



# **BUSINESS PAPER**

## **GENERAL MEETING**

**Wednesday 23 October 2024  
at 6.30pm**



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## **AGENDA AND SUMMARY OF RECOMMENDATIONS**

### **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."*

### **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."*

### **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/REQUESTS FOR REMOTE ATTENDANCE**

### **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."*

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*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**

Councillors are reminded of their Oath or Affirmation of Office made under section 233A of the Act and their obligations under the Council's Code of Conduct to disclose and appropriately manage conflicts of interest.

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

*4.16 A councillor who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.*

*4.17 The councillor must not be present at, or in sight of, the meeting of the council or committee:*

- a) at any time during which the matter is being considered or discussed by the council or committee, or*
- b) at any time during which the council or committee is voting on any question in relation to the matter.*

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

*5.10 Significant non-pecuniary conflict of interests must be managed in one of two ways:*

- a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or*
- b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.16 and 4.17.*

*5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.*

**CONFIRMATION OF MINUTES**

THAT the Minutes of the General Meeting held on 14 August, 2024 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      GM48/24 JUNE 2024 PERFORMANCE REPORT ON THE 2023-2026 DELIVERY PROGRAM AND QUARTERLY BUDGET REVIEW STATEMENT**

**RECOMMENDATION**

THAT:

1. The June 2024 Performance Report showing progress of the 2023-2026 Delivery Program including the 2023/24 Operational Plan and Budget be received and noted.
2. The Quarterly Budget Review Statement for the period ending June 2024 be received and noted.

**Page Number 12****Item 2 GM49/24 REVISED COMMUNITY ENGAGEMENT STRATEGY FOR EXHIBITION****RECOMMENDATION**

THAT:

1. Council adopt for public exhibition the revised draft Community Engagement Strategy attached to General Manager's Report GM49/24 and make the document available for public comment from 24 October to 20 November 2024.
2. Following the public exhibition, a further report be brought to Council for consideration outlining the submissions and proposed amendments for adoption at the December 2024 General Meeting.

**CORPORATE SUPPORT DIVISION****Page Number 16****Item 3 CS43/24 GENERAL PURPOSE FINANCIAL REPORTS - 2023/24 FINANCIAL YEAR****RECOMMENDATION**

THAT the:

1. 2023/24 General Purpose Financial Reports be received and noted and referred for audit.
2. Mayor and Deputy Mayor be authorised to sign the Statutory Statements in connection with the 2023/24 Financial Reports.
3. 2023/24 Financial Reports be authorised for "presentation to the public" on receipt of the Auditor's Report.
4. General Manager be delegated authority to fix the date of the General Meeting at which the 2023/24 Financial Reports and Auditor's Report will be formally "presented to the public".

**Page Number 19****Item 4 CS49/24 FILLING OF CASUAL COUNCILLOR VACANCIES - 2024 TO 2028 COUNCIL TERM****RECOMMENDATION**

THAT:

1. The contents of Director's Report No. CS49/24 be received and noted.
2. Council determine its position in respect of the use of a countback election if a casual Councillor vacancy arises within 18 months of the 14 September 2024 election.

**Page Number 27****Item 5 CS51/24 ELECTION OF DEPUTY MAYOR****RECOMMENDATION**

THAT:

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

**Page Number 31****Item 6 CS50/24 COUNCILLOR REPRESENTATION ON EXTERNAL COMMITTEES AND WORKING PARTIES - OCTOBER 2024 TO SEPTEMBER 2025****RECOMMENDATION**

THAT Council determine the Councillor representation on the following external Committees and Working Parties for the period, October 2024 to September 2025:

1. Hornsby Ku-ring-gai Bush Fire Management Committee.
2. Hornsby Ku-ring-gai Rural Fire Service Liaison Committee.
3. Hornsby Shire Local Traffic Committee.
4. NSW Public Libraries Association.
5. Hornsby Shire Dementia Alliance.

**Page Number 34****Item 7 CS47/24 INVESTMENTS AND BORROWINGS FOR 2024/2025 - STATUS FOR THE PERIOD ENDING 31 JULY 2024 AND 31 AUGUST 2024****RECOMMENDATION**

THAT the contents of Director's Report No. CS47/24 be received and noted.



**Page Number 37****Item 8 CS53/24 PECUNIARY INTEREST AND OTHER MATTERS RETURNS -  
DISCLOSURES BY COUNCILLORS AND DESIGNATED PERSONS****RECOMMENDATION**

THAT Council note the Written Returns of Interest recently lodged with the General Manager by Councillors and Designated Staff have been tabled as required by the Local Government Act and Councils Code of Conduct.

**Page Number 40****Item 9 CS54/24 LOCAL GOVERNMENT NSW - 2024 ANNUAL CONFERENCE -  
DETERMINATION OF VOTING DELEGATES****RECOMMENDATION**

THAT:

1. Council determine which nine Councillors will be voting delegates for voting on Motions at the 2024 LGNSW Annual Conference.
2. Registrations for attendance at the 2024 LGNSW Annual Conference be confirmed for the voting delegates determined in point 1. above, together with the remaining Councillor who will be attending the Conference as an observer.

**Page Number 433****Item 10 CS56/24 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**

Nil

**INFRASTRUCTURE AND MAJOR PROJECTS DIVISION**

Nil

**PUBLIC FORUM – NON AGENDA ITEMS**

**QUESTIONS WITH NOTICE**

**MAYOR'S NOTES**

**Page Number 47**

**Item 11 MN7/24 MAYORS NOTES 01 AUGUST 2024 TO 30 SEPTEMBER 2024**

**NOTICES OF MOTION**

**SUPPLEMENTARY AGENDA**

**MATTERS OF URGENCY**

**1 JUNE 2024 PERFORMANCE REPORT ON THE 2023-2026 DELIVERY PROGRAM AND QUARTERLY BUDGET REVIEW STATEMENT**

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**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 June 2024 Performance Report showing progress of the 2023-2026 Delivery Program including the 2023/24 Operational Plan and Budget is attached for Council's consideration.
- Progress against the 2023-2026 Delivery Program including the 2023/24 Operational Plan and Budget and the operational performance of the organisation has been in line with the service delivery standards adopted by Council.
- Based on an inflow and outflow of funds as at 30 June 2024, the actual result for 2023/24 is a surplus of \$131K, which is \$92K more than the forecast surplus of \$39K in Council's 2023/24 Revised Budget. The result includes a number of transfers to restricted asset accounts recommended by Council Officers, as detailed in the Report.
- This Report also provides Council with an update about the latest status of major projects that are of significant dollar value or of community interest.

**RECOMMENDATION**

THAT:

1. The June 2024 Performance Report showing progress of the 2023-2026 Delivery Program including the 2023/24 Operational Plan and Budget be received and noted.
2. The Quarterly Budget Review Statement for the period ending June 2024 be received and noted.

## PURPOSE

The purpose of this Report is to present for Council's consideration the June 2024 Performance Report showing progress of the 2023-2026 Delivery Program including the 2023/24 Operational Plan and Budget, as required under s406 of the Local Government Act 1993 and the Integrated Planning and Reporting Guidelines, September 2021. Details within the Performance Report cover the twelve months from 1 July 2023 to 30 June 2024. The Performance Report includes Council's Consolidated Budget Summary as at June 2024.

## BACKGROUND

On 28 June 2023, Council adopted the 2023-2026 Delivery Program including the Operational Plan and Budget 2023/24. The Delivery Program and Operational Plan set out the manner in which Council intends to deliver services and measure performance. 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

### Operational comment

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 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 in commentary under each Focus Area within the attached Performance Report. Key Initiatives and Capital Projects Completed, Closed, On Hold or Needing Attention are listed under their relevant section, as well as any extra projects that have been added including Special Rate Variation (SRV) initiatives.

Eighty-nine per cent of actions (Key Initiatives and Ongoing Activities) within the 2023-2026 Delivery Program and 2023/24 Operational Plan are completed/on track, with 80 per cent of planned capital projects being completed/on track.

The June 2024 Performance Report (Attachment 2) contains commentary and shows progress on annual and quarterly measures across the 16 Focus Areas which will help deliver on the community's long-term goals and are aligned to the Strategic Directions and Themes in our Community Strategic Plan, *Your vision | Your future 2032*.

