



BUSINESS PAPER

GENERAL MEETING

**Wednesday 9 March 2022
at 6:30PM**



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PRESENT

NATIONAL ANTHEM

OPENING PRAYER/S

Pastor Andrew Maxwell of Asquith Church Of Christ, will open the 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."

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.

CONFIRMATION OF MINUTES

THAT the Minutes of the General Meeting held on 9 February, 2022 be confirmed; a copy having been distributed to all Councillors

THAT the Minutes of the Workshop Meeting held on 23 February, 2022 be confirmed; a copy having been distributed to all Councillors.

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

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

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

GENERAL BUSINESS

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

OFFICE OF THE GENERAL MANAGER**Page Number 1****Item 1 GM5/22 AUDIT RISK AND IMPROVEMENT COMMITTEE - APPOINTMENT OF INDEPENDENT MEMBERS****RECOMMENDATION**

THAT:

1. The Hornsby Shire Council Audit Risk and Improvement Committee be established with three (3) independent voting members in addition to the Chairperson.

2. Ms Sheridan Dudley, Ms Hayley Elson and Mr Richard Jones be appointed as the independent voting members of the Audit Risk and Improvement Committee.
3. The fee offered to the independent voting members be \$1,800 per meeting.

Page Number 6**Item 2 GM8/22 DRAFT COMMUNITY STRATEGIC PLAN 2022-2032 - ADOPTION FOR PUBLIC EXHIBITION****RECOMMENDATION**

THAT Council adopt for public exhibition and make available for public comment from 10 March to 11 April 2022 the draft Community Strategic Plan 2022-2032 attached to General Manager's Report No. GM8/22.

Page Number 12**Item 3 GM11/22 REVIEW OF COUNCIL'S DELEGATIONS AND POWER OF ATTORNEY TO THE GENERAL MANAGER****RECOMMENDATION**

THAT:

1. The following delegation be granted to the General Manager:

Delegation of Authority

Pursuant to the powers of delegation conferred on Council by Sections 377 and 381 of the Local Government Act 1993, **HORNSBY SHIRE COUNCIL** delegates to **STEVEN HEAD**, General Manager of the Council, the power to exercise all the functions, powers, duties, and authorities conferred upon Council pursuant to:

1. The Local Government Act 1993.
2. The Environmental Planning and Assessment Act 1979.
3. All other Acts whatsoever under which Council has functions, powers, duties, and authorities.
4. All regulations, by-laws, rules and the like made by or under any of the Acts referred to in 1, 2 or 3 above.

Subject to any resolution made from time to time by the said Council and provided always that such delegation of powers shall not and shall not be deemed to extend to:

1. Any of the matters expressly reserved to the Council in Section 377 of the Local Government Act 1993.
2. The alteration of the meeting cycle of Council.
3. The overview and direction of business activities.

-
4. The role of the Mayor as provided for in and determined under Section 226 of the Local Government Act 1993.
 5. Major unique items where no policy, practice or code of the Council exists.
 6. Adoption of Local Environmental Plans, Development Control Plans and Section 7.11 and 7.12 Contribution Plans pursuant to the Environmental Planning and Assessment Act 1979.
 7. Adoption of Council policies and codes.
 8. Items in respect of which the Mayor or a Councillor has specifically requested the General Manager to place before Council for determination by Council.

Subject to the provisions of the Local Government Act 1993 and the other Acts referred to above the functions, powers, duties and authorities hereby delegated by Council to the General Manager pursuant to this resolution remain in force until otherwise revised or revoked by resolution of the Council; and

Subject to Council reviewing each delegation during the first 12 months of each term of office.

2. The following Power of Attorney be granted to the General Manager:

Power of Attorney

1. The Council appoints Mr Steven Head, General Manager of the Hornsby Shire Council to be its Attorney. Council's Attorney may exercise authority conferred on him by Part 2 of the Powers of Attorney Act 2003 to do on Council's behalf anything Council may lawfully authorise an Attorney to do. Council's Attorney's authority is subject to any additional powers and restrictions specified in Part 2 of this document.
2. This Power of Attorney operates from 9 March 2022 until 31 August 2025 unless the General Manager vacates office prior to this date.

PART 2 – Additional Powers and Restrictions

This Power of Attorney is subject to the following conditions and limitations:

This Power of Attorney authorises the Attorney to execute documents, dealings and instruments relating to the matter detailed in the Schedule and for the purpose of giving effect to resolutions of the Council where resolutions are required relating to the matters, including those detailed in the Schedule:

SCHEDULE

1. The creation (whether by acquisition or other means), disposal or extinguishment of an interest in land.
2. The creation, disposal, variation or extinguishment of a right, obligation, easement, or other interest in land.
3. Contracts, and all other necessary documents, for the purchase and sale of land.
4. Licences and leases.

5. Contracts for works services and supply of goods.
3. The Common Seal of Council be affixed to the Power of Attorney document.

CORPORATE SUPPORT DIVISION

Page Number 19

Item 4 CS16/22 INVESTMENTS AND BORROWINGS FOR 2021/2022 - STATUS FOR PERIOD ENDING 31 JANUARY 2022

RECOMMENDATION

That the contents of Director's Report No. CS16/22 be received and noted.

COMMUNITY AND ENVIRONMENT DIVISION

Nil

PLANNING AND COMPLIANCE DIVISION

Page Number 22

Item 5 PC4/22 DESIGN EXCELLENCE PANEL - EXTEND TERM OF APPOINTMENT OF PANEL MEMBERS

RECOMMENDATION

THAT Council endorse an extension to the term of appointment of the current members of the Hornsby Design Excellence Panel for a period up to 3 years.

INFRASTRUCTURE AND MAJOR PROJECTS DIVISION

Nil

CONFIDENTIAL ITEMS

Item 6 CS18/22 FURTHER REPORT - PURCHASE OF PROPERTY FOR ROAD WORKS AT HORNSBY

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

Item 7 CS20/22 EXCHANGE OF LAND FOR ROAD WORKS AT HORNSBY

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

PUBLIC FORUM – NON AGENDA ITEMS

QUESTIONS WITH NOTICE

MAYOR'S NOTES

Page Number 27

Item 8 MN1/22 MAYOR'S NOTES 01 FEBRUARY - 28 FEBRUARY 2022

NOTICES OF MOTION

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Item 9 NOM1/22 INTERNATIONAL WOMEN'S DAY

COUNCILLOR HEYDE TO MOVE

THAT:

1. Council recognises and celebrates that this is the first term in its history that Hornsby Shire Council has a majority of female councillors.
2. Council notes that Hornsby Shire Council joins 27 other NSW councils in having a majority of female councillors.
3. Council acknowledges the work done by Australian Local Government Women's Association and Local Government NSW in skilling up and encouraging women to stand for election.
4. Council recognises that International Women's Day is an opportunity to work to change:
 - The strong imbalance in political representation of women in state and federal parliaments across Australia.
 - The social and economic factors that combine to reduce women's earning capacity over their lifetime resulting in Australia's persistent gender pay gap.
 - That women continue to be under-represented in the leadership of Australian business, sport and community organisations.
 - That women have been more vulnerable to the economic impacts of Covid-19 because of existing gender inequality.
5. When reviewing its policy for the Lease Licence of Council Land and Buildings to Community Groups, Council seeks to incorporate principles that require sporting organisations and clubs who wish to enter into leases and licences with Council to:

Demonstrate that they provide equal prize money for both boys and girls, men and women at all levels of competition.

