 December 2021. It is noted that the reporting period covers the previous and current term of Council. Where an explanation or clarification is required about particular expenditures (marked with a * in the table), comments are provided in the text following the table.

Expense or Facility July 2021 - June 2022															
	General travel (other than associated with Conferences + Professional Development)	Interstate, overseas + long distance intrastate travel expenses	Accomm + meals (When not associated with a Conference etc)	Professional development (Incl associated accom & travel)	Conferences & seminars (Incl associated Travel & Accom)	ICT - Computer / Ipad Only	Mobile Phone + Data Plan (incl Internet etc for Computer)	Carer expenses	Home office expenses	Stationery	Postage stamps	Christmas or festive cards	Spousal attendance at conferences	Attendance at non-Council functions	Totals
\$ Allowance (Annual)	\$5,240 total for all Cirs Assume \$524.00 per C/r	-	\$0 per day?	\$31,443 total for all Cirs Assume \$3,144 per C/r	\$36,684 total for all Cirs. (\$50,850 when LGNSW Conf not in Sydney). Assume \$3,668.40 per C/r.	\$2,09 C/r - First year only	\$2,620 per C/r p/a (\$218.33 per month)	\$2,097 per C/r p/a	\$314 per C/r p/a	\$3,144 total for all Cirs	-	\$524 for Mayor \$524 total for all other Councilors	\$1,048 for Mayor \$524 per Councilor	-	4,337.84
Ruddock	-	-	-	-	1,100	-	1,238	-	-	-	-	2,000	-	-	4,337.84
Tilbury	-	-	-	-	1,100	-	822	-	-	-	-	-	-	-	1,922.32
Waddell	61	-	-	-	1,100	-	673	-	-	-	-	-	-	-	1,833.52
Marr	392	-	-	-	440	-	54	-	-	-	-	-	-	-	886.04
Browne	-	-	-	-	-	-	109	-	-	-	-	-	-	-	108.96
Nicita	-	-	-	-	-	-	54	-	-	-	-	-	-	-	54.48
McIntosh	-	-	-	-	1,100	-	1,040	-	-	-	-	-	-	-	2,140
Del Gallego	203	-	-	-	-	-	461	-	-	-	-	-	-	-	663
Heyde	-	-	-	-	1,100	-	54	-	-	-	-	-	-	-	1,154
Hutchence	-	-	-	-	-	-	477	-	-	-	-	-	-	-	477
Bail	-	-	-	-	1,100	-	-	-	-	-	-	-	-	-	1,100
Greenwood	-	-	-	-	1,100	-	-	-	-	-	-	-	-	-	1,100
McClelland	-	-	-	-	1,100	-	-	-	-	-	-	-	-	-	1,100
Pillamarri	-	-	-	-	1,100	-	-	-	-	-	-	-	-	-	1,100
Salitra	-	-	-	-	1,100	-	-	-	-	-	-	-	-	-	1,100
Total	655	-	-	-	11,440	-	4,983	-	-	-	-	* 2,000	-	-	19,078

Notes:

- * In supporting the expenditure of \$2,000 on Christmas and Festive cards, it was recognised that the sending of the cards by the Mayor represented, at least in part, festive greetings on behalf of the General Manager, Councillors and staff across the organisation. (N.B. Given that Council was unable to hold a Mayoral Christmas function for our volunteers and community organisations, the sending of festive greeting cards was a means to ensure that Council recognised the efforts of our various contributing community members in what was a very challenging year).

It is noted that expenses incurred during the reporting period fall significantly under the allocation for each category, and in total, as well as in comparison to the previous reporting periods. This is due largely to COVID-19 and the subsequent restrictions on gatherings and general interaction with staff and members of the community.

BUDGET

The categorisation and reporting of expenditure in respect of councillors' expenses and facilities in the manner required and presented within this Report assists with the monitoring of expenses for that provision within Council's adopted budget. The overall total expenses reported for the 6-month period from July 2021 to December 2021 of \$19,078 is considerably less than the total budget provision for the financial year. All expenses have been approved as required by the General Manager or other staff under delegation.

POLICY

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

CONCLUSION

The Councillors' Expenses and Facilities Policy requires details of expenditure and the provisions of facilities to Councillors, summarised by individual Councillor and expense category, as well as a total for all Councillors, to be presented to Council at an open meeting. The expenditure by Councillors for the period July 2021 to December 2021 is well within the budget provision and requirements of the Policy. This Report provides the relevant information as required by the Policy and ensures all statutory requirements are met.