The Report also contains updates on Major Projects, which are further detailed below in the Budget Section, and operational highlights which include:

## LIVEABLE

- Heritage Interpretation Strategy and Action Plan endorsed in November 2023
- Hornsby Shire Social Plan 2024-2034 adopted July 2024
- Arts and Cultural Plan 2024-2029 adopted July 2024
- Galston Aquatic and Leisure Centre upgrades completed and official opening held February 2024

- Coronation StrEat! Project delivered and official launch held December 2023

### **SUSTAINABLE**

- Development Control Plan amended to require minimum electric vehicle charging connection points for new residential and commercial developments
- Solar panels installed on Hornsby Aquatic and Leisure Centre
- Three new electric vehicle chargers installed on Council land
- Twenty new Asset Protection Zones established

### **PRODUCTIVE**

- Galston Village Public Domain Plan endorsed July 2024

### **COLLABORATIVE**

- Hornsby Town Centre Master Plan adopted in November 2023
- Updated Long Term Financial Plan 2024/25-2033/34 adopted in August 2024
- The organisation's Cyber security strengthened
- Planning Agreements Policy 2024 adopted June 2024
- Hornsby Development Control Plan 2024 published
- 7 City View Road Planning Proposal and Planning Agreement completed
- Aboriginal Heritage Study and Implementation Action Plan adopted in June 2024
- Quarterly news booklet 'Our Council' introduced and distributed to all letterboxes in Hornsby Shire

### **CAPITAL PROJECTS**

Completion of 66 capital projects, including:

- Upgraded playgrounds at Fagan Park – The Children's Forest, The Lakes of Cherrybrook, Glenorie Community Centre, Hawkins Hall Community Centre, Thornleigh, Wisemans Ferry Recreation Reserve, as well as minor upgrades to a further 12 parks, e.g. playground undersurface, fence and park furniture renewals
- Upgrades at eight sporting facilities, e.g. lighting, surface renewals, amenities
- Software updated at Fagan Park car park
- A separate area for small dogs at Greenway Park, Cherrybrook dog off leash area
- Seven new footpaths (totalling 1,890 metres), and three shared paths (totalling 900 metres)
- 605 metres of local roads rehabilitated
- 870 metres of new/reconstructed kerb and guttering
- Stair and access improvements at Lady Hawkesbury Wharf, Wisemans Ferry
- Nine pedestrian facility improvements, including pedestrian refuges and crossings
- Installation of safety barrier at Singleton Road, Wisemans Ferry

- 961 metres of bushwalking tracks, boardwalks and bridges constructed/upgraded at eight sites
- Stormwater quality improvements at three sites
- Façade improvements to Hornsby Library.

### **BUDGET COMMENT**

This Review includes the full year results for 2023/24, comparing actual expenditure, income and funding sources against the budget. Based on this inflow and outflow of funds as at 30 June 2024, the actual result for 2023/24 is a surplus of \$131K which is \$92K more than the forecast surplus of \$39K in Council's 2023/24 Revised Budget. It should be noted that this result includes a number of transfers to restricted asset accounts, recommended by Council Officer's:

- \$2.5 million - Repayment to Council's Debt Retirement and Capital Projects Restricted Asset account. This amount was withdrawn at the start of the year to resolve a budget deficit caused by temporary cashflow timing of SRV income compared to projected expenditure in the first year of the Special Rate Variation (SRV). The amount withdrawn was to be repaid from cash surpluses forecast in 2024/25 and 2025/26 and has been repaid ahead of schedule.
- \$365K –Additional funding set aside towards assisting in potential capital works contingencies for works planned in 2024/25.
- \$100K – Miniature Street Sweeper. End of life replacement for the sweeper at Hornsby Mall.
- \$100K – Hornsby Aquatic Centre. To upgrade the parking system.
- \$30K – Leadership Development. To assist with funding a program of initiatives in 2024/25.
- \$64K – West Side Vibe. To enable the event to be rescheduled following a wet weather cancellation in 2023/24.

The transfers were largely achieved because of a better than forecasted return on Council's investment portfolio for the year due to the base rate set by the Reserve Bank of Australia remaining higher than previously predicted.

This 30 June 2024 result is satisfactory in maintaining financial benchmark indicators in respect to liquidity.

### **Capital Works Program**

The revised capital works budget for 2023/24 was originally \$91.9 million, largely funded from external reserves such as grants and development contributions.

As noted in General Manager's Report GM38/23 – June 2023 Performance Report on the 2022 – 2026 Delivery Program and Quarterly Budget Review Statement (considered at the 13 September 2023 General Meeting) the 2022/23 capital works program was partially completed due to a number of external factors including significant delays and shortages in the supply chain of materials and labour during and following the COVID-19 pandemic, three declared natural disasters in the Local Government Area and substantial inflationary cost pressures especially in respect to construction costs. Capital projects that were not completed were carried forward to the 2023/24 financial year as part of the 2023 September Budget Review. It was noted for the need to consider the adequacy of Council resources to deliver works carried forward in addition to the already ambitious capital works program planned for 2023/24.

As reported at the 14 February 2024 General Meeting (refer to General Manager's Report No. GM3/24) the General Manager requested that project managers review the likely delivery of their 2023/24 capital works program due to any operational constraints and make any necessary budget adjustments as part of the March 2024 Quarter Review of the Budget.

This review resulted in an overall decrease in the total capital works budget by \$22.4 million from \$91.9 million to \$69.4 million and the individual capital projects reduced by a total of \$22.4 million were transferred to 2024/25, and future years for multi-year projects.

The delivery of capital projects was closely reviewed throughout the fourth quarter. Total capital expenditure at 30 June 2024 is \$62.7 million, representing a delivery rate of 90% compared to the revised budget. The result includes a reduction of approximately \$5 million for non-cash accounting adjustments to comply with accounting standards and would otherwise be greater.

### **Geelans Road, Arcadia**

Council Officers have been monitoring the impact of increased heavy vehicle traffic on Geelans Road, Arcadia following an order by the NSW Environment Protection Agency for an adjoining property owner to remediate a site that has been subject to imported landfill.

Previously, potholes and minor damage caused by this increased heavy vehicle traffic have been repaired on a reactive basis. The condition of the road surface may experience further deterioration depending upon the number of additional heavy vehicle movements that would be required to complete site remediation works.

Council Officers are currently reviewing options to stabilise all or part of the road. Depending on the estimated cost of the preferred option project substitution from Council's existing capital works program may be referred to Council for consideration.

### **Foxglove Oval**

A risk has been reported in successive Quarterly Review reports to Council that the future cost of landfill remediation works at Foxglove Oval could exceed the balance on hand in Council's Domestic Waste Management externally restricted asset reserve. If this situation occurs it was noted that it would be financially prudent to borrow funds from Council's Capital Projects and Restricted Working Funds internally restricted asset account, with the amount borrowed to be repaid over future years from Domestic Waste Annual Charges.

The relevant Director and Project Manager have prepared an estimate of the total costs required to remediate the site in line with a forecast program of work over the next four financial years, which has a total estimated cost of \$23.38 million. Accounting standards require that a provision is set aside for this amount in the 30 June 2024 Financial Statements and future costs will be drawn down from this provision over the next four years as they are incurred.

As noted in the March 2024 Quarter Review \$23.38 million has been set aside from Council's Capital Projects and Restricted Working Funds internally restricted asset account that will fund an internal loan to Domestic Waste for this purpose, with all costs incurred to be recovered most likely through future increases in Domestic Waste Annual Charges.

Whilst Council remains in a stable financial position a reduction in cash of this size will weaken Council's liquidity position until the loan can be repaid. This places greater emphasis on the need for prudent fiscal management over future years including the continuation of the adoption of a balanced budget each year and a focus on mitigating the risk of cost escalations from major projects through the allocation of adequate contingencies, project staging, the inclusion of termination clauses within

contracts and the establishment of project governance committees for each major project in line with Council's previously established Capital Governance framework.

A separate report that provided a detailed overview of the history of the project to date as well as the forecast program of works was referred to Council at the General Meeting held on 10 July 2024 in Directors Report CE7/24, Foxglove Oval Remediation Works Update.

### **Special Rate Variation – Strategic Initiatives**

Following the success of Council's application for a Special Rate Variation the budget includes \$6.4 million to implement previously unfunded initiatives identified in a number of strategic and technical documents endorsed by Council and desired by the community. The SRV includes similar allocations for the next 10 years that will deliver an extensive program of priority projects to the community.

IPART's approval came at the end of the previous financial year on 14 June 2023 with the first year SRV increase subsequently adopted by Council on 28 June 2023. Since then, Council Officers have developed an internal governance process to ensure that SRV funds can only be allocated in accordance with the program of works included in Council's application. Further to this it is expected that the SRV detailed program of works is selected based on high priority projects linked to appropriate strategies and assessment criteria that are then endorsed by Council's Executive Leadership Team (ELT).