Demonstrate that they provide equal opportunity (entry positions, space, time, training, resources) for girls and boys, and men and women to participate in events including competitions and training.

Have an actionable strategy to increase participation, engagement and ongoing support of women and girls at all levels of competition.

Include a transitional provision that would allow organisations and clubs that do not currently satisfy the criteria identified in Point 5, to still be eligible to enter into leases and licences with Council provided they have concrete plans to implement these by 2025.

SUPPLEMENTARY AGENDA

MATTERS OF URGENCY

1 AUDIT RISK AND IMPROVEMENT COMMITTEE - APPOINTMENT OF INDEPENDENT MEMBERS

EXECUTIVE SUMMARY

- The Office of Local Government (OLG) has published draft Guidelines entitled *Risk Management and Internal Audit for local councils in NSW - August 2021*.
- The Guidelines relate to section 428A of the Local Government Act 1993 which require that a council must appoint an Audit, Risk and Improvement Committee (ARIC). It is mandated that all councils must have an ARIC in place by 4 June 2022 being 6 months after the new term of the elected-council.
- The ARIC must keep under review the following aspects of the council's operations: compliance; risk management; fraud control; financial management; governance; implementation of the strategic plan, delivery program and strategies; service reviews; and collection of performance measurement data by the council.
- The ARIC operates in an advisory capacity only and has no decision-making authority. It is required to have between 3 to 5 independent members (including the Chairperson) selected from a pre-qualified panel. Councillors may attend as observers only.
- The draft Guidelines require that the Chairperson and members be appointed by resolution of the governing body of the council. The governing body should first appoint the Chairperson who is then to assist in the appointment of the other committee members.
- The Chairperson, Mr Stephen Coates, was appointed at the Council Meeting on 10 November 2021 (General Manager's Report No. GM53/21). Based on his review of the organisation Mr Coates has recommended we appoint a further 3 independent members in addition to his role as Chairperson.

RECOMMENDATION

THAT:

1. The Hornsby Shire Council Audit Risk and Improvement Committee be established with three (3) independent voting members in addition to the Chairperson.
2. Ms Sheridan Dudley, Ms Hayley Elson and Mr Richard Jones be appointed as the independent voting members of the Audit Risk and Improvement Committee.
3. The fee offered to the independent voting members be \$1,800 per meeting.

PURPOSE

The purpose of this Report is to appoint the independent members (other than the Chairperson) for the Audit, Risk & Improvement Committee.

BACKGROUND

The Office of Local Government (OLG) has published draft Guidelines entitled *Risk Management and Internal Audit for local councils in NSW - August 2021*.

The Guidelines relate to section 428A of the Local Government Act 1993 which require that a council must appoint an Audit, Risk and Improvement Committee (ARIC). Although in draft format, the Guidelines are expected to be ratified by the OLG with minimal changes, as it is mandated that all councils must have an ARIC in place by 4 June 2022, being 6 months after the new term of the elected-council.

All councils in NSW will be required under the Local Government Regulation to comply with the Guidelines when establishing and operating their ARIC's.

The ARIC must keep under review the following aspects of the council's operations: compliance; risk management; fraud control; financial management; governance; implementation of the strategic plan, delivery program and strategies; service reviews; and collection of performance measurement data by the council.

The ARIC operates in an advisory capacity only and has no decision-making authority. It is required to have between 3 to 5 independent members (including the Chairperson) selected from a pre-qualified panel. Councillors may attend as observers only.

The draft Guidelines require that the Chairperson and members be appointed by resolution of the governing body of the council. The governing body should first appoint the Chairperson who is then to assist in the appointment of the other committee members.

The Chairperson, Mr Stephen Coates, was appointed at the Council Meeting on 10 November 2021 (General Manager's Report No. GM53/21). Based on his review of the organisation and taking into account its size and complexity, Mr Coates has recommended we appoint a further 3 independent members in addition to his role as Chairperson.

DISCUSSION

Although the draft Guidelines require the Chairperson and independent members of the ARIC to be selected from the NSW local government prequalification scheme, this scheme is not yet in place.

Even though there is no pre-qualification panel the Office of Local Government (OLG) has not otherwise prescribed an interim method for appointment of members. This same circumstance arose when Council appointed its Chairperson. At this time, we sought advice from Mr Stephen Horne who was former NSW Assistant Auditor-General, former President of the Australian Institute of Internal Auditors and also a significant contributor to the development of the new OLG Guidelines. Mr Horne advised that as there was no requirement for councils to advertise for appointments to their ARIC's, it was open for Council to directly appoint an individual who otherwise met the requisite skills and experience.

Following the appointment of Mr Stephen Coates as Chairperson, advice was also sought from him as to how to appoint the independent members in the absence of the prequalification scheme. Similar to the earlier advice we had received, Mr Coates confirmed it was open to Council to directly appoint candidates who met the requisite skills and experience. In accordance with this advice, Mr Coates

was requested to make external enquiries and provide CV's of persons who satisfied the requirements. The outcomes sought from an ARIC will require specialist skills across a range of areas relevant to a complex organisation with annual budgets of approximately 200 million dollars and asset replacement value of approximately 2 billion dollars. Details of 4 high calibre candidates were subsequently provided by Mr Coates for the 3 available positions.

A formal interview was held between each of the candidates and Steven Head, General Manager, Glen Magus, Director Corporate Support and Scott Allen, Risk & Audit Manager.

The following candidates are now recommended for appointment to the ARIC:

Ms Sheridan Dudley

Ms Dudley has over 30 years' experience as a chief executive and leader in state and local government and the not-for-profit sector.

She is an independent member of the Audit, Risk and Improvement Committees of the MidCoast Council and the Council of the City of Ryde, the company secretary of the International Congress for School Effectiveness and Improvement, and a Board member of the children's rural health charity, Royal Far West. She is also a Visiting Fellow in the School of Education at the University of NSW.

She has been District Commissioner South West on the Greater Sydney Commission, Chief of Staff to the NSW Minister for Education, the Hon Adrian Piccoli, MP, General Manager of Camden Council and Chief Executive Officer of KU Children's Services and of Job Futures Ltd.