RESPONSIBLE OFFICER

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

STEPHEN COLBURT
Manager, Governance and Customer Service
Corporate Support Division

GLEN MAGUS
Director - Corporate Support
Corporate Support Division

Attachments:

There are no attachments for this report.

File Reference: F2004/09552-02

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**6 NORTHERN SYDNEY REGIONAL ORGANISATION OF COUNCILS (NSROC) -
APPOINTMENT OF COUNCILLORS TO THE BOARD**

EXECUTIVE SUMMARY

- The Northern Sydney Regional Organisation of Councils (NSROC) is comprised of eight Councils from the northern region of Sydney – Hornsby, Hunter's Hill, Ku-ring-gai, Lane Cove, Mosman, North Sydney, Ryde and Willoughby.
- Each member Council is represented at NSROC Board Meetings by its Mayor and one other Councillor. In addition to an Annual General Meeting, the Board meets four times a year to consider matters of strategic importance and provide direction to NSROC.
- In line with clause 5 of the NSROC Constitution, Council now needs to appoint to the NSROC Board one delegate (in addition to the Mayor) and two alternative delegates. It is noted that the alternative delegates would only be required to attend a Board Meeting as a voting delegate/s if the Mayor and/or the appointed delegate were unable to attend the Meeting.

RECOMMENDATION

THAT in Council appoint to the Northern Sydney Regional Organisation of Councils (NSROC) Board one delegate (in addition to the Mayor) and two alternative delegates.

PURPOSE

The purpose of this Report is to provide the opportunity for Council to appoint delegates to the Northern Sydney Regional Organisation of Councils Board.

BACKGROUND

The Northern Sydney Regional Organisation of Councils (NSROC) is comprised of eight Councils from the northern region of Sydney – Hornsby, Hunter's Hill, Ku-ring-gai, Lane Cove, Mosman, North Sydney, Ryde and Willoughby.

The region is diverse, and the member Councils are united by shared values, concerns and challenges. NSROC represents the region on agreed policy positions by advocating across all tiers of government and other relevant organisations, ensuring the presence of local government is strong and that the needs of the member councils' communities are heard and understood.

The objectives of NSROC, as defined in the NSROC Constitution, are to:

- Strengthen the role of Local Government in regional affairs, particularly where the region may be affected by Commonwealth or New South Wales Government policies.
- Ensure that Councils are participating as leaders in the development of sound urban infrastructure, economic infrastructure and employment opportunities.
- Facilitate the integration of transport, human and environmental infrastructure projects and services that support opportunities that meet community and business needs.
- Improve the quality of and access to transport, community, social, cultural and environmental services infrastructure.
- Improve the quality and efficiency of Local Government service delivery throughout the Northern Sydney Region.
- Ensure the Organisation develops as a highly credible and cost-effective organisation.

Each member council is represented on the NSROC Board by its Mayor and one other Councillor. In addition to an Annual General Meeting, the Board meets four times a year to consider matters of strategic importance and provide direction to NSROC.

DISCUSSION

Clause 5 of the NSROC Constitution deals with the Representation of Member Councils and states: (N.B. **bolding** added for emphasis)

- i. **A member Council will be represented on the Organisation by 2 delegates, as follows: The Mayor and one other Councillor.***
- ii. A member Council shall, at its first ordinary meeting after any Council election, appoint delegates **from** the Council membership to the Organisation, one of whom shall be the Mayor. Each such delegate shall hold office until the appointment of a successor. At its first ordinary meeting after any Council election, **a member Council shall also appoint 2 alternative delegates (and for the purpose of clause 5(v) below).***
- iii. The office of delegate shall become vacant if the delegate: a. ceases to hold the office as a Councillor; b. resigns by letter addressed to the member Council; or c. is absent from three (3) consecutive meetings of the Organisation without having*

- obtained leave of absence from the Organisation; 4 d. is replaced by the member Council at any time.*
- iv. *Where the office of a delegate becomes vacant, the member Council concerned, at the first convenient ordinary meeting held after such vacancy occurs, should appoint another delegate. In the event of a casual vacancy occurring for the officer bearer (President or Vice-President), the Board may appoint a member of the Board to hold office, subject to this constitution, until the conclusion of the Annual General Meeting next following the date of appointment.*
- v. ***Where the Mayor, and/or appointed delegate of a Council is/are unable to attend a meeting of the Organisation (or had obtained leave of absence from the Organisation), the Council may be represented by another member/s of the Council duly appointed for the purpose of being alternative delegate/s. The 2 alternative delegates have the same voting rights as the Mayor and appointed delegate.***
- vi. *Despite clauses 5.i) to 5.v) above, in the event that a member Council is not constituted by elected Councillors, and the functions of the Council are being undertaken by an Administrator, the representation in respect of the Council (whether newly formed or otherwise) is to be determined by the Administrator of that Council, who may nominate two (2) delegates to the Organisation for each former member Council, to populate the Board until such time as the elected Council is in place.*