The late approval of the SRV by IPART has meant that the project planning required to ensure the most efficient and effective use of the SRV funds has caused a delay to the delivery of projects in the first year. Unspent SRV funds at 30 June 2024 have been restricted and will be carried forward to future years to ensure adherence with the 10-year expenditure program and the conditions of IPART's approval:

Program of Expenditure	Budget Allocated (\$'000)	Actual Spent (\$'000)	Restricted to carry forward (\$'000)
Asset management funding gap	2,349	2,349	0
Climate change mitigation and adaptation	160	18	142
Enhance cyber security	250	0	250
Track and trail asset management	63	0	63
Bushfire risk mitigation	319	0	319
Bushland reserve asset management	750	0	750
Hello Hornsby	80	33	47
Public amenities	1,000	0	1,000
Park amenities renewal and upgrade	650	300	350
Track and trail upgrade including accessibility and signage	260	0	260
Shared paths	1,393	0	1,393
Disability inclusive community centres	431	17	414
Drainage improvement works	1,000	492	508



New and upgraded play spaces	85	0	85
Total	\$8,790	\$3,209	\$5,581

At the request of the General Manager, Council Officers have commenced a project to fast track the preparation of prioritised work schedules for each Strategic Initiative detailed in Council's SRV application to IPART. This is intended to increase the delivery rate of projects to the community next year and beyond. The outcome of this project will be reported as part of the 2024/25 September Quarterly Budget report to Council.

### BUDGET – MAJOR PROJECTS

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

- Hornsby Park – from Quarry to Park** – The rehabilitation of the old quarry and surrounding lands into open space for recreation purposes is the largest construction project undertaken by Hornsby Shire Council.

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 is significantly above the total level of funding available. 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.

This large-scale project is being part-funded by the NSW Government with \$50 million of funding provided by the NSW Stronger Communities grant scheme and 100% of the grant (plus around \$5.5 million of interest earned to date) has been spent or committed by way of tendered works.

Further funding of \$28 million is available from development contributions, subject to the priority allocated to projects in accordance with development contributions received.

A budget of approximately \$34 million is allocated for bulk earthworks and site rehabilitation to create the landform for the site and address site wide stability issues. Works for this stage of the project are well progressed and are forecast to be completed in late 2024.

An allocation of \$5 million of the project budget has been provided for the regeneration of the vegetation communities on the site, with this funding set aside in an internal restricted asset account to cover the cost of ongoing vegetation management into the future.

In accordance with resolutions at the 8 March 2023 General Meeting (in Deputy General Manager's Report No. IM2/23 – Hornsby Park) a Review of Environmental Factors was compiled, exhibited and approved.

In late 2023, contracts were signed for the amenities building upgrade, the Crusher Plant Platform and the Enabling Services works with a contract for the Southern Lookout signed in early 2024. A further contract for the Western Lookout was signed in April 2024, after a tender process had been completed.

The 2024/25 financial year will see the initial embellishment projects completed along with additional embellishment elements that were in the planning stage at 30 June 2023, and public access will be provided after more than a century of there being no public access to the site.

The total life to date expenditure on the project to 30 June 2024 (excluding the acquisition costs of \$25.1 million), including vegetation communities is \$46.9 million. Year to date expenditure to 30 June 2024 is \$14.4 million compared to a year-to-date budget of \$17.8 million. The variance was due to wet weather delays experienced during Sydney's wettest ever May and a short delay in the significant quantity of steel that will be used to create the Southern Lookout.

The redevelopment of the site is Council's largest project and creates a significant financial risk because of its size compared to Council's overall budget. The Long-Term Financial Plan and SRV (approved by IPART) do not provide any further capital funding for the project over the next 10 years, therefore expenditure must be contained within the amount of external funding available.

To protect Council from cost escalations it will be financially prudent to follow a number of mitigation strategies as the redevelopment of the site progresses:

- The allocation of a 30% contingency for all components of the project, noting ongoing challenges in the external environment, including inflationary price increases, and supply side shortages for materials and labour, as well as recent severe weather events and natural disasters in the Hornsby LGA.
  - Staging the scope of works over time is recommended, by splitting the project into components with separate budgets. Some components would start only after others have been completed, with the budget available for later components being adjusted based on remaining budget available at the time, with appropriate contingency provisions. If components do exceed budget allocations this is flagged early for discussion with Council's Chief Financial Officer to assess appropriate financial action.
  - Contracts to include suitable termination clauses to provide the option of ceasing work if costs escalate.
  - Provision of information as appropriate for consideration by Executive Leadership Team members in respect to approving when work on components can commence.
- **Westleigh Park Development** – A Master Plan and Plan of Management for the site were adopted at the 14 June 2023 General Meeting. At the 13 September 2023 General Meeting Council provided owners consent for the lodgement of a Development Application which was subsequently lodged on 22 September 2023.

The Development Application (DA/975/2023) is currently being independently assessed by a Town Planning consultancy and a report will be submitted to the Sydney North Planning Panel for determination at the end of 2024 or early 2025.

\$40 million of funding was provided in June 2018 from the NSW Government's Stronger Communities Fund that was subsequently allocated to the delivery of stage one. 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 all facilities and stages canvassed in the Master Plan is significantly above the total level of funding available.

During the quarter Council received notification from the Office of Local Government that remaining grant funding for this project in the order of \$36 million (less interest earned to

date) would be required to be returned. Council is currently assessing its options in respect to this notification.

As noted in the Financial Risks section of Council's adopted 2024/25 – 2033/34 Long Term Financial Plan, the notification received jeopardises the future of the project as insufficient available financial capacity is forecast over the ten-year term of the Plan to replace funding of this magnitude.

The total life to date expenditure to 30 June 2024 on this project (excluding the acquisition costs of \$21 million funded by development contributions) is \$6.185 million. Financial year to date expenditure at 30 June 2024 is \$3.079 million, compared to a year to date budget of \$2.257 million.

The redevelopment of the site is Council's second largest project; therefore it would be financially prudent to follow the same mitigation strategies as noted for Hornsby Park.

- **Public Domain** - Council identified two priority areas to improve streetscape amenity. They are:
  - Peats Ferry Road, Asquith between Hookhams Corner and Wattle Street.
  - The Pacific Highway corridor between Asquith and Mt Colah.

A budget of \$9.3M was set aside for these works, funded from development contributions.

Upgrade works on Peats Ferry Road, Asquith between Hookhams Corner and Wattle Street have been completed.

The corridor from Asquith to Mt Colah will be undertaken in two stages. Stage one includes works between Amor Street and Yirra Road, and stage two is from Yirra Road to Parklands Avenue.

Civil design has been completed for Stage 1 and project works have been tendered for construction. The construction is anticipated to commence in August 2024 with a January 2025 forecast completion date, weather permitting. The estimated cost of stage 1 is approximately \$2 million.

Design for Stage 2 from Yirra Road to Parklands Avenue will commence in future years as development contribution funding becomes available. This corridor aims to provide improvements including wider footpaths and landscaping along the Pacific Highway and the construction of pedestrian refuges at selected locations, with the agreement of TfNSW.

The total life to date expenditure to 30 June 2024 on this project is \$4.772 million out of a budget of \$9.3 million. Year to date expenditure at 30 June 2024 is \$107K compared to a year to date budget of \$38K, noting that the additional expenditure incurred has been funded from development contributions.

- **Galston Public Domain** – The draft Galston Village Public Domain Plan (PDP) was endorsed by Council for Public Exhibition in February 2024.

At its General Meeting on 10 July 2024 following the exhibition and community engagement process from 29 April to 2 June 2024, a summary of outcomes was provided and the PDP was endorsed by Council for the next stage of detailed design and documentation towards construction (Report No. IM6/24).

The project has commenced design refinements in facilitating design development and documentation which includes elements of site and road surveys, drainage/WSUD design review, geotechnical advice and Road Safety Audit. A speed Zone review for Galston Road is also being undertaken recommending a lowering of vehicle speeds within the Galston Village to 40km/h to improve pedestrian and cycling safety as part of the broader Galston Village Public Domain Plan.

As a key component to the success of the PDP, Council continues to liaise with Transport for New South Wales (TfNSW) as the approval authority for works impacting the State Road (Galston Road) throughout the design development and as documentation progresses. Further stakeholder engagement and workshop activities continue and are planned with landholders, business holders and the community, which will assist and guide final designs being documented for Construction Tender anticipated in early 2025.

\$7.1 million of funding is available from an internally restricted asset account set aside for the project from budget surpluses in prior years. Year to date expenditure at 30 June 2024 is \$101K compared to a year to date budget of \$90K, noting that the additional expenditure incurred has been funded from the internally restricted asset account for the project.

### **BUDGET**

This Report provides the June 2024 Quarter Review of the 2023/24 Operational Plan (Budget), which, if adopted, will achieve an actual surplus at 30 June 2024 of \$131K. The Budget result at 30 June 2024 is satisfactory in maintaining financial benchmark indicators in respect to liquidity.