She has degrees in Arts and Law, a Post Graduate Diploma of Criminology, a Master of Administration and she is currently a Doctor of Education candidate at UNSW.

Ms Hayley Elson

Ms Elson is a qualified internal audit and risk management professional with 8 years demonstrated leadership experience in the Community Housing Sector.

She is currently the Head of Internal, Risk and Safety at St George Community Housing Limited and has previously worked as an auditor for professional consulting firms, Grant Thornton and BDO.

She has a Bachelor of Commerce (Dean's Scholar) Degree with a Major in Accounting and Minor in Business Law. She also holds a Graduate Diploma of Chartered Accounting through the Institute of Chartered Accountants and is a current and registered member of the Institute.

Mr Richard Jones

Mr Jones has over 21 years of experience in financial management, treasury strategy, strategic procurement, organisational transformation, external and internal audit, financial reporting and analysis throughout the hospitality, infrastructure and education sectors.

Since 2013 he has been employed as the Finance Director of Southern Cross University. Prior to this he was the Finance Manager at Townsville City Council. He is also a Board Member of Trinity Catholic College Limited, University Procurement Hub and has recently held a position as independent member of the Lismore City Council Audit Risk and Improvement Committee.

He holds a Bachelor of Commerce and Graduate Diploma of Accounting. He is also a Full Member of Chartered Accountants Australia and New Zealand, an Affiliate Member of the Chartered Institute of Procurement and Supply, and Member of the Australian Institute of Company Directors.

It is considered each of the recommended candidates brings a different and diverse skillset to the ARIC. Full CV's for these recommended candidates are available on request.

Remuneration

In relation to remuneration, the draft Guidelines do not yet propose the fee structure that will apply for local council ARIC's.

Under the State Government fee schedule for ARIC's, Hornsby Shire Council would be classified as "Medium" and each member could receive up to \$2,300 per meeting. Based on feedback from Stephen Coates, the current fee rates for medium-size councils in NSW are typically between \$1,600 and \$2,000 per meeting, based on 5 meetings per year.

It is recommended that we set our fees at \$1,800 per meeting.

Councillor Appointments

The OLG Guidelines leave it open for councils to appoint councillors as non-voting observers. Stephen Coates has advised that if Council was of a mind to appoint Councillors, that 2 positions would be the recommended number.

Councillors are not paid for attending ARIC's and would need to be available for five meetings per annum – proposed to be Monday mornings from 9:00am to 12noon. The first meeting is scheduled to be held on 9 May.

CONSULTATION

In the preparation of this Report there was consultation with Stephen Coates, Chairperson of the Hornsby Shire Council ARIC.

BUDGET

There are no budgetary implications associated with this Report as funds have already been allocated in the current budget to meet the establishment of the ARIC.

POLICY

There are no policy implications associated with this Report.

CONCLUSION

It is a mandatory requirement to establish an Audit Risk & Improvement Committee by 4 June 2022 (the first meeting of the Hornsby Shire Council ARIC is scheduled to be held on 9 May 2022). The draft Guidelines published by the Office of Local Government require that the Chairperson and independent voting members of the Committee be appointed by the governing body of the Council. The Chairperson, Mr Stephen Coates was appointed in November 2021 and has assisted with nomination of suitable candidates to be appointed as independent members. Three (3) suitable candidates have been interviewed and are recommended for appointment by Council. It is also open to Council to consider the appointment of Councillors as observers.

RESPONSIBLE OFFICER

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

STEVEN HEAD
General Manager
Office of the General Manager

Attachments:

There are no attachments for this report.

File Reference: F2019/00136

Document Number: D08336408

ITEM 1

2 DRAFT COMMUNITY STRATEGIC PLAN 2022-2032 - ADOPTION FOR PUBLIC EXHIBITION

EXECUTIVE SUMMARY

- The Office of Local Government has mandated an integrated planning and reporting framework which approaches business planning based on community aspirations and preferences. It requires that the community be presented with the key issues and challenges facing the Shire in order that they can have deliberative input into how Council, other government agencies and the community will respond to those issues and challenges.
- By 30 June in the year following local government elections, all councils are required to develop a 10-year community strategic plan, a four-year delivery program and a one-year operational plan to identify the main priorities and aspirations for the future of the area and the resources required to move to that future.
- The draft Community Strategic Plan 2022-2032 (Attachment 1) is called *Your vision | Your future 2032* and has been prepared by Hornsby Shire Council in partnership with local residents, other levels of government that deliver educational, health and parks services, Council committees, non-government organisations, community and sporting organisations and businesses. The Plan recognises the important role these groups play in shaping Hornsby Shire now and into the future.
- The draft 2022-2026 Delivery Program including the Operational Plan 2022/23, Council's commitment to the community over its term of office and the next level in the integrated planning and reporting framework, will be presented to the General Meeting of Council on 13 April 2022 to endorse for public exhibition, prior to adoption in June 2022.

RECOMMENDATION

THAT Council adopt for public exhibition and make available for public comment from 10 March to 11 April 2022 the draft Community Strategic Plan 2022-2032 attached to General Manager's Report No. GM8/22.

PURPOSE

The purpose of this Report is to present to Council the draft Community Strategic Plan 2022-2032 so that it can be publicly exhibited from Thursday 10 March to Monday 11 April prior to being reconsidered for final adoption by Council in June 2022.

BACKGROUND

By 30 June in the year following local government elections, all councils are required to develop a ten-year Community Strategic Plan (CSP), a four-year Delivery Program and a one-year Operational Plan, as well as a Resourcing Strategy aligned to an integrated planning and reporting framework mandated by the Office of Local Government. The framework requires that the community is engaged to identify the main priorities and aspirations for the future of the area and the key issues and challenges facing the Shire so they can have deliberative input into how Council, other government agencies and the community themselves will respond to those issues and challenges. The planning process should also consider the level of resources that will realistically be available to achieve the community's aspirations and priorities.

The Community Strategic Plan is Hornsby Shire's highest-level plan, a ten-year vision that is developed collaboratively with the community. As well as identifying the main priorities and aspirations for the future of Hornsby Shire, it sets the strategic direction for where the people of Hornsby Shire want to be in 2032. Every project led by Council is guided by the Community Strategic Plan, however working towards the vision for 2032 is the responsibility of many partners including state agencies, community groups and private enterprise.

The Delivery Program, Council's response to the Community Strategic Plan and its commitment to the community for its term of office, will outline Council's plan of action to address the community's long-term objectives. It will outline a four-year program of Key Initiatives, Ongoing Activities and Capital Projects and will be reviewed yearly against the annual budget. The one-year Operational Plan for 2022/23 will form part of the Delivery Program. The draft 2022-2026 Delivery Program including the Operational Plan 2022/23 will be presented to the General Meeting of Council on 13 April 2022 to adopt for public exhibition, prior to adoption in June 2022.