In line with clause 5 of the Constitution, Council needs to appoint to the NSROC Board one delegate (in addition to the Mayor) and two alternative delegates. It is noted that the alternative delegates would only be required to attend a Board Meeting as a voting delegate/s if the Mayor and/or the appointed delegate were unable to attend the Meeting

BUDGET

There are no budgetary implications associated with this Report. Council has been a long-term member of NSROC and costs associated with such membership are included in annual budgets.

POLICY

There are no policy implications associated with this Report.

CONCLUSION

As a member of NSROC, Council needs to appoint to the NSROC Board one delegate (in addition to the Mayor) and two alternative delegates at this meeting.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Director, Corporate Support – Mr Glen Magus - who can be contacted on 9847-6635

GLEN MAGUS

Director - Corporate Support
Corporate Support Division

Attachments:

There are no attachments for this report.

File Reference: F2004/07056

Document Number: D08341495

7 REPORTING VARIATIONS TO DEVELOPMENT STANDARDS

EXECUTIVE SUMMARY

- In accordance with Department of Planning, Industry and Environment's *Planning Circular PS 08-14*, Council is required to report variations to development standards for development applications approved under delegated authority, which relied upon Clause 4.6 (Exceptions to development standards) of the *Hornsby Local Environmental Plan 2013 (HLEP)*.
- Council's consideration of this report ensures Council's obligation to monitor variations to development standards is complied with.

RECOMMENDATION

THAT the contents of Director's Report No. PC3/22 be received and noted.

PURPOSE

The purpose of this report is to advise Council of determined development applications under delegated authority involving a Clause 4.6 variation to a development standard for the period 1 October to 31 December 2021.

DISCUSSION

Department of Planning, Industry and Environment's *Circular B1*, issued in March 1989, requested that councils monitor the use of the Secretary's assumed concurrence under the then State Environmental Planning Policy No. 1 – Development Standards (*SEPP 1*) on a quarterly basis. *SEPP 1* was replaced by Clause 4.6 as the mechanism to enable variation to a development standard when the HLEP 2013 came into effect. However, the reporting requirements for variations to standards remain effective.

Monitoring of variations to development standards is important to provide the Department and councils with an overview of the manner in which established development standards are being varied and whether the assumed concurrence is being used as intended. This enables Council and the Department to determine whether development standards are appropriate, or whether changes are required.

The Department issued *Circular PS 08–014* on 14 November 2008. The purpose of the Circular was to remind councils of their responsibilities to monitor the use of the Secretary's assumed concurrence and keep accurate records where variations to standards are supported.

The *Circular* also provides that councils are required to report on a quarterly basis and adopt the following four measures:

1. Establish a register of development applications determined with variations in standards under Clause 4.6.
2. Require all development applications where there has been a variation greater than 10% in standards to be determined by the Hornsby Local Planning Panel.
3. Provide a report to Council on the development applications determined where there had been a variation in standards under Clause 4.6.
4. Make the register of the development applications determined with variations in standards under Clause 4.6 available to the public on Council's website.

In accordance with Point 3 of the Department Circular, attached is a list of development applications determined between 1 October 2021 to 31 December 2021.

A copy of the attachment to this report is also reproduced on Council's website.

BUDGET

There are no budget implications.

POLICY

This report addresses Council's reporting obligations for development applications determined where there has been a variation in standards under Clause 4.6.

CONCLUSION

Council is required to monitor the manner in which development standards are being varied. This assists in determining whether changes are required to relevant standards. This report provides


advice to Council on standards varied under delegated authority which relied upon Clause 4.6 of the HLEP during the reporting period from 1 October 2021 to 31 December 2021.

RESPONSIBLE OFFICER

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

JAMES FARRINGTON
Director - Planning and Compliance
Planning and Compliance Division

Attachments:

1.  Clause 4.6 Returns - 1 October to 31 December 2021

File Reference: F2004/07599-02

Document Number: D08330499