### **POLICY**

There are no policy implications associated with this Report.

### **CONCLUSION**

Council's consideration of this Report ensures that relevant statutory requirements have been met. The June 2024 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 at 30 June 2024.



### **RESPONSIBLE OFFICER**

The officers responsible for the preparation of this Report are the Manager, Strategy and Place – Julie Ryland and the Chief Financial Officer – Duncan Chell. They can be contacted on 9847 6773 and 9847 6822 respectively.

GLEN MAGUS  
Director - Corporate Support  
Corporate Support Division

STEVEN HEAD  
General Manager  
Office of the General Manager

**Attachments:**

1.  Quarterly Budget Review Statement - 30 June 2024
2.  June 2024 Performance Report

File Reference: F2023/00012

Document Number: D08960415

**ITEM 1**

## **2 REVISED COMMUNITY ENGAGEMENT STRATEGY FOR EXHIBITION**

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### **EXECUTIVE SUMMARY**

- On 14 July 2021, Council adopted its first Community Engagement Policy and Community Engagement Plan (incorporating the Community Participation Plan).
- In accordance with the Office of Local Government Integrated Planning and Reporting Guidelines, Council must review its Community Engagement Strategy within three months of the local government elections, as part of the broader review of the Community Strategic Plan.
- An internal review of the Community Engagement Plan has been undertaken and several amendments are being proposed – including the re-titling of the document as the Community Engagement Strategy. The list of proposed amendments to the document can be found in Attachment 1 along with the revised Community Engagement Strategy (Attachment 2) for exhibition.
- It is proposed that the revised Community Engagement Strategy be exhibited as per the processes outlined in the draft Strategy and a further report be considered by Council on community feedback at the December 2024 General Meeting.

### **RECOMMENDATION**

THAT:

1. Council adopt for public exhibition the revised draft Community Engagement Strategy attached to General Manager's Report GM49/24 and make the document available for public comment from 24 October to 20 November 2024.
2. Following the public exhibition, a further report be brought to Council for consideration outlining the submissions and proposed amendments for adoption at the December 2024 General Meeting.

## PURPOSE

The purpose of this Report is to provide Council with proposed amendments to the Community Engagement Plan and to seek Council's endorsement to exhibit the revised document.

## BACKGROUND

On 14 July 2021, Council adopted its first Community Engagement Policy and Community Engagement Plan (incorporating the Community Participation Plan).

Council's revised Community Engagement Strategy supports Council's Community Engagement Policy and provides a guide for staff and consultants to deliver best-practice community and stakeholder engagement with high-quality outcomes for the community. Since its adoption, Council has made significant improvements in how it engages with the community, providing a more meaningful and accessible engagement experience for residents.

The revised Strategy also incorporates Council's Community Participation Plan (CPP), which prescribes consultation requirements and processes for planning matters.

In September 2021, the Office of Local Government issued updates to the Integrated Planning & Reporting (IP&R) Guidelines for Local Government in NSW. All councils in NSW must use the IP&R framework to guide their planning and reporting activities.

The requirements for IP&R are set out in the Local Government Act 1993 (the Act) and the Local Government (General) Regulation 2021 (the Regulation). The Guidelines explain what councils, county councils and joint organisations must do to ensure they comply with their planning and reporting requirements set out in the Act. The Guidelines are issued under section 406 of the Act and the Regulation.

In accordance with the Office of Local Government Integrated Planning and Reporting Guidelines Council must review its Community Engagement Strategy within three months of the local government elections, as part of the broader review of the Community Strategic Plan.

## DISCUSSION

An internal review of Council's Community Engagement Plan has been undertaken and several amendments are being proposed. Amendments include an update of the title of the document, references to technological advances, updates to processes, amendments to language as well as other miscellaneous updates. A summary of these changes are as follows:

- **Title update** - in keeping with the Office of Local Government's Integrated Planning and Reporting Guidelines, which requires Council's to prepare a community in engagement strategy, the title of the document has been changed from 'COMMUNITY ENGAGEMENT PLAN' to 'COMMUNITY ENGAGEMENT STRATEGY' throughout.
- **Technological updates** – since the Community Engagement Plan was first adopted, Council has established the use of a new online engagement platform 'Your Say Hornsby' which has improved the experience for the community and allows Council to engage with a greater number and range of people. The revised Strategy has been updated to reflect this new technology. Further, the revised strategy now includes references to correspondence through emails and e-newsletters as a means of engagement.
- **Updates to processes** – Council's processes associated with applying for and providing feedback on development applications have been updated to provide a better experience for

the community and improved efficiencies for Council. Further, the engagement period for feedback on proposals associated with parks and sporting facilities has been amended.

- **Language amendments** – updates have been made throughout the document to improve readability. Abbreviations have been written in full and updates have been made to ensure the document is consistent with Council's style guide. The spelling of Dharug has also been amended.

The full list of proposed text amendments can be found in Attachment 1.

Updates have also been made to document images to include more recent examples of community engagement initiatives.

Amendments to this Strategy can be supported by further improvements to engagement with the community over time that Council may wish to pursue to continually improve engagement and transparency with the community.

## **CONSULTATION**

The updated Community Engagement Strategy will be publicly exhibited for 28 days from the 24 October to the 20 November 2024 through the following channels:

- Advertisement on Council's online engagement portal – Your Say Hornsby
- Council's eNews – November edition
- Social Media (Facebook)
- Advertising and Mayor's message – Bush Telegraph, Galston & Glenorie News, Dooral Roundup, Hornsby Ku-ring-gai Post and Living Heritage.

During the exhibition period the community will be invited to provide feedback on the proposed amendments. A summary of the engagement outcomes will be discussed with Council at an informal briefing in the first instance before being presented to a General Meeting of Council for formal consideration and adoption.

## **BUDGET**

There are no budgetary implications associated with this Report.

## **POLICY**

The Community Engagement Strategy acts as a policy guide for Council staff and representatives who engage in public consultation with the Hornsby Shire community.

## **CONCLUSION**

The Community Engagement Strategy acts as a guide for Council staff and representatives who communicate and engage with our community on behalf of Council. It serves as the foundation for building on Council's current practices to continuously improve how we engage with the community and how this engagement inputs into decision making. The revisions to the Strategy provide additional detail on our commitment to meaningful community engagement on a range of important matters.

It is recommended that Council adopts for public exhibition the revised Community Engagement Strategy and makes it available for public comment from 24 October to 20 November 2024.





Following the public exhibition, a further report will be brought to Council for consideration outlining the submissions and proposed amendments for consideration and adoption by Council within the mandated period.

**RESPONSIBLE OFFICER**

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

STEVEN HEAD  
General Manager  
Office of the General Manager

**Attachments:**

1.  Community Engagement Plan Proposed Amendments
2.  Community Engagement Strategy

File Reference: F2018/00308  
Document Number: D08973639

### **3 GENERAL PURPOSE FINANCIAL REPORTS - 2023/24 FINANCIAL YEAR**

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#### **EXECUTIVE SUMMARY**

- Council's General Purpose Financial Reports for the year ended 30 June 2024 (the Financial Reports) have been completed by staff in accordance with statutory requirements and accounting standards.
- Subject to Council's approval, the Financial Reports now need to be referred for audit.
- Following receipt of the Auditor's Reports, it is proposed that the Financial Reports and Auditor's Report be "presented to the public" at the 13 November 2024 General Meeting.

#### **RECOMMENDATION**

THAT the:

1. 2023/24 General Purpose Financial Reports be received and noted and referred for audit.
2. Mayor and Deputy Mayor be authorised to sign the Statutory Statements in connection with the 2023/24 Financial Reports.
3. 2023/24 Financial Reports be authorised for "presentation to the public" on receipt of the Auditor's Report.
4. General Manager be delegated authority to fix the date of the General Meeting at which the 2023/24 Financial Reports and Auditor's Report will be formally "presented to the public".

**PURPOSE**

The purpose of this Report is to recommend that Council's 2023/24 Financial Reports be received and noted and referred for audit.

**BACKGROUND**

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

**DISCUSSION**

Council's Financial Reports for 2023/24 have been completed by staff in accordance with the requirements of the Local Government Act, the Local Government Code of Accounting Practice and relevant Accounting Standards. It is recommended that they be referred to Council's external auditors for review.

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

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

At this stage, it is anticipated that the Reports will be "presented to the public" at the 13 November 2024 General Meeting.

Following presentation of the Reports to the public, any person may make a submission concerning the Reports within a period of seven days after the 13 November 2024 General Meeting.