DISCUSSION

Many people and organisations have contributed to shaping the future direction of Hornsby Shire. In all, 15,417 stakeholders across a wide range of demographics have given detailed and valued input.

From late 2018 to 2021 Council conducted 27 individual Shire-wide community engagement activities to consult, involve and collaborate with the community on many topics, including in the development of draft strategies. The engagement activities undertaken include telephone surveys, face to face and online meetings and workshops, pop-in sessions and online surveys and forums. Following is a breakdown of who we engaged with:

- **Residents**, in 24 engagement activities
- **Over 65s**, in 9 engagement activities
- **Aboriginal and Torres Straight Islanders**, in 7 engagement activities
- **Youth** (12-25 years), in 7 engagement activities
- **Community groups and Non-Government Organisations**, in 6 engagement activities
- **Businesses**, in 4 engagement activities

- **Culturally and Linguistically Diverse** communities, in 4 engagement activities
- **Children** (5-12 years), in 2 engagement activities
- **People living with a disability**, in 2 engagement activities
- **Sporting groups**, in 2 engagement activities

Findings from all these consultations have been analysed and the top 10 issues identified are:

1. Natural environment – bushland, trees, and waterways.
2. Population growth, housing diversity and supporting infrastructure.
3. Climate change, waste, and environmental sustainability.
4. Transport – traffic, walking and cycling, roads, parking, and public transport.
5. Community facilities and cultural events.
6. Diverse, inclusive, and accessible communities.
7. Parks, open space, recreation, and sports.
8. Resilience to shocks and stresses.
9. Youth, aging, family services.
10. Economic development and vibrant town centres.

The Draft Community Strategic Plan 2022-2032

The Community Strategic Plan represents the highest level of strategic planning undertaken by local councils. It embodies the Vision for the future of the Hornsby Shire community and sets the broad strategic direction for Council's long term planning documents. The Community Strategic Plan should answer four key questions:

- Where are we now?
- Where do we want to be?
- How do we get there?
- How do we know we've arrived?

The Hornsby Shire Community Strategic Plan, *Your vision | Your future 2032*, identifies the community's main priorities and aspirations for the next ten years. It is a community driven plan that becomes the highest-level Council plan when endorsed. It sets the direction for where the people of the Shire want to be in the coming decade.

The aspirations expressed by the community have been clear and consistent over the years – to improve Hornsby Shire and secure a positive future for our coming generations by having (in no particular order):

- **Active transport** that is integrated and connected
- **Infrastructure** to support new development
- **Housing diversity** with different dwelling types and sizes
- **Sustainable development** with quality design
- **Vibrant Town Centres** with cafes and outdoor dining and night-time economy

- **Sports and recreation facilities**, with water play, basketball courts, swimming pools, picnic areas, bushwalking, organised sports, cycleways, and mountain bike tracks
- **Parks** with more green spaces, better playgrounds
- **Traffic and public transport** with safer roads, less congestion, public transport with connections to outer areas, express services, commuter car parking
- **Bushland** that is protected, cared for, and maintained, including trees, wildlife, waterways
- **Youth** facilities and support
- **Economic development** with tourism and local jobs
- **Arts and culture** hub
- **Hornsby Town Centre** revitalised
- **Environmental sustainability** to conserve natural resources and support health and wellbeing into the future, including education
- **Community facilities** with community gardens, buildings, public spaces

Guiding the Plan is the community Vision which has been developed through community engagement and describes the kind of place the community wishes Hornsby Shire to be in 2032:

“Our Bushland Shire is on the Traditional Lands of the Darug and GuriNgai Peoples. It is a place for people, wildlife and natural environments to thrive in harmony. Our diverse community is welcoming, inclusive and resilient and we are leaders in caring for our future generations. We have a flourishing economy with local shopping and dining precincts. Community facilities and infrastructure are modern, accessible and connected. We have many different places for recreation locally. We walk and ride and enjoy exploring parks, bushland and waterways.”

To achieve the Vision the Plan, *Your Vision | Your Future 2032*, is structured under four main Themes and eight Strategic Directions:

THEMES	STRATEGIC DIRECTIONS
LIVEABLE	CONNECTED AND COHESIVE COMMUNITY A caring community where the built environment and people combine to create a sense of belonging and support.
	INCLUSIVE AND HEALTHY LIVING Well-designed neighbourhoods with distinct local characters featuring great public spaces that support people’s health, wellbeing, and growth.
SUSTAINABLE	RESILIENT AND SUSTAINABLE We will survive, adapt, and thrive in the face of shocks and stresses. We will minimise our footprint and transition to net zero.
	NATURAL ENVIRONMENT Our unique environment is celebrated, protected, and enhanced.
PRODUCTIVE	INTEGRATED AND ACCESSIBLE TRANSPORT Our transport infrastructure and services will be connected and easy to use.

	We will increase walking and cycling, and the use of public transport.
	VIBRANT AND VIABLE PLACES We have attractive and multi-use places that support economic development, innovation, and local living.
COLLABORATIVE	OPEN AND ENGAGED We aspire to create an organisation that is trusted and respected by the community. We are proactive in engaging with the community and our decision-making is inclusive, easy, and timely.
	SMART AND INNOVATIVE From global to local connectedness, we will be forward-thinking and find creative solutions to enhance daily living.

The Strategic Directions link to the related 17 United Nations Sustainable Development Goals (SDGs) which are a universal call to action to end poverty, protect the planet and ensure that all people enjoy peace and prosperity. Linking to the SDGs will help to realise global goals through local action.

Each Strategic Direction then sets out the community's long-term goals (*Where do we want to be?*) with a plan of action to achieve them (*How are we going to get there?*).

While Hornsby Shire Council takes a lead role in the implementation of the CSP, responsibility for achieving the long-term goals rests with all levels of government, businesses, industry groups, community organisations and the community itself. In delivering the plans of action, Council acts as Provider, Leader, Collaborator, Capacity builder, Advocate (*Council's role*). Other agencies that will be key partners in delivery are listed (*Our Partners*), however, the list is not comprehensive and new partners are encouraged.

The IP&R framework requires Councils to track and report on progress in implementing the CSP using a series of community indicators. Each Strategic Direction has a set of Community Indicators that will be measured in 2024 prior the end of this Council term to show progress on meeting the community's priorities. Community Indicators are based on available data sets.

Council has a range of documents that provide more detail on the delivery of each Strategic Direction (Council's supporting Strategies / Plans). These documents have been developed with input from the community and endorsed by Councillors. They contain recommended actions which will be prioritised and implemented as funding becomes available.

CONSULTATION

Hornsby Shire's Community Engagement Plan was adopted by Council in July 2021 and implemented for the development of this Community Strategic Plan.

Pages 24-29 of *Your vision | Your future 2032* outlines the consultations undertaken in the preparation of the draft Community Strategic Plan. Outcomes from all these consultations have informed the development of the draft Plan, setting the Strategic Directions, the goals, and the plans of action to achieve them (pages 32-47).

The formal exhibition period for the Community Strategic Plan is scheduled from Thursday 10 March to Monday 11 April 2022. The methods of consultation proposed for exhibition are outlined in the

Plan on a Page (Attachment 2). Comments received during the formal exhibition period will be considered and reported to Council prior to adoption of the final document in June 2022.

BUDGET

Budget implications will be considered in the preparation of the draft 2022-2026 Delivery Program including the Operational Plan 2022/23 which will be presented to the General Meeting of Council on 13 April 2022 to endorse for public exhibition, prior to adoption in June 2022.

POLICY

Hornsby Shire's Community Strategic Plan 2022-2032 describes community aspirations.

CONCLUSION

The Community Strategic Plan identifies the main priorities and aspirations for the future of Hornsby Shire and sets the strategic direction for where the people of Hornsby Shire want to be in 2032. Public exhibition of this document provides an opportunity for the community to give feedback on any aspect of the Plan. That feedback will be considered by Council prior to final adoption of the suite of integrated planning and reporting documents in June 2022.



RESPONSIBLE OFFICER

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

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

STEVEN HEAD
General Manager
Office of the General Manager

Attachments:

1.  Draft Community Strategic Plan 2022-2032, Your vision | Your future 2032
2.  Plan on a Page

File Reference: F2020/00006
Document Number: D08349323

3 REVIEW OF COUNCIL'S DELEGATIONS AND POWER OF ATTORNEY TO THE GENERAL MANAGER

EXECUTIVE SUMMARY

- Section 380 of the Local Government Act (1993) requires Council to review its delegations and make any changes considered appropriate within 12 months after each ordinary election.
- The previous Delegation of Authority and Power of Attorney for the General Manager were granted for a period of 4 years and expire on 25 March 2022.
- This report proposes the granting of a further Delegation of Authority and Power of Attorney to the General Manager.

RECOMMENDATION

THAT:

1. The following delegation be granted to the General Manager:

Delegation of Authority

Pursuant to the powers of delegation conferred on Council by Sections 377 and 381 of the Local Government Act 1993, **HORNSBY SHIRE COUNCIL** delegates to **STEVEN HEAD**, General Manager of the Council, the power to exercise all the functions, powers, duties, and authorities conferred upon Council pursuant to:

1. The Local Government Act 1993.
2. The Environmental Planning and Assessment Act 1979.
3. All other Acts whatsoever under which Council has functions, powers, duties, and authorities.
4. All regulations, by-laws, rules and the like made by or under any of the Acts referred to in 1, 2 or 3 above.

Subject to any resolution made from time to time by the said Council and provided always that such delegation of powers shall not and shall not be deemed to extend to:

1. Any of the matters expressly reserved to the Council in Section 377 of the Local Government Act 1993.
2. The alteration of the meeting cycle of Council.
3. The overview and direction of business activities.
4. The role of the Mayor as provided for in and determined under Section 226 of the Local Government Act 1993.
5. Major unique items where no policy, practice or code of the Council exists.
6. Adoption of Local Environmental Plans, Development Control Plans and Section 7.11 and 7.12 Contribution Plans pursuant to the Environmental Planning and Assessment Act 1979.
7. Adoption of Council policies and codes.
8. Items in respect of which the Mayor or a Councillor has specifically requested the General Manager to place before Council for determination by Council.

Subject to the provisions of the Local Government Act 1993 and the other Acts referred to above the functions, powers, duties and authorities hereby delegated by Council to the General Manager pursuant to this resolution remain in force until otherwise revised or revoked by resolution of the Council; and

Subject to Council reviewing each delegation during the first 12 months of each term of office.

2. The following Power of Attorney be granted to the General Manager:

Power of Attorney

1. The Council appoints Mr Steven Head, General Manager of the Hornsby Shire Council to be its Attorney. Council's Attorney may exercise authority conferred on him by Part 2 of the Powers of Attorney Act 2003 to do on Council's behalf anything Council may lawfully authorise an Attorney to do. Council's Attorney's authority is subject to any additional powers and restrictions specified in Part 2 of this document.
2. This Power of Attorney operates from 9 March 2022 until 31 August 2025 unless the General Manager vacates office prior to this date.

PART 2 – Additional Powers and Restrictions

This Power of Attorney is subject to the following conditions and limitations:

This Power of Attorney authorises the Attorney to execute documents, dealings and instruments relating to the matter detailed in the Schedule and for the purpose of giving effect to resolutions of the Council where resolutions are required relating to the matters, including those detailed in the Schedule:

SCHEDULE

1. The creation (whether by acquisition or other means), disposal or extinguishment of an interest in land.
 2. The creation, disposal, variation or extinguishment of a right, obligation, easement, or other interest in land.
 3. Contracts, and all other necessary documents, for the purchase and sale of land.
 4. Licences and leases.
 5. Contracts for works services and supply of goods.
3. The Common Seal of Council be affixed to the Power of Attorney document.

PURPOSE

The purpose of this Report is to review the delegations of the elected-body of Council pursuant to section 380 of the Local Government Act 1993 and grant a new Delegation of Authority and Power of Attorney to the General Manager.

BACKGROUND

Delegations of Authority from the elected-Council to the General Manager, and then the General Manager to Council staff are dealt with in sections 377 to 381 of the Local Government Act 1993 (the Act).

Pursuant to s377 of the Act a Council may, by resolution, delegate to the General Manager or any other person or body (not including another employee of the Council) any of the functions of the Council other than those matters specifically listed in s377 being as follows:

- (a) *The appointment of a general manager.*
- (b) *The making of a rate.*
- (c) *A determination under [section 549](#) as to the levying of a rate.*
- (d) *The making of a charge.*
- (e) *The fixing of a fee.*
- (f) *The borrowing of money.*
- (g) *The voting of money for expenditure on its works, services, or operations.*
- (h) *The compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),*
- (i) *The acceptance of tenders to provide services currently provided by members of staff of the council.*
- (j) *The adoption of an operational plan under [section 405](#).*
- (k) *The adoption of a financial statement included in an annual financial report.*
- (l) *A decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6.*
- (m) *The fixing of an amount or rate for the carrying out by the council of work on private land.*
- (n) *The decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work.*
- (o) *The review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the [Environmental Planning and Assessment Act 1979](#).*
- (p) *The power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under [section 194](#).*
- (q) *A decision under [section 356](#) to contribute money or otherwise grant financial assistance to persons.*
- (r) *A decision under [section 234](#) to grant leave of absence to the holder of a civic office.*
- (s) *The making of an application, or the giving of a notice, to the Governor or Minister.*
- (t) *This power of delegation.*

- (u) *Any function under this or any other Act that is expressly required to be exercised by resolution of the council.*

Pursuant to s378 of the Act, the General Manager may then delegate, or sub-delegate, any of the functions of a General Manager, other than his/her power of delegation, to any person or body, including another employee of the Council. A large number of staff consequently have individual delegations from the General Manager in accordance with these provisions.