**BUDGET**

There are no budgetary implications associated with this Report.

**POLICY**

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

**CONCLUSION**

Council's referral of the 2023/24 Financial Reports for audit, and ultimately the presentation of the Financial and Auditor's Report to the public at the 13 November 2024 General Meeting, will ensure that the requirements of the Local Government Act have been met.

**RESPONSIBLE OFFICER**

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

GLEN MAGUS

Director - Corporate Support

Corporate Support Division

**Attachments:**

There are no attachments for this report.

File Reference: F2023/00141

Document Number: D08950810

**ITEM 3**

#### **4 FILLING OF CASUAL COUNCILLOR VACANCIES - 2024 TO 2028 COUNCIL TERM**

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##### **EXECUTIVE SUMMARY**

- Following an Inquiry Into the 2012 Local Government Elections, the NSW Government proposed the introduction of a countback system, modelled on the one currently operating in Victoria, as an option for councils when casual vacancies arise within 18 months of the original election in lieu of a by-election.
- The Government subsequently made an amendment to the Local Government Act which enabled, in certain circumstances, a casual vacancy in the office of councillor to be filled by a candidate determined by a countback of votes rather than a by-election.
- Council has an opportunity at this initial meeting of the new term of Council to determine if it wishes to fill any casual Councillor vacancy which occurs in the first 18 months of the term by a countback election. If Council does not make such a decision, then any casual Councillor vacancy that occurs during the 18-month period will be filled via a traditional by-election.
- At this stage, there are no budgetary implications associated with this Report. It is noted that over the past 30 years, Council has only been required to hold a handful of by-elections, so it is relatively unlikely that one will be required to be held in the first 18 months of this term. Notwithstanding, there is no doubt that there would be less cost associated with the holding of a countback election as opposed to a by-election.
- As a decision on this matter is one for the elected Council, no staff recommendation either for or against the use of countback elections is provided. The Report contains the provisions in the Local Government Act and Regulations.
- Following the 2021 Local Government Elections, Council considered Director's Report No. CS3/22 where it resolved to take up the countback option if a casual vacancy were to occur within the first 18 months of that Council term.

##### **RECOMMENDATION**

THAT:

1. The contents of Director's Report No. CS49/24 be received and noted.
2. Council determine its position in respect of the use of a countback election if a casual Councillor vacancy arises within 18 months of the 14 September 2024 election.

## PURPOSE

The purpose of this Report is to provide Council with the opportunity to determine its position in respect of the use of a Countback Election to fill any casual vacancy in the position of Councillor within the first 18 months of this Council term.

## BACKGROUND

Following an Inquiry Into the 2012 Local Government Elections conducted by the NSW Parliament's Joint Standing Committee on Electoral Matters, one of the recommendations (Recommendation 9) made to the NSW Government in March 2014 was that *"The Committee recommends the introduction of a countback system, modelled on the one currently operating in Victoria, as an option for councils when casual vacancies arise within 18 months of the original election in lieu of a by-election."*

The Government proposed an amendment to the Local Government Act through the Local Government Amendment (Elections) Bill 2014 in October 2014.

The proposed new section 291A passed both Houses of the NSW Parliament and was assented to be the Governor in November 2014. Some minor amendments were subsequently made to section 291A in 2016 and 2021 and the use of a countback election to fill a casual vacancy in the position of Councillor within the first 18 months of a Council term is now an option available to NSW councils.

Following the 2021 Local Government Elections, Council considered Director's Report No. CS3/22 - at the 9 February 2022 General Meeting where it resolved to take up the countback option if a casual vacancy were to occur within the first 18 months of that Council term.

## DISCUSSION

Part 5 of Chapter 10 of the Local Government Act deals with the filling of casual vacancies in the position of elected Councillor. Part 5 reads:

### **Part 5 How are casual vacancies filled?**

#### **291 By-elections**

If a casual vacancy occurs in a civic office, the office is to be filled by a by-election, subject to this Part.

Note - The circumstances in which casual vacancies occur are specified in Chapter 9.

#### **291 A Countback to be held instead of by-election in certain circumstances**

(1) This section applies to a casual vacancy in the office of a councillor if:

- (a) The casual vacancy occurs within 18 months after the date of the last ordinary election of the councillors for the area.
- (b) The council has at its first meeting following that ordinary election of councillors, by resolution, declared that any such casual vacancy is to be filled by a countback of votes cast at the last election for that office.

(2) This section does not apply to a casual vacancy in the office of a councillor if the councillor who vacated office was elected:

- (a) In an election using the optional preferential voting system (including the election of a mayor elected by the electors of an area).
- (b) In an election without a poll being required to be held.

- (3) A casual vacancy to which this section applies is to be filled by a countback election conducted in accordance with the regulations.
- (4) A countback election to fill a casual vacancy to which this section applies must be conducted:
  - (a) By the returning officer who conducted the election at which the person whose departure created the casual vacancy was elected.
  - (b) If that is not possible, by the substitute returning officer at that election.
  - (c) (Repealed)
- (5) If a countback election fails or the returning officer is otherwise unable to fill the casual vacancy by a countback election:
  - (a) The returning officer must notify the general manager of the council concerned.
  - (b) A by-election in accordance with this Part must be held to fill the casual vacancy.
- (5A) If an electoral services provider engaged by the council is unable to appoint a returning officer for the purposes of subsection (4)(b), a by-election in accordance with this Part must be held to fill the casual vacancy.
- (6) This section does not apply to a casual vacancy in the office of a councillor if the vacancy occurs before the day prescribed for the purposes of this section by the regulations.

#### **292 When is a by-election to be held?**

A by-election to fill a casual vacancy in the office of a councillor or a mayor elected by the electors of an area is to be held on a Saturday that:

- (a) Falls not later than 3 months after the vacancy occurs.
- (b) Is fixed by the general manager (in relation to an election administered by the general manager) or the Electoral Commissioner (in relation to an election administered by the Electoral Commissioner).

#### **293 Delayed by-elections**

- (1) If the Minister is of the opinion that it would be impractical or inconvenient to hold a by-election as provided by section 292, the Minister may, by order published in the Gazette, appoint a subsequent Saturday for the by-election.
- (2) The subsequent Saturday must not be more than 28 days later than the day when the by-electing should have been held.

#### **294 Dispensing with by-elections**

- (1) This section applies if a casual vacancy occurs in the office of a councillor, including a mayor elected by the electors of an area, within 18 months before the date specified for the next ordinary election of the councillors for the area.

- (2) If such a casual vacancy occurs in the office of a councillor (but not the office of a mayor elected by the electors), the Minister may, on the application of the council:
  - (a) Order that the vacancy not be filled.
  - (b) Order the holding on a stated day of a by-election to fill the vacancy and revoke any earlier order made under paragraph (a).
- (3) If such a casual vacancy occurs in the office of a mayor elected by the electors, the casual vacancy is to be filled by the Governor appointing to the vacant office a councillor nominated by the council.
- (4) If the council does not nominate a councillor for the purposes of subsection (3), the Governor may appoint one of the councillors to the vacant office.

**294A Casual vacancy not to be filled where councillor numbers reduced**

- (1) A casual vacancy in the office of a councillor (but not a mayor elected by the electors) is not to be filled if the Minister has approved an application under section 224A to reduce the number of councillors, but the reduction has not yet taken effect.
- (2) However, subsection (1) does not authorise a vacancy to remain unfilled if the vacancy will result in the council having less councillors than the reduced number approved by the Minister under section 224A.
- (3) Subsection (1) applies to a casual vacancy whether occurring before or after the commencement of this section or before or after the approval of the relevant application under section 224A.

**294B Casual vacancy not to be filled where councillor numbers reduced: approved by constitutional referendum**

- (1) Despite section 17(2), a casual vacancy in the office of a councillor (but not a mayor elected by the electors) is not to be filled if a constitutional referendum has approved a reduction in the number of councillors, but the reduction has not yet taken effect.
- (2) However, subsection (1) does not authorise a vacancy to remain unfilled if the vacancy will result in the council having less councillors than the reduced number approved by the constitutional referendum.
- (3) Subsection (1) applies to a casual vacancy whether occurring before or after the commencement of this section or before or after the constitutional referendum.

**295 Casual vacancy in office of mayor elected by the councillors**

- (1) If a casual vacancy occurs in the office of a mayor elected by the councillors, the vacancy is to be filled at a meeting of the council to be held within 14 days after the occurrence of the vacancy.
- (2) If the councillors fail to elect a mayor as required by this section, the Governor may appoint one of the councillors as the mayor.