Pursuant to s379 of the Act a regulatory function of a council cannot be delegated or subdelegated to a person or body other than a committee of the Council, the members of which are all Councillors, or are either Councillors or employees of the council, or an employee of the council.

Pursuant to s380 of the Act each Council must review all its delegations during the first 12 months of each term of office.

Section 381 of the Act requires that a person must not, under any other Act, delegate a function to the General Manager except with the approval of the Council, or delegate a function to another employee of council except with the approval of both the Council and the General Manager.

The General Manager's delegation was last reviewed by Council in February 2018 (Report MM4/18). The delegation granted was for a period of 4 years from the commencement date of the General Manager and it expires on 25 March 2022. Similarly the Power of Attorney granted to the General Manager was for the same 4-year period.

DISCUSSION

The delegation of functions under the Act allow for efficient decision making and delivery of services. In the absence of delegations a large number of additional reports would otherwise need to be submitted to each council meeting for decision on administrative and regulatory matters.

Although broad functions are delegated to the General Manager, and then subsequently delegated to staff, this does not preclude the Mayor or any Councillor specifically requesting that a matter be placed before the Council for determination. This right is stated in the delegation document. Similarly, the General Manager is not delegated to make decisions on major unique items where no policy, practice or code of the Council exists.

Council's record in the exercise of delegations has been demonstrated over a long period of time to be appropriate with the General Manager and senior staff ensuring that matters of significant interest to Councillors are advised through weekly communiques and other communication with Council. Where relevant, staff have demonstrated a willingness on potentially sensitive matters to consult with Council in the application of their delegations.

There have been no issues associated with the operation of the General Manager's delegation since 2018 and the delegation has recently been reviewed by a panel lawyer. The core delegations are recommended to remain unchanged and no change to the existing practice, and delegations given to the General Manager, is proposed. The wording of the delegation is shown in the recommendation to this report.

Although it is only a requirement to review staff delegations every 4 years, being in the first 12 months of each term of office, the administrative practice is that General Manager delegations to staff undergo regular and ongoing review. Reviews of delegations are undertaken by Directors and Branch Managers when legislation is amended, when new staff are appointed, or when operational requirements change for particular employees. As a consequence a large number of new delegations to staff are issued each year and redundant delegations are deleted from the Delegations Register.

Delegations of Authority to staff include reference to the appropriate Acts, and areas of delegation such as operational, financial, personnel, management, and determination of applications.

The Power of Attorney document has also been recently reviewed by a panel lawyer. There have been no issues associated with the operation of this Power of Attorney since 2018 and the powers and restrictions set out in the document are recommended to remain unchanged. The wording of the Power of Attorney is shown in the recommendation to this report. The end date for this Power of Attorney is nominated to be 31 August 2025. The next local government elections are scheduled to be held in September 2024 therefore this end date falls towards the end of the 12-month period of the new term of the elected Council, in which period the document will be reviewed in any event.

CONSULTATION

In the preparation of this Report there was consultation with the Office of Local Government and Council's panel lawyer, Redenbach Legal.

BUDGET

There are no budgetary implications associated with this Report.

POLICY

There are no policy implications associated with this Report.

CONCLUSION

It is a requirement of section 380 of the Local Government Act 1993 for Council to review all its delegations during the first 12 months of each term of office. The General Manager's delegation was last reviewed by Council in February 2018 (Report MM4/18). The delegation granted was for a period of 4 years from the commencement date of the General Manager, being 26 March 2018. Similarly the Power of Attorney granted to the General Manager was for the same 4-year period. This report recommends the granting of a new Delegation of Authority and Power of Attorney to the General Manager.

RESPONSIBLE OFFICER

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

STEVEN HEAD

General Manager

Office of the General Manager

Attachments:

There are no attachments for this report.

File Reference: F2004/09419-014

Document Number: D08354105

ITEM 3

4 INVESTMENTS AND BORROWINGS FOR 2021/2022 - STATUS FOR PERIOD ENDING 31 JANUARY 2022

EXECUTIVE SUMMARY

- This Report provides details of Council's investment performance for the period ending 31 January 2022 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 January 2022 of -0.21% which includes a yield of -12.51% from TCorp Managed Funds. On a financial year to date basis the portfolio achieved a positive annualised return of 0.91% which includes a yield of 2.40% from TCorp Managed Funds.

RECOMMENDATION

That the contents of Director's Report No. CS16/22 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 month ending 31 January 2022 is detailed in the attached document. In summary, the portfolio achieved a negative annualised return for January 2022 of -0.21%. On a financial year to date basis the portfolio achieved an annualised return of 0.91% which includes a yield of 2.40% 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 January 2022 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 loss for the month ended 31 January 2022 was -\$26,163 which includes an unrealised loss of -\$260,144 from TCorp Managed Funds.

Budgeted investment income year to date as at 31 January 2022 is \$2,248,852. Total investment income year to date as at 31 January 2022 is \$1,948,174 which includes a year-to-date net gain of \$316,464 from TCorp Managed Funds.

Approximately 54.94% 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 on 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 January 2022 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 January 2022
2.  HSC Borrowings Schedule January 2022 Included under separate cover

File Reference: F2004/06987-02
Document Number: D08343075

5 DESIGN EXCELLENCE PANEL - EXTEND TERM OF APPOINTMENT OF PANEL MEMBERS

EXECUTIVE SUMMARY

- In June 2019, Council resolved to establish the Hornsby Design Excellence Panel to provide independent urban design advice to assist deliver quality-built form and public domain outcomes for major developments.
- At its meeting on 8 April 2020, Council endorsed 9 members to participate on the Design Excellence Panel for a two-year term.
- The current panel members comprise Jon Johannsen, Andrew Stanic, David Epstein, Marc Deuschle, Karla Castellanos, Ron Edgar, Matthew Taylor, Brett Newbold, and Stephen Collier.
- The term of appointment of Panel members will expire on 8 April 2022.
- The Panel has proven its success over the past 2 years in facilitating positive outcomes across a range of development types including townhouses, residential flat buildings, seniors living and mixed-use developments.
- Accordingly, it is recommended that Council extend the term of appointment of the current Panel members for a period up to 3 years.