In respect of subsections (3) and (6) of section 291A, the relevant clause of the Local Government (General) Regulation reads:

### **393C Countback elections**

- (1) A countback election referred to in section 291A of the Act is to be carried out in accordance with Schedule 9A.
- (2) For the purpose of section 291A of the Act, the prescribed day is 12 September 2020.
- (3) If a council resolves, at its first meeting following an ordinary election of councillors for the area, that a countback election is to be held to fill any casual vacancy that occurs within 18 months after the date of that ordinary election, the general manager is to notify the election manager of the ordinary election within 7 days of the resolution.

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A copy of Schedule 9A of the Local Government General Regulation is attached for Council's information. Part 2 of the Schedule deals with the procedures to be followed in respect of a Countback Election and states the following:

### **7 Casual vacancies to be filled by recount**

- (1) The countback election is to be conducted by a recount of the votes on the ballot-papers used in the counting of votes at the original election and the result is to be ascertained in accordance with Schedule 5.
- (2) On the recount under subsection (1) a preference indicated on a ballot-paper for a previously elected councillor whose seat has become vacant is to be disregarded and the ballot-paper is to be treated as if the numeral indicating any subsequent preference had been altered accordingly.
- (3) If on the recount under subsection (1) a non-participating candidate is elected that election has no effect and the returning officer is to terminate that recount and repeat the procedure of recounting the votes on the ballot-papers until an eligible candidate is elected.
- (4) On a recount under subsection (3) a preference indicated on a ballot-paper for—
  - (a) A previously elected councillor whose seat has become vacant.
  - (b) A non-participating candidate who has been elected on the recount under subsection (1) or on a previous recount under subsection (3).Is to be disregarded and the ballot-paper is to be treated as if the numeral indicating any subsequent preference had been altered accordingly.
- (4A) If, on any recount under this Schedule, more than one candidate would be elected, the following applies instead—
  - (a) Only one candidate is taken to be elected, being the candidate who has the highest number of votes.
  - (b) If 2 or more candidates have an equal number of votes—

- (i) If the number of votes at the last count or transfer was unequal—the candidate who had the highest number of votes at the last count or transfer at which the candidates had an unequal number of votes is taken to be elected.
  - (ii) Otherwise—the elected candidate is to be determined by a method of random selection, including by electronic means, approved by the election manager.
- (5) A recount under this Schedule does not affect the election of a previously elected councillor and where a previously elected councillor is elected or excluded during a recount that election or exclusion has effect for the purposes of the continuation of the recount and for those purposes only.
- (6) If no recount under subsection (1) or (3) results in the election of an eligible candidate—
  - (a) The returning officer is to declare that the countback election has failed.
  - (b) Inform the general manager of the relevant council accordingly.

**Note:** Section 291A(5)(b) of the Act provides that if a countback election fails a by-election must be held to fill the casual vacancy.

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Based on the above, Council has been provided with an opportunity at this initial meeting of the new term of Council to determine if it wishes to fill any casual Councillor vacancy which occurs in the first 18 months of the term by a countback election. If Council does not make such a decision, then any casual Councillor vacancy that occurs during the 18-month period will be filled via a traditional by-election.

If Council decides that countback elections are to be used for casual vacancies during the first 18 months of this Council term, noting that a countback election is required to be completed within 49 days, the following timeline would be followed:

- Council would notify the NSW Electoral Commission (NSWEC) of a casual vacancy within 7 days of it occurring.
- A returning officer would be appointed by the NSWEC within 14 days of the notification to it of the vacancy.
- Within 2 to 14 days of the returning officer being appointed, casual vacancy notices would be issued to all unelected candidates from the previous ordinary election who may still qualify to be elected.
- Where candidate/s are interested in filling the casual vacancy, they would submit a formal application to the returning officer within 10 days of the casual vacancy notices being issued.
- The countback election would then be conducted within 14 days of the vacancy notices being issued.
- It may take up to a month for the results to be declared – noting the requirement for the election to be completed within 49 days.

It is noted that if there were no eligible candidates, an attendance by-election would be required to be held; if there was only one eligible candidate, that candidate would be automatically elected; and if there were multiple eligible candidates, the countback election would be conducted, and the returning officer would:

- Use preference data from ballot papers from the previous local government ordinary election.
- Use the same proportional representation method used in the original election.
- Effectively re-run the election making the vacating councillor ineligible and distributing each of their ballot papers to the next preference on the ballot paper.
- If a non-eligible candidate would be elected, the election is re-run with that candidate's ballot papers also distributed to their next preference on the ballot paper.
- Re-run the countback until an eligible candidate is elected.
- Notify eligible candidates and the Council of the result.

### **BUDGET**

At this stage, there are no budgetary implications associated with this Report. It is noted that over the past 30 years, Council has only been required to hold a handful of by-elections, so it is relatively unlikely that one will be required to be held in the first 18 months of this term. Notwithstanding, there is no doubt that there would be less cost associated with the holding of a countback election as opposed to a by-election. It is estimated that the cost of a by-election would be in the order of \$250,000.

### **POLICY**

There are no policy implications associated with this Report; Council last considered this matter following the 2021 elections where it determined to use a countback election if a casual Councillor vacancy arose within 18 months of the election.

### **CONCLUSION**

A decision on this matter is one that should appropriately be made by the elected Council without a staff recommendation for or against the use of countback elections. As such, the Report contains as much detail as possible about the Inquiry undertaken by the Government as well as the provisions that were subsequently included in the Local Government Act and Regulations.

If Council is supportive of the use of countback elections within the first 18 months of its term, an appropriate resolution would be:

*THAT:*

1. *The contents of Director's Report No. CS49/24 be received and noted.*
2. *Pursuant to section 291A(1)(b) of the Local Government Act, casual vacancies occurring in the office of Councillor within 18 months after the last ordinary election of Councillors for the Council on 14 September 2024, be filled by a countback of the votes cast at that election for the office in accordance with section 291A of the Act.*
3. *The General Manager notify the NSW Electoral Commission of Council's decision within seven days of the decision.*

If Council is not supportive of the use of countback elections within the first 18 months of its term, an appropriate resolution would be:

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*THAT the contents of Director's Report No. CS49/24 be received and noted.*

**RESPONSIBLE OFFICER**

The officer responsible for the preparation of this Report is the Manager, Governance and Customer Service – 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.  Schedule 9A of the Local Government (General) Regulation

File Reference: F2023/00011

Document Number: D08978021

## **5 ELECTION OF DEPUTY MAYOR**

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### **EXECUTIVE SUMMARY**

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

### **RECOMMENDATION**

THAT:

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

## **PURPOSE**

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

## **BACKGROUND**

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

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

Although Councillors no longer have the responsibility of electing the Mayor, it is still necessary for Council to decide whether or not to elect a Deputy Mayor and, if so, to determine the period of the term to be served by the Deputy Mayor.

## **DISCUSSION**

### **The Role of Deputy Mayor**

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

### **Period of Election of the Deputy Mayor**

Under Section 231 of the Local Government Act, Councillors may elect a Deputy Mayor for the same period as the Mayoral term or for a shorter period. As Council's Mayor is popularly elected, the current Mayoral term is until the next local government elections, currently scheduled for September 2028. Council may, therefore, determine that a Deputy Mayor be elected for the period until September 2028 or for some shorter period e.g., six months. The practice at Hornsby Council has been to elect a Deputy Mayor for a 12-month period (September to September).

### **Method of Election**

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

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

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

#### ***Preferential Ballot***

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

#### ***Ordinary Ballot***

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

#### ***Open Voting***

Open voting uses the same system as ordinary ballot, except that voting is by a show of hands or similar means and not by secret ballot. This method of voting has previously been the preferred practice for Hornsby Council.

#### ***Choosing by Lot***

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

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

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

**BUDGET**

There are no budgetary implications associated with this Report.

**POLICY**

There are no policy implications associated with this Report.

**CONCLUSION**

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

**RESPONSIBLE OFFICER**

The officer responsible for the preparation of this Report is the Manager, Governance and Customer Service – 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.  Nomination Form - Deputy Mayor - October 2024

File Reference: F2004/07075

Document Number: D08978080



**6 COUNCILLOR REPRESENTATION ON EXTERNAL COMMITTEES AND WORKING PARTIES - OCTOBER 2024 TO SEPTEMBER 2025**

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**EEXECUTIVE SUMMARY**

- The establishment of the new Council allows for the review of membership of external committees.
- Each year, Council reviews the need for Councillor representation on Committees and Working Parties and makes a determination about the appointment of Councillors for the ensuing 12 months.
- This Report provides a list of the current external Committees and Working Parties and seeks a Council determination in respect of the appointment of Councillors for the period October 2024 to September 2025.
- A further report will be put to Council to determine the need and representation of internal Committees and Working Parties.

**RECOMMENDATION**

THAT Council determine the Councillor representation on the following external Committees and Working Parties for the period, October 2024 to September 2025:

1. Hornsby Ku-ring-gai Bush Fire Management Committee.
2. Hornsby Ku-ring-gai Rural Fire Service Liaison Committee.
3. Hornsby Shire Local Traffic Committee.
4. NSW Public Libraries Association.
5. Hornsby Shire Dementia Alliance.

## PURPOSE

The purpose of this Report is to provide the opportunity for Council to review Councillor representation on external Committees and Working Parties and appoint Councillor representatives for the period October 2024 to September 2025.

## BACKGROUND

Council last considered the membership of internal and external Committees and working parties at the 13 September 2023 General Meeting, please refer to General Manager's Report No. CS61/23 where Council resolved:

*THAT Councillor representation on Committees, Working Parties and Other Relevant Groups for the period October 2023 to September 2024 be as indicated in the table below:*

<b>Council Committee / Working Party</b>	<b>Councillor Representation</b>
<i>Hornsby Aboriginal and Torres Strait Islander Consultative Committee (HATSICC)</i>	<i>Cr Ruddock, Cr McIntosh, Cr Pillamarri, Cr McClelland, Cr Ball, Cr Salitra, Cr Heyde</i>
<i>Hornsby Ku-ring-gai Bush Fire Management Committee</i>	<i>Cr Ruddock, Cr Tilbury, Cr Ball (Alternate)</i>
<i>Hornsby Rural Fire Service Liaison Committee</i>	<i>Cr McClelland, Cr Tilbury (Alternate)</i>
<i>Hornsby Shire Heritage Advisory Committee</i>	<i>Cr McIntosh (Chair), Cr Greenwood, Cr McClelland, Cr Salitra (Alternate), Cr Tilbury (Alternate)</i>
<i>Hornsby Shire Local Traffic Committee</i>	<i>Cr Waddell, Cr Greenwood (Alternate)</i>
<i>NSW Public Libraries Association</i>	<i>Cr McIntosh, Cr McClelland (Alternate)</i>
<i>Arts and Cultural Advisory Group</i>	<i>Cr Greenwood, Cr McClelland, Cr McIntosh, Cr Salitra</i>
<i>Hornsby Shire Dementia Alliance</i>	<i>Cr Greenwood, Cr McIntosh</i>

## DISCUSSION

The establishment of the new Council allows the review of membership of external committees; consideration of which internal committees will be appropriate for this term of Council will be subject to a report to Council at a later stage.

### External Committees

Council either convenes or is a member of other external committees, often this representation is a statutory and / or constitutional requirement.

These committees include the following:

- Hornsby Ku-ring-gai Bush Fire Management Committee
- Hornsby Ku-ring-gai Rural Fire Service Liaison Committee
- Hornsby Shire Local Traffic Committee
- Northern Sydney Regional Organisation of Councils (NSROC)

- NSW Public Libraries Association
- Hornsby Shire Dementia Alliance

It is noted that a separate report to appoint Councillor delegates to NSROC (please refer to Director's Report No. CS56/24) is also being considered at tonight's meeting.

To assist Council in determining Councillor representation on external committees, a table is provided in Attachment 1, the column titled "No. of Councillors" details the number of Councillor representatives (including alternates) for each committee and a blank column has been left in respect to "Councillor Representation 2024 - 2025". Also included for information is a column describing the purpose of each committee.

#### **BUDGET**

There are no budget implications associated with this Report.

#### **POLICY**

There are no policy implications associated with this Report.

#### **CONCLUSION**

It is proposed that Council appoint Councillor representatives to the external Committees and Working Parties for period October 2024 to September 2025.

#### **RESPONSIBLE OFFICER**

The officer responsible for the preparation of this Report is the Manager, Governance and Customer Service – 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.  External Committees 2024-2025

File Reference: F2004/07056

Document Number: D08978058

**7 INVESTMENTS AND BORROWINGS FOR 2024/2025 - STATUS FOR THE PERIOD ENDING 31 JULY 2024 AND 31 AUGUST 2024**

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**EXECUTIVE SUMMARY**

- This Report provides details of Council's investment performance for the period ending 31 July 2024 and 31 August 2024 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 an annualised return for July 2024 of 6.45% which includes a positive yield of 24.38% from TCorp Managed Funds.  
  
The portfolio achieved an annualised return for August 2024 of 4.56% which includes a positive yield of 1.32% from TCorp Managed Funds.
- On a financial year to date basis the portfolio achieved an annualised return of 5.50% at 31 August 2024 which includes a yield of 12.26% from TCorp Managed Funds.

**RECOMMENDATION**

THAT the contents of Director's Report No. CS47/24 be received and noted.

**PURPOSE**

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

**BACKGROUND**

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

**DISCUSSION**

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

Council's investment performance for the month ending 31 July 2024 and 31 August 2024 is detailed in the attached document. In summary, the portfolio achieved an annualised return for July 2024 of 6.45% and August 2024 of 4.56%.

On a financial year to date basis the portfolio achieved an annualised return of 5.50% at 31 August 2024 which includes a positive yield of 12.26% from TCorp Managed Funds.

Council is currently holding 8.71% of the total portfolio balance in a Westpac transaction account to meet increased liquidity requirements at the end of the financial year. This has resulted in a total investment holding of 43% with Westpac at the end of the month, which exceeds the policy limit of 40%. It is expected that this will be resolved in the coming months subject to meeting expected cash flow requirements.

The Borrowings Schedule as at 31 July 2024 and August 2024 is attached for Council's information, noting that Council became debt free on 1 July 2023 with no loans entered into since. Therefore, the Borrowings Schedule only discloses future lease repayments for various items of plant and equipment.

**BUDGET**

Budgeted investment income for the year is \$10,045,266 with an average budgeted monthly income of \$837,106. Net investment income for the month ended 31 July 2024 was \$1,472,994, which includes an unrealised gain of \$443,886 from TCorp Managed Funds. Net investment income for the month ended 31 August 2024 was \$665,232, which includes an unrealised gain of \$26,895 from TCorp Managed Funds.

Budgeted investment income year to date at 31 August 2024 was \$1,674,212. Total investment income year to date at 31 August 2024 was \$2,138,225 which includes a year-to-date unrealised net gain of \$470,781 from TCorp Managed Funds.

Approximately 45.12% 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 can experience significant market volatility due to external 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 of 31 July 2024 and 31 August 2024 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.

GLEN MAGUS

Director - Corporate Support  
Corporate Support Division

### **Attachments:**

1.  HSC Investments Summary Report July 2024
2.  HSC Borrowings Summary Report July 2024
3.  HSC Investments Summary Report August 2024
4.  HSC Borrowings Summary Report August 2024

File Reference: F2004/06987-02

Document Number: D08969956

## **8 PECUNIARY INTEREST AND OTHER MATTERS RETURNS - DISCLOSURES BY COUNCILLORS AND DESIGNATED PERSONS**

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### **EXECUTIVE SUMMARY**

- Section 440AAB (1) of the Local Government Act (the Act) advises of the requirement for lodgement of Written Returns of Interest in accordance with a council's Code of Conduct.
- Clauses 4.18 - 4.24 of Council's Code of Conduct for Staff provides details in respect of the lodgement of these Returns by Designated Persons.
- Clauses 4.9 - 4.15 of Council's Code of Conduct for Councillors provides details in respect of the lodgement of these Returns by Councillors.
- Section 440AAB (2) of the Act requires that Returns lodged under Section 440AAB (1) are to be tabled at the next available Council meeting.
- In line with Section 440AAB (2) of the Act and the relevant Clauses of Council's Code of Conduct for Staff and Code of Conduct for Councillors this Report seeks to table the Return/s recently lodged with the General Manager.

### **RECOMMENDATION**

THAT Council note the Written Returns of Interest recently lodged with the General Manager by Councillors and Designated Staff have been tabled as required by the Local Government Act and Councils Code of Conduct.

## PURPOSE

The purpose of this Report is to table the Written Returns of Interests submitted by Councillors/Designated Persons who have left, commenced with, or internally transferred to a relevant position within Council and to table the Disclosure of Pecuniary Interests and Other Matters Returns of all Councillors and Designated Persons which were required to be lodged for the period ending June 2024.

## BACKGROUND

Section 440AAB (1) of the Act advises of the requirement for lodgement of Written Returns of Interest under a Code of Conduct. Relevantly, Clauses 4.18 - 4.24 of Council's Code of Conduct for Staff and Clauses 4.9 – 4.15 of Council's Code of Conduct for Councillors outline these requirements. (The requirements are the same for Designated Staff as they are for Councillors however, as Council has a separate Code of Conduct for Staff and Code of Conduct for Councillors, the relevant Clause references vary. For ease of interpretation in this Report, reference has been made to Designated Persons and specific clauses in only the Code of Conduct for Staff, noting that the same requirements apply to the corresponding Clauses in the Code of Conduct for Councillors).