RECOMMENDATION

THAT Council endorse an extension to the term of appointment of the current members of the Hornsby Design Excellence Panel for a period up to 3 years.

PURPOSE

The purpose of this report is to seek Council's endorsement to extend the current term of appointment for members of the Hornsby Design Excellence Panel.

BACKGROUND

In response to representations from the community concerning the built form and character of residential unit developments in Hornsby Shire, at its meeting on 8 November 2017, Council resolved to undertake a review of built form outcomes and planning controls including the introduction of further landscaping requirements.

At its meeting on 10 October 2018, Council considered Group Manager's Report No. PL26/18 regarding the Design Excellence Review of Planning Controls and presenting draft Development Control Plan (DCP) amendments. Council resolved to exhibit the draft DCP amendment for community comment and (in part) that:

4. *Council endorse in principle the establishment of a formal Design Excellence Advisory Panel, with a further report being presented to Council concerning the appointment, constitution, fee structure and yearly budget allocation for the Panel.*

Two formal Design Excellence Panel meetings were subsequently trialled to ascertain the design benefits and outcomes of a Design Panel as part of the development application assessment process and to determine the constitution and associated costs in running a Panel meeting.

At its meeting on 12 June 2019, Council considered Director's Report No. PL17/19 and resolved to establish a Hornsby Design Excellence Panel and undertake an expression of interest (EOI) process to appoint appropriately qualified and experienced consultants to participate on the Panel. Council also adopted Terms of Reference for the Panel.

A Councillor Workshop was conducted in September 2019 to discuss the process for the consideration of the EOIs including how Councillors would like to be consulted in the review of the submissions and the potential to interview a short-list of preferred candidates. After discussion, it was generally agreed that the full list of candidates and their submissions along with the review of EOIs by Council officers should be circulated electronically to Councillors for review and feedback.

The full list of candidates and their submissions along with the review of submissions by Council officers was circulated to Councillors for review and feedback in February 2020. Interviews were conducted of the short-list of Panel members in March 2020.

At its meeting on 8 April 2020, Council endorsed 9 members to participate on the Design Excellence Panel for a two-year term. The members of the Panel comprise 3 architects, 3 urban designers, 1 landscape architect, 1 landscape / heritage architect and 1 heritage architect.

DISCUSSION

The role of the Design Excellence Panel is to provide independent, expert, and impartial design advice on the design quality of development within the Shire in accordance with the requirements of the Hornsby Local Environmental Plan, Hornsby Development Control Plan and Apartment Design Guidelines. The Panel reviews the follow types of development:

- Development comprising a residential flat building or mixed-use development.
- Townhouse developments.

- Any development for which, in the opinion of the Manager Development Assessments, is required to achieve design excellence.
- Any strategic planning matters for which design excellence is relevant.

A pool of Panel members is selected by Council and each member must be able to demonstrate a sound understanding of urban design values and have extensive experience in architecture, landscape architecture, urban design, and/or heritage. The Panel is convened on an as required basis and the quorum for the Panel comprises 3 members from the pool of members. The proponent's architect and/or urban design consultant is required to present to the Panel to outline the proposal and respond to any questions.

In accordance with the Panel Terms of Reference, the role of the Panel is advisory only. The recommendations or comments provided in response to a proposal by the Panel are used to inform the development assessment process.

The existing members for the Hornsby Design Excellence Panel were selected based on their extensive experience across a range of expertise in architecture, urban design, heritage, and landscape design. All of the current members have experience on other design excellence panels at a range of government levels and in NSW Land and Environment Court matters. A number of Panel members have also received design awards in Architecture.

The Panel members were endorsed for an initial period of 2 years which expires on 8 April 2022.

A summary of the current panel members details and their qualifications and experience is provided below.

Expert Member	Qualifications and Experience
Karla Castellanos (Urban Designer)	20 years' experience and Director of Urban Projects at GMU. Bachelor of Architecture and Grad Dip in Urban Design Studies. Extensive experience as an expert in the NSW Land and Environment Court. Previous work for Council on major development proposals including the Hornsby West Side.
David Epstein (Architect)	30 years' experience and current Principal at DRE Design. Registered Architect and planner with a master's degree in Urban Design. Member of the City of Parramatta Design Excellence Advisory Panel.
Brett Newbold (Urban Designer)	Over 30 years' experience in architecture, urban design and strategic town planning. Provided advice to Council in preparing the current controls in the Hornsby Shire Development Control Plan. Extensive experience in the NSW Land and Environment Court and has been an expert of Council on a number of appeal matters.
Ron Edgar (Heritage Architect)	Registered Architect and Heritage advisor with over 40 years' experience. Extensive Court experience and provision of expert evidence regarding heritage matters.
Stephen Collier (Architect)	Registered Architect with over 30 years' experience. Member of Bayside Design Excellence Panel and previous member of the Sutherland Council Panel. Specialises in landscape and context.
Matthew Taylor (Landscape)	Registered landscape architect and heritage expert with over 30 years' experience. Bachelor of Landscape Architecture and Masters of Built Environment (Heritage). Bayside, Liverpool and Campbelltown Design

Architect / Heritage Architect)	Excellence Panels. Provided expert evidence in the Land and Environment Court.
Jon Johanssen (Urban Designer)	Over 40 years' experience as an architect and urban designer. Parramatta, North Sydney, Waverley, and Cumberland Panels at present or in the past. Assisted Council with a number of complex development applications as part of the implementation of Council's Housing Strategy.
Andrew Stanic (Architect)	Qualifications in architecture with over 30 years' experience. Involved with Parramatta Design Excellence (formerly SEPP 65) Panel for 16 years.
Mark Deuschle (Landscape Architect)	Registered landscape architect with over 20 years' experience. Current lecturer at UNSW as part of landscape architecture course within Faculty of Built Environment. Design Excellence Panel member at Wollongong, Shellharbour, Cumberland and Camden.

The Design Excellence Panel has proven its success over the past 2 years in providing positive outcomes across a range of development types including townhouse, residential flat buildings, seniors living and mixed-use development. The Panel has brought about design quality improvements regarding building articulation, external fabric and materials, solar access, privacy amenity, bulk and scale, density, protection of canopy trees and retention of streetscape trees. A particular focus of the Panel has been to improve the quality and quantity of landscaping provided for new developments. Specifically, since the inception of the Panel:

- 36 proposals, comprising 29 development applications (DAs) and 7 pre-lodgement proposals have been presented to a Panel meeting.
- The Panel has recommended design amendments to all 29 DAs it has reviewed and changes have ranged from minor amendments to suggested complete re-design.
- The provision of Panel advice at the pre-lodgement stage has facilitated improved outcomes when the DA is lodged.
- The Panel advice has supported the refusal of 3 development applications and facilitated a positive outcome in 2 Court Appeals.

Positive feedback has also been received from the chairs and panel members of both the Sydney North Planning Panel and the Hornsby Shire Local Planning Panel with regard to the operation and improved design outcomes achieved by the Design Excellence Panel. This has translated into development applications not being deferred by Planning Panels to enable design changes and resulted in fewer applications proceeding to the Court.

It is recommended that Council extend the term of appoint for existing panel members of the Hornsby Shire Council Design Excellence Panel for up to an addition 3-year term. This would extend the period of the current Panel members beyond the next Council elections and would enable a future Council time to review the composition of the Panel.

BUDGET

The cost of operating the Design Excellence Panel is covered by applicant's and charged in accordance with Council's adopted fees and charges. There are no changes proposed that would impact on the Planning and Compliance Division operating budget.

POLICY

It is currently optional for councils to establish a design review panel. However, the State Government has recently exhibited a draft Design and Place State Environmental Planning Policy which proposes a new mandatory requirement for councils to establish a Design Review Panel.

A draft Design Review Manual is part of the exhibition documents and includes requirements for how councils are to establish and manage review panels. The terms of reference for the Hornsby Design Excellence Panel are generally consistent with the draft Manual. However, should the Design and Place SEPP be finished, further evaluation of the composition and operation of Council's Design Excellence Panel would be required to ensure it is consistent with the requirements under the State Policy.

CONCLUSION

The current Panel members of the Hornsby Design Excellence Panel have served Council well and brought about significant quality improvements in urban design, internal amenity of buildings, landscape setting and protection of existing canopy and street trees on development sites. Accordingly, it is recommended that Council extend the term of appointment for existing Panel members of the Hornsby Shire Council Design Excellence Panel for up to an additional 3-year term.

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:

There are no attachments for this report.

File Reference: F2014/00312-002

Document Number: D08350550

8 MAYOR'S NOTES 01 FEBRUARY - 28 FEBRUARY 2022

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.

Tuesday 8th February 2022 – The Mayor attended the re-opening of Hornsby Library.

Tuesday 8th February 2022 - Councillor McClelland attended on behalf of the Mayor, the Hornsby Lion Barry Thompson's 50th Monarch Celebration at Magpies, Waitara.

Sunday 13th February 2022 – The Mayor attended the 70th Anniversary of Glenorie RSL Sub-Branch.

Tuesday 15th February 2022 – The Mayor attended a photo opportunity at Nirimba Avenue Reserve – Project Completion.

Saturday 26th February 2022 – The Mayor attended a talk by Shane Fitzsimmons, Commissioner of Resilience at Turramurra Uniting Church.

Monday 28th February 2022 – The Mayor attended the LGNSW Special Conference held at the Hyatt Regency, Sydney.

File Reference: F2004/07053

Document Number: D08358213

9 INTERNATIONAL WOMEN'S DAY

COUNCILLOR HEYDE TO MOVE

THAT:

1. Council recognises and celebrates that this is the first term in its history that Hornsby Shire Council has a majority of female councillors.
2. Council notes that Hornsby Shire Council joins 27 other NSW councils in having a majority of female councillors.
3. Council acknowledges the work done by Australian Local Government Women's Association and Local Government NSW in skilling up and encouraging women to stand for election.
4. Council recognises that International Women's Day is an opportunity to work to change:
 - a) The strong imbalance in political representation of women in state and federal parliaments across Australia.
 - b) The social and economic factors that combine to reduce women's earning capacity over their lifetime resulting in Australia's persistent gender pay gap.
 - c) That women continue to be under-represented in the leadership of Australian business, sport and community organisations.
 - d) That women have been more vulnerable to the economic impacts of Covid-19 because of existing gender inequality.
5. When reviewing its policy for the Lease Licence of Council Land and Buildings to Community Groups, Council seeks to incorporate principles that require sporting organisations and clubs who wish to enter into leases and licences with Council to:
 - a) Demonstrate that they provide equal prize money for both boys and girls, men and women at all levels of competition.
 - b) Demonstrate that they provide equal opportunity (entry positions, space, time, training, resources) for girls and boys, and men and women to participate in events including competitions and training.
 - c) Have an actionable strategy to increase participation, engagement and ongoing support of women and girls at all levels of competition.
 - d) Include a transitional provision that would allow organisations and clubs that do not currently satisfy the criteria identified in Point 5, to still be eligible to enter into leases and licences with Council provided they have concrete plans to implement these by 2025.

Note from Councillor

International Women's Day on 8 March is a global day celebrating the social, economic, cultural, and political achievements of women. The day also marks a call to action for accelerating women's equality.

This year I am proud to be part of a Shire where, reflecting our community's population makeup (51.2% women at the 2016 Census), for the first time in its history Hornsby Shire Council has a majority of female Councillors.

Whilst this is something to be celebrated, in many other parts of our community's life women continue to be under-represented.

Sport is one such area where though advances have been made, women continue to be under-represented across participation and in leadership roles at all levels of sport. Inequity in salaries and prize money, media coverage and access to facilities and resources still exists.

The NSW Government has a Women in Sport Strategy. *Her Sport Her Way* aims to remove barriers and improve participation of women and girls across all levels and roles in sport in NSW.

Being the key provider of grassroots sporting facilities for our local community, Council has an opportunity to support the aims of the *Her Sport Her Way* strategy by ensuring that improved participation is considered when leasing and licensing its facilities to sporting organisations and clubs.

Noting that Council reviews its Policies in the first and third year of each term of Council, I believe that Council should seek to incorporate principles in any update of its policy for the Lease Licence of Council Land and Buildings to Community Groups that help to remove inequity and barriers to female participation in sport. This could include requiring organisations and clubs who wish to enter into leases and licences with Council to:

Demonstrate that they provide equal prize money for both boys and girls, men and women at all levels of competition.

Demonstrate that they provide equal opportunity (entry positions, space, time, training, resources) for girls and boys, and men and women to participate in events including competitions and training.

Have an actionable strategy to increase participation, engagement and ongoing support of women and girls at all levels of competition.

Where organisations and clubs that do not currently satisfy the criteria above, a transitional provision should be included to allow them to still enter into leases and licences provided they have concrete plans to implement these by 2025.

Links

- [International Women's Day 2022 \(internationalwomensday.com\)](https://www.internationalwomensday.com)
- [Equal Pay for Equal Play](#)
- [women-in-sport-her-sport-her-way-strategy.pdf \(nsw.gov.au\)](#)
- <https://grattan.edu.au/report/womens-work/>

- <https://www.mckinsey.com/featured-insights/future-of-work/covid-19-and-gender-equality-countering-the-regressive-effects>

Attachments:

There are no attachments for this report.

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