Clause 4.18 a) of Council's Code of Conduct for Staff requires a Designated Person to complete and lodge with the General Manager a Written Return of Interest within three months after becoming a Designated Person. Clause 4.18 b) requires a Designated Person holding that position at 30 June in any year to complete and lodge with the General Manager a Return within three months after that date. Clause 4.18 c) of Council's Code of Conduct for Staff requires a Designated Person to complete and lodge with the General Manager a Written Return of Interest within three months of the designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs a) or b).

Section 440AAB (2) of the Act requires that Returns lodged under Section 440AAB (1) are to be tabled at a meeting of Council. Clause 4.22 of the Code requires that Returns lodged under Clause 4.18 a) and 4.18 b) of the Code are to be tabled at the first meeting held after the last day for lodgement under those Clauses. Clause 4.23 of the Code requires that Returns lodged under Clause 4.18 c) are to be tabled at the first meeting after their lodgement.

Council's procedures in respect of the disclosing of interests have been developed to cater for the election/appointment/employment/retirement/resignation/etc of Councillors or Designated Persons. These procedures:

- Require all Councillors and Designated Persons who hold that position at 30 June in any year to submit Returns to the General Manager by 30 September in that year. These Returns are generally tabled at Council's October General Meeting for that year.
- Require newly elected Councillors or newly appointed Designated Persons to lodge Returns to the General Manager within three months of their election/appointment. These Returns are tabled at the next available General Meeting of Council.
- Require those Councillors or Designated Persons who are leaving Council (because of retirement, resignation, etc) to lodge Returns to the General Manager by their last day with Council. These Returns are tabled at the next available General Meeting of Council.

## DISCUSSION

### Returns Lodged in Accordance with Council's Code of Conduct for Staff, Code of Conduct for Councillors, and Procedures



In respect of Clause 4.18 a) of Council's Code of Conduct – lodgement of a Return after becoming a Designated Person – and Clause 4.18 c) – lodgement of a Return after becoming aware of an interest not previously disclosed – there are no Returns to be tabled.

Council last considered the tabling of Disclosure of Pecuniary Interests and Other Matters Returns under Clause 4.18(b) of Council's Code of Conduct for Staff and Clauses 4.9(b) of Council's Code of Conduct for Councillors – lodgement of a Return by a Designated Person holding that position at 30 June - at the General Meeting held on 11 October 2023 (see Director's Report No. CS55/23). In preparation for the tabling of this current Report (CS53/24), action has been taken over an extended period to remind all Councillors and Designated Persons of the need to complete their Returns for the period ending 30 June 2024.

All Pecuniary Interest and Other Matters Returns in respect of the above requirement that have been lodged with the General Manager are now tabled as required by the Local Government Act, Council Staff will continue to follow up any outstanding returns that have not been received.

#### **BUDGET**

There are no budgetary implications associated with this Report.

#### **POLICY**

There are no policy implications associated with this Report.

#### **CONCLUSION**

Council's consideration of this Report satisfies the requirements of the Act regarding the lodgement of Written Returns of Interest in accordance with its Codes of Conduct.

#### **RESPONSIBLE OFFICER**

The officer responsible for the preparation of this Report is the Manager, Governance and Customer Service – 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: F2023/00191  
Document Number: D08979722

**9 LOCAL GOVERNMENT NSW - 2024 ANNUAL CONFERENCE - DETERMINATION OF VOTING DELEGATES**

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**EXECUTIVE SUMMARY**

- The 2024 Annual Conference of Local Government NSW (LGNSW) is scheduled to be held at Tamworth Regional Entertainment and Conference Centre (TRECC) from Sunday 17 to Tuesday 19 November 2024
- The Conference provides the opportunity for Council delegates to network and be involved in discussions and consideration of motions about matters which affect local government across NSW
- Council is entitled to nine voting delegates at the 2024 Conference for voting on motions. As a consequence, Council will need to determine by resolution which Councillors will be voting delegates, noting that non-voting Councillors have historically been entitled to attend as an observer at the Conference.

**RECOMMENDATION**

THAT:

1. Council determine which nine Councillors will be voting delegates for voting on Motions at the 2024 LGNSW Annual Conference.
2. Registrations for attendance at the 2024 LGNSW Annual Conference be confirmed for the voting delegates determined in point 1. above, together with the remaining Councillor who will be attending the Conference as an observer.

**PURPOSE**

The purpose of this Report is to provide an opportunity for Council to determine its voting delegates for the 2024 LGNSW Annual Conference.

**BACKGROUND**

The 2024 LGNSW Annual Conference is scheduled to be held at Tamworth Regional Entertainment and Conference Centre (TRECC) from Sunday 17 to Tuesday 19 November 2024.

The Conference traditionally provides the opportunity for Council delegates to network and be involved in discussions and consideration of motions about matters which affect local government across NSW.

Submission of motions for consideration at the conference closed on Sunday 20 October 2024 however Councils were encouraged to submit motions before the local government elections held in September 2024. Council therefore considered Directors Report No. CS20/24 – Local Government NSW - 2024 Annual Conference – Submission of Motions at the 14 August 2024 General Meeting and resolved to lodge two motions for consideration at the conference, motions titled; 1. Roadside Stalls and 2. Ministerial Statement of Expectations Order have been submitted on behalf of Hornsby Council for consideration at the Conference.

**DISCUSSION**

This Report seeks to determine Council's voting delegates for the LGNSW 2024 Annual Conference.

LGNSW have advised that Hornsby Shire Council is entitled to nine voting delegates for voting on Motions at the conference. Registration to attend the conference closed on Wednesday 23 October 2024, Council has registered all Councillors to attend the conference. The names of the Voting delegates are required to be lodged with LGNSW by Wednesday 6 November 2024. The Councillor not nominated as a voting delegate may attend the Conference as an observer.

**BUDGET**

Funds have been allocated in the 2024/25 budget for attendance by Councillors and relevant staff at the 2024 LGNSW Annual Conference.

**POLICY**

Councillor attendance at the 2024 LGNSW Annual Conference is in accordance with the Councillors' Expenses and Facilities Policy.

**CONCLUSION**

The 2024 LGNSW Annual Conference provides the opportunity for Council delegates to network and be involved in discussions and consideration of motions about matters which affect local government across NSW. Council is required to determine which Councillors are to be formally nominated as Council's voting delegates at the Conference.

**RESPONSIBLE OFFICER**


The officer responsible for the preparation of this Report is the Manager, Governance and Customer Service – 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

**ITEM 9**

**Attachments:**

1.  2024 LGNSW Annual Conference - Draft Program

File Reference: F2023/00176

Document Number: D08982494

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

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**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 Manager, Governance and Customer Service – Stephen Colburt - who can be contacted on 9847-6761.

STEPHEN COLBURT  
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**Attachments:**

There are no attachments for this report.

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**ITEM 10**



**11 MAYORS NOTES 01 AUGUST 2024 TO 30 SEPTEMBER 2024**

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

Wednesday 7 August 2024 – The Mayor hosted three Citizenship Ceremonies in the Council Chambers at Hornsby Shire Council in Hornsby.

Wednesday 14 August 2024 – The Mayor attended opening of the new Hornsby NRMA Insurance Branch, in Hornsby.

Wednesday 21 August 2024 – On behalf of the Mayor, the Deputy Mayor Councillor Tilbury attended the CAPA (Creative and Performing Arts) Festival at Pennant Hills High School.

Saturday 31 August 2024 – The Mayor attended the Westleigh Rural Fire Brigade 60th Anniversary Dinner at Magpies, Waitara.

Saturday 7 September 2024 – The Mayor attended the Netball Grand Finals at the netball courts on Cannon Road, South Turramurra.

Sunday 8 September 2024 – On behalf of the Mayor, the Deputy Mayor Councillor Tilbury attended IABBV Hindi School celebrates Hindi Divas 2024 at Thornleigh West Pennant Hills Community Hall at Thornleigh.

Tuesday 17 September 2024 – The Mayor, hosted two Citizenship Ceremonies in the Council Chambers at Hornsby Shire Council in Hornsby.

Tuesday 24 September 2024 – The Mayor attended the Rise for Unity Graduation Ceremony at the PCYC Hornsby Ku-Ring-Gai, Waitara.

Thursday 26 September 2024 – The Mayor attended the Waitara Public School School's Annual Exhibition of Learning Showcase at Waitara.